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The Indian Removal Debate and the Rise of Partisan Identity in the Age of Jackson

by

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Abstract

The election of Andrew Jackson to the presidency in 1828 coincided with the rise of the nation's "second party system." The divide which emerged between Jacksonian Democrats and their opposition party, the Whigs, is generally accepted as marking the origin of an American political culture defined by a partisan divide. Political historians of the period have often focused on the key divisive issues: South Carolina's nullification agitation, the Bank Crisis, and working class identity politics have been most often featured in this scholarship. The Indian Removal Debate has generally been examined as ancillary to these partisan developments, an after-effect for all intents and purposes. This study places the Indian Removal Debate at the center of the emerging partisan rift, and argues that the debate actually helped craft the partisan identities that would inform both sides. In particular, Jacksonian Democrats pursued a dialogue of racial construction regarding Indians, and the resulting construct served to fortify their identity claims as the party of "practicality." The results of the Indian Removal Debate reached far beyond the Indian issue, as Democrats carried the identity forged in that debate into other arenas as well. The study is based on the records of the United States Congress for the relevant period, and also includes examinations of personal and professional writings created by William Gilmore Simms, and by former Georgia governors and engaged Indian Removal activists George Gilmer and Wilson Lumpkin.

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I: Introduction and Historiographical Context

Few episodes in the long, conflicted history of national Indian relations are as iconic, or irresolvable, as the “the Trail of Tears.” Its gravity in the national popular memory arises from a variety of features that render it highly visible and frustratingly blatant. The Cherokee nation was one of the “five civilized nations,” five well-populated and “advanced” separate Indian nations that were the focus of agitation in the southern and western states that would propel Indian Removal to an issue of national debate. The Cherokee in particular captured the imagination of the American public as paragons of progress. In spite of these signs of progress and their public reputation, Congress passed the Indian Removal Act in 1830, and the fate of the Cherokee was sealed.

Removal was a highly publicized public issue that stood front and center in the press at the time, and is distinct from other iconic episodes of national injustice perpetrated against Indians because of this pervasive public debate. It was quite different from, for example, the famous story of Chief Joseph of the Nez Perce, uttering profound words of recourse and exhaustion as his people finally succumbed to military pursuit in the dimmest, farthest corner of national geography. Nor was Indian Removal similar to the so-called “Dakota Uprising” in 1862 Minnesota, when the federal government used a spurious drunken incident to justify a military intervention that led to dozens of deaths and the internment of thousands of resident “Sioux,”—for that episode was obscured by the shadow of Civil War. Unlike other famous historical moments of injustice perpetrated against Indians by the American people or government, with the “Trail of

Tears” there was no war; no forced resistance—there was only a stalwart, political, *civilized* defense, presented quite publically, that appealed to the fundamental virtues that Americans ascribed to their nation—and still, they failed.

There is a meekness that colors the national memory of the “Trail of Tears” that runs counter to the Indian stereotype and somehow renders the episode less digestible. Most American children learn of the “Trail of Tears” early in their education, when such episodes can leave a lasting impression. It is a story that is remembered emotionally in the national mind. One hears “Trail of Tears” and the utterance produces not a narrative but rather images, immortalized in paintings and disseminated through public textbooks,—an endless column of sad faces, the many elderly hunched against the wind, mothers trying to shield babies—one thinks of starvation, exposure, and callous indifference. The Removal of the Cherokee is frustrating to the national story because it underlines the hypocrisy of policy trumping ideals in a nation whose identity is tied to ideals, and it embodies the full insurmountability of the American Indian situation: the Cherokee, after all, had jumped through every conceivable hoop that Western rhetoric had requested; there was large-scale adoption of many American cultural norms and of Christianity, and there were clear signs of political organization and economic prosperity. They fought Removal through every conceivable *legitimate* channel—the Press, political, and legal—they fought well, and still they were coerced to give up their land and homes, very much against their will, never having rebelled nor taken up arms against the structure of society. These sentiments are present when the “Trail of Tears” is presented in the standard American education, and I think the obvious question to a child is in fact a valid humanist question: how did Americans, conscious of their own recent

revolutionary history, without the excuse of conflict, justify the policy of Indian Removal?

Certainly, the “why” of Indian Removal has been a well-covered historical topic; but as for “how,” the actual rationale and conceptual framework, I have yet to uncover a satisfactory explanation that does justice to the incredible passion and dynamic argumentation that characterized the efforts made by both Pro-Removal advocates and anti-Removal Indian supporters throughout the duration of a very public, very divisive debate that was a national focus for about a decade.

The search for relevant material quickly led to an interesting, oft-cited study authored by Fred Rolater and published in a 1993 issue of the *Wisconsin Magazine of History*. Rolater introduces his article with ominous quotes from such notables as Henry Clay, Daniel Webster, and John Quincy Adams, all of whom specify the “Indian issue” as paramount in the imminent “new organization of parties,” a development that had crossed a point of no return with Andrew Jackson’s victory in 1828.¹ Against this contemporary awareness of the “ill-blood raised” by the Indian debate, Rolater presents a contrast in the *lack* of scholarly attention to Indian issues in Jacksonian historiography. Until the 1960s, he notes, Indian issues received the scantest attention from scholars in their evaluation of this critical moment in the nation’s political development, and thus grew the sense that Indian issues were secondary concerns, mere surface effects, in the rise of the second party system. Meanwhile, more recent focus on Indian issues has revealed more questions than answers by demonstrating that Removal was absolutely a primary political divide in the period.

¹ Fred S. Rolater, “The American Indians and the Origin of the Second American Party System,” *Wisconsin Magazine of History* 76.3 (1992-3): 180-203.

The brilliance of Rolater's study is its straightforward analytic approach to assessing the relative importance of Removal to Jacksonian politics. To address this problem, Rolater undertook a survey and statistical analysis of Congressional voting patterns between 1830 and 1842, the results of which support the contention that the various Indian debates were the *single most divisive (and partisan organizing) discourse of Jackson's presidency.*

The scheme used by Rolater is simple to follow. He begins his study by isolating votes on Indian issues in order to measure the degree to which pro or anti-(for lack of a better term) Indian votes correlated with the following categorizations of the members of the Senate and House: a) party alignment, b) regional affiliation (New England, Middle Atlantic, South Atlantic, Northwest, Southwest), and c) 'whether or not the congressman's state still contained a significant Indian presence.' The results of these correlations were then compared with similar cross-analyses performed on other "issue votes" selected to represent "seven major issues defining Democrats and Whigs (1830-1837).²

The results of the study completely affirmed Rolater's instinct and demand a reexamination of the role played by Indian Removal in the formative turmoil of this

² Rolater used seventeen fully documented roll call votes, though there were numerous other votes and procedural measures that dealt with Indian related issues. For selection of the "seven issues key to the development of the second party system," Rolater relied on those votes isolated by David J. Russo in "The Major Political Issues of the Jacksonian Period and the development of party loyalty in Congress," *Transactions of the American Philosophical Society*, (Philadelphia, 1972). The seven representative key issues were as follows: the House vote to override Jackson's Maysville Road veto; Senate votes on national Bank rechartering; the Senate vote on Clay's First Distribution Bill; Senate and House votes on the Second Distribution Bill; House votes related to National Bank rechartering and the transferring of money to state banks; the Senate vote on authorizing postmasters to seize incendiary mail; House and Senate votes on gag rules on anti-slavery petitions. (p. 192).

foundational moment--the organization of an institution of a bipartisan political culture that remains with, and thoroughly defines, the nation to the present day. The results of Rolater's study reveal that voting on Indian issues was *most strongly* correlated with party affiliation, trumping regional affiliation to a significant degree, although regional affiliation was also correlated strongly with Indian issue voting. Rolater refers to both party and region as "predictive," (in the sense that one could have reasonable success in inferring the party or the region of a congressman based on any Indian vote taken between 1830 and 1842), but, significantly, party strongly tended to win out when in conflict with region. The significance of actual Indian presence was found to be negligible.³

These findings are somewhat counterintuitive—the rhetoric that emphasized the presence of a large Indian population as an intolerable hindrance to growth emerged entirely from states in the South and West, and, furthermore, the impetus that raised Indian Removal to the level of a national clamoring was driven by the aggressive, grasping policies of state governments in those regions, Georgia most notably and vociferously. By any measure, Indian Removal began as a regional demand uttered only in certain states, and regional difference was a constant theme highlighted by pro-Removal advocates throughout the duration of the national debate. Indeed, as will be shown, a persistent argument of pro-Indian Removal rhetoric was that opposition to Removal originated in those regions no longer familiar with the "Indian problem." Nevertheless, despite the importance of regional identity in Removal, the results of

³ Ibid. Rolater argues that this placed considerable strain on northeastern Democrats and southern Whigs.

Rolater's study indicate that when it came to Indians, congressional delegates were far more willing to vote against their region, in support of the party position.⁴

Equally interesting and surprising was the other major conclusion demonstrated in Rolater's study: the conflict over Indian policy was as much of a full-fledged partisan battle, if not more so, than any of the other issues that historians have traditionally selected as defining and shaping the emergence of the second party system. Furthermore, notes Rolater, "except for the necessary votes for organizing the houses of Congress, no other issue was so consistently dealt with by Congress during the Jacksonian era." By measured mass then, the political problem of Indian Removal must be regarded as the dominant *partisan* issue of the day—by volume, no subject received more votes; while by density, no subject proved more effective at partisan consolidation.

To return, then, to the original, non-scholarly but rather humanistically induced difficulty of "how did *my* nation justify forced relocation?", Rolater's study suggests a clue and a transference to a more appropriate academic question: *Why did voting on Indian issues adhere so closely to partisan lines?*

During the first half of the 1830s, when opposition to Indian Removal was at the height of its political strength, the two opposing factions that would morph into the National Republicans/Whigs and the Democrats hardly yet resembled the fully operational party machines that they would become. How, then, could voting on Indian Removal be more predictive of partisan adherence than those issues that actually drove the construction of party machinery?

⁴ Ibid.

Perhaps Indian Removal contributed to party construction through a more subtle mechanism. Both sides approached the debate from an aspect of the deepest moral concern---a perfect stage for contending parties, and a president, seeking to establish their *character*. This essay ventures an answer with an analysis that borrows from the long and rich vein of scholarship generated by inquiry into the historically potent and mythologically fundamental role that “the Indian” has served as an archetype in American literature and other cultural forms. The Indian has stood for many ideas in the nation’s fictional heritage, occupying a paradoxical niche in the American identity and ascribed with a character that has been both ancestor and foil, savage and prince, spiritual brother and mortal enemy, and, always, a symbol for the original sin of the New World promise (and later “American Dream”)--the steward and then ghost of the untouched continent.

The very concept of the “Indian” in the American consciousness imposes a historical mirror, useful for historians in that it reflects, via its symbolic baggage, many particularities of a given slice in the national history. The thoughts that emerge when individuals wrote on “the Indian,” their connotation and tone, and whatever the sentiments attached to the periphery of those thoughts--(an ideal of harmony with nature?—redemption?--a sense of one’s own ancestral savagery?--or nobility?—or perhaps simply the dire inevitability of history?)—these thoughts and attached sentiments reflect a great deal about how that individual and his or her contemporaries regard and define the *purpose* of the nation, and the degree and manner in which the nation represented human progress. By applying the lens generated by this scholarship to the Indian Removal debate, it is possible to see that with each pro-Removal argument there

exists a mirror assertion of identity, each of which helps shape and reinforce emerging intellectual patterns that, through luck or fate, allowed the pro-Removal Democratic party to tap into a vein of popular nationalism which their opponents could not match.

The pages that follow offer a partial assessment of intellectual patterns that emerge from the discourse of debate over Indian Removal. For purposes of this essay, the Indian Removal debate refers to interrelated discourses occurring at the state and national level, very much publicized in the press, commencing in the years leading up to the 1828 election, and finishing with the “Trail of Tears” in 1838. The Indian Removal debate is manifested through a variety of mediums which include partisan debates waged in both levels of Congress, larger published anti-Jackson criticisms, judicial decisions made in the U.S. Supreme Court as well as various state supreme courts, public opinion pieces by noted authors, various personal correspondences of concerned state officials, countless newspaper editorials, and numerous public petitions filed in support of both sides of the issue. The unity of ideas and arguments expressed in these various sources demonstrates that there was a collective Indian Removal ideology, and a cohesive opposition, that grew through the course of debate and may be treated as a whole unit of historical interest.

Though the focus of this essay is on Indian Removal, this is in fact a study of the partisan divide. This is appropriate, for as I hope to demonstrate, the discourse and ideology that supported Removal had nothing to do with real Indians; rather, it was driven by an unconscious process of partisan identity formation. Parties and political factions depend on their ability to embody, through discourse and policy combat, an implied national story that exemplifies the themes and ideals that the party stands as the

foundational themes and ideals of the nation, and provides a yardstick against which to gauge and define “progress.” Each politically divisive issue that dominates discourse in the public sphere serves parties and factions by allowing them to reinforce and manifest their implied national story, drawing power to the extent that the story being generated appeals to the constituent population.

A quick meditation on current day politics will reveal that the pattern declared in the above is not a bold definition but rather a simple observation. Whether the issue is gun control, illegal immigration, taxation, or race relations, once an issue becomes divided between Democrats and Republicans, that issue necessarily comes to represent more than its immediate theme, for it has become part of a larger argument between two conflicting national stories. Partisan positions on race issues, for example, correlate to two very different perceptions of the past fifty years of American history—two entirely different stories of the past fifty years, each of which emphasizes different themes, virtues, and struggles, are perpetuated through various mediums and seem to be embodied in the partisan divide. Nor is this an unfamiliar idea when one thinks of Andrew Jackson. It is quite clear that the popularity of Jackson lay beyond any particular policy proposals and instead resided in the implied story of his character—in the extent to which this character embodied, to his supporters, virtues that they desired to be peculiarly American, and thus their own.

Indian Removal represents an interesting historical confluence. The period from 1828 to 1842 represents a high tide of the appearance of Indian issues as issues of dominant concern in the national political arena. Keeping in mind, then, the symbolic power of the “Indian” in the nation’s fictional stories; considered in conjunction with the

functional necessity of implied national “stories” for a political party, one cannot consider it a matter of mere historical coincidence that Indian Removal just so happened to engage national, impassioned debate at precisely the same moment that various opposing political ideologies, always present in a general way in the national history up to that point, coalesced into a fully realized bipartisan divide. As demonstrated by Rolater, whatever historical development it was that provided the core, defining difference between the two parties, that core was intimately tied to Indian Removal.

In considering the question of “why voting on Indian issues adhered so closely to partisan lines” I have attempted to interpret it through several, feasible analytical queries: to what extent did Indian Removal debate, and the *pro-Removal* discourse it generated, furnish a platform for the articulation of a national identity, and a *story*, by Jackson and the Democratic party?—to what extent did this story help to distinguish them from their political opponents, who stood as antagonists in their story of the nation’s true destiny? Most basically, to what extent did the arguments constructed to support Removal aid in the *conceptual seduction*—for a political party is an engine of power whose fuel is popularity—that contributed to the growth and popularity of the story being created by the Democratic party? In short, why were Jackson and his party victorious, both in Indian Removal, and, really in reshaping the political landscape? Ultimately, I contend, the question of “how Indian Removal was justified” and why “Jacksonian populism succeeded so profoundly” are in fact the same question.

The “Indian” commanded as much potent symbolic and conceptual power in the political arena as it ever could in literature. The debate drew the opposing parties of the 1830s into engagement with a variety of concerns that were *fundamental* to notions of the

role of American government, the historical promise of the American nation, and the interrelation between the two.⁵ The full conceptual exploration of this topic is far too broad for the scope of a limited essay—this paper therefore focuses in particular on the concept of race: how race was defined in a manner that served the strategic needs of pro-Removal discourse, how that definition helped to construct and reinforce the version of the national story being implied by the Democratic party, and why this “story” was so popular.⁶ The conceptual analysis outlined in the pages that follow has born fruitful results, for it sheds light on the subtle process that marks the evolution of political thought. Pro-Removal discourse used *racial definition* for ideological construction and for various strategic purposes depending on the venue of that discourse and the opposing point that they were seeking to refute. The various strategic, particular assertions of Indian racial typing in the pro-Removal discourse is surveyed in the pages that follow, but I hope to hint at more. From these particulars may be distilled something of a tectonic shift in American political thought, one that was tapped into by Jacksonian Democracy. What I hope to reveal is the *implications*, the unconscious intellectual consequences, that emerged from the racial-casting perpetuated upon the “Indian” by the discourse of Removal—how the various racial arguments reflected, *onto the arguers*, a broad national story that was *personally accessible* to the masses—a wholly new

⁵ Indian Removal forced partisan debate on the very nature of certain ideals enshrined in the role of government; for example, what is justice, what is sovereignty, the precedence of treaties, executive authority, state jurisdiction, the authority of the judiciary, and, a ubiquitous dilemma in American history, racial mutability and the boundaries of “equality.” This was a time of true ideological difference—as will be shown, the split was *epistemological*—the “two sides” actually differed on their very perception of what a nation *is*, even on what an *ideal* is.

⁶ A worthwhile continuation of this study, for example, could focus on the concept of *sovereignty*, and how the opposing partisan definition of the concept operated within strategic framework of their arguments for or against Removal.

conceptual perspective of the nation in history that for the first time enabled the type of popular nationalism that would drive American political parties from that time forward.

There is some historiographical support for the notion that the parties of the Jacksonian period represent some sort of great supra-historical schism, a divide more fundamental than mere ideological or demographic difference. John Ashworth's *Agrarians and Aristocrats* (1981) offers a broad intellectual interpretation of the Jackson-era that characterizes the partisan divide as representative of a rift between two opposing "worldviews," which Ashworth defines as an intellectual bundle "comprised of beliefs, fears, hopes, and a series of assumptions about government, society and the economy."⁷ The ideologies and policies of the opposing parties emanated from two conflicting perceptions of human society. The Democrats, he suggests, fundamentally conceived of the nation as a conglomeration of equal citizens, one whose proper function depended most fundamentally on vigilance against the natural tendencies of power units ("special interests," perhaps?) to upset the healthy balance of equals. National republicans/Whigs, on the contrary, conceived of the nation as an organism, a body politic in the most literal sense, whose proper operation depended not on equality but rather on a diversity of roles served by *inequality*, insofar as nature doled out different capacities for different roles. The function of government was to harmonize the body, to, ideally, perfectly match one's role to one's capacity. Ashworth's book makes a convincing case, for he is quite successful at demonstrating how the various key partisan debates of the period are readily explainable by this underlying difference in "worldview." On the issue of Indian

⁷ John Ashworth, *Agrarians' & 'Aristocrats': Party Political Ideology in the United States, 1837-1846*, (Atlantic Highlands NJ: Humanities Press, 1983). The definition of "worldview", and his use of that term, is discussed in the introduction.

Removal, and race in general, Ashworth argues that the Whigs were more “tolerant” due to their organic worldview and perception of inequality as intrinsic—they could easily conceive of a role in the body politic for the Indian race and for any inferior race. The worldview of the Democrats, however, with its rhetoric of equality but still existing in a country with ever-present reminders of color divides, could not contain tolerance for an “inferior race,” for such inferiority had no place within their concept of the nation of equals.⁸ Whether one agrees with many of his specific interpretations, Ashworth’s general conclusion was well sustained: when one compares the rhetorical treatment of “the nation” by Democrats to that of the Whigs, it can often seem as if they are referencing two completely different subjects.

⁸ Ibid, Ch.5: The Ethnocultural Dimension. One of Ashworth’s main claims is that the historiography has largely underplayed the antidemocratic sentiments of the Whigs. He argues that the partisan divide did in fact reflect class conflict, in the very basic sense that the ‘would be’ Whigs voiced an ideology that was self-consciously anti-levelling and espoused a belief that a tiered class structure was both natural and healthy. This is an element of their “worldview” in which the nation is conceptualized in the model of an organism (p. 179). His penultimate chapter is rife with ironies. For example, the Whig party was the “anti-party” party—they viewed parties as mechanical interferences that forced divisions within the nation, upsetting the process of homogenization, and essentially “place acceptance,” that would forge a national identity, a sense of unity of purpose that would permeate the class tiers (p. 207-15). As evidence for this interpretation of the Whig “worldview,” Ashworth offers the strange fact that the aggressive racial rhetoric of the various Nativist, anti-immigrant movements, in context, never focused against Blacks or Indians. These figures simply did not enter into the Whigs national equation. The Nativist concern was with the entrance of ethnic, religious, and cultural diversity into the *national* (white) population—that this would dilute the national organism. Conversely, and, I think, a rather telling point, the growth of pro-immigrant ideology on the democrat side forced them to confront the issue of race. Ashworth states eloquently: “Thus the intellectual route by which greater respect and concern for the black man could have been acquired was not merely visible to the Democrat, it was glaringly apparent. And the more willingly he embraced the immigrant, the more apparent did the route appear and the more rapidly he was compelled to block it with the giant boulder of racism” (p. 223).

Anthony F.C. Wallace also adopts the theme of profound underlying difference in his *The Long Bitter Trail*, a concise volume that offers a thorough exposition and contextualization of the course that the politics of Indian Removal took through Jackson's career. Wallace does not focus on the partisan conflict per se: instead he treats the emergence of the second party system as one of many signs of rapid historical transformation that force the policy of Removal and its ensuing battle. He grounds the development of Removal policy within the context of economic upheaval, and the desire for land created by that upheaval. The ideology of Removal is placed within this context of upheaval, and Wallace interprets the Removal debate as the embodiment of a dramatic cultural difference that had come to separate the southern and western supporters of Removal from their Northeastern opponents. Divided by a regional sense of history and identity wholly alien to one another, the difference is presented by Wallace as a stark and basic one, occurring at the level of perception. Quite simply, a northeasterner and a westerner received two very different impressions when they "saw" or "thought of" an "Indian," and Wallace's work examines how the difference in these impressions actually expressed a deeper difference between two regional cultures existing in the nation, and the unfortunate fate of a smaller nation that was merely an object of struggle in a larger process of national self-discovery.⁹

Wallace's story is told in rather epic fashion: he makes pains to emphasize the ability and strength of the Cherokee anti-Removal campaign, and he is not unsympathetic in his final portrayal of the actual execution of the Indians' forced migration.

Nevertheless, there is something still unsatisfying in his deconstruction of pro-Removal

⁹ Anthony F. C. Wallace, *The Long Bitter Trail: Andrew Jackson and the Indians*. (New York: Hill and Wang, 1993).

arguments and ideology—always they are purely symptomatic, emblems of cultural transition and bifurcation. This form of interpretation can never get at the heart of understanding the rise and fall of racism and policy ethics. This essay is an attempt to better uncover the *appeal* inherent in the ideology under construction.

These works by Wallace and Ashworth run against the grain of the historiographical portrayal of Indian Removal during the Jacksonian period. Removal has traditionally been treated as an ancillary issue, and the argument has often been made that Jackson’s support of Removal was simply a calculated position adopted merely for its regional popularity. Some have argued that Jackson’s support of Removal was conditioned by the Nullification fiasco—a bone thrown to state’s rights southerners that allowed Jackson to isolate South Carolina from its regional allies. This tradition is best presented by Francis Paul Prucha, author of numerous works on Andrew Jackson’s relationship with Indians and his expansion policy. Prucha may be characterized as a “defender of Jackson,” and in several works he points out the president’s long history of Indian familiarity, including his adoption of an Indian son, and argues that, therefore, Jackson’s professed concern for Indian Removal, that it was a policy that was necessary to save the Indians, ought to be taken at face value. Essentially, Prucha argues that it is incorrect and ahistorical to “blame” Jackson for Removal, for Indian defenders, those whom opposed and actively fought against Removal, were fully imbued with the same racial prejudices as their opponents. Both sides were paternalistic, according to Prucha; opponents of Removal were motivated by a mix of reforming Christianity (if the Indians were forced to relocate, then they would forfeit their chance at reform) and a partisan

desire to oppose Jackson whenever possible. In Prucha's presentation, the sides are not actually that far apart. As he puts it, "both sides spoke the same language."¹⁰

The present study falls in line with Wallace and Ashworth, and opposes in the most literal sense Prucha's claim that "both sides spoke the same language." The concepts and logical framework constructed by the opposing forces of pro and anti Removal discourse were *categorically unrelated to one another*—they in fact represented two completely different understandings of the world and of the operation of human society in history—two views that produced contending visions of *what* duty the "nation" owed to *which* ideals—for all intents and purposes, pro and anti- Removal debaters spoke different languages.

With their themes of profound intellectual and cultural difference, both Ashworth and Wallace necessarily engage that fundamental shift in Western thought that marks, seemingly in every field and specificity of historical inquiry, the end of the Enlightenment and the emergence of far more modern, more familiar cultural formations. To a degree that cannot be written off as coincidence, the arguments, conceptual interpretations, and discursive strategies employed by the conflicting partisan forces of the Removal debate emerge from opposite sides of what one might think of as the "post-Enlightenment shift." In *The Order of Things*, Michel Foucault provides, among other things, a thorough survey of this shift, revealing the breadth and cultural pervasiveness of a fundamental conceptual overhaul—an *archaeologically** visible change in the patterns of discourse at all levels of Western society, as the intellectual layer (*episteme*) of the Enlightenment is supplanted by unprecedented intellectual patterns conditioned by the

¹⁰ Frances Paul Prucha, *Indian Policy in the United States: Historical Essays*. (Lincoln: University of Nebraska Press, 1981: 24.

burgeoning fields that were establishing “man” as an object of knowledge. The emergence of behavioral psychology, anthropology, economics and statistics, and the emergence of various other sociological fields all point to a deeper, more fundamental intellectual change—the “man” had become a defined object of study, perceived as acting in a deterministic manner, compelled by unseen but measurable natural forces and inclinations. This period of course also sees the emergence of the variety of cultural forms categorized as “Romanticism.” This celebration of instincts, of the reflexive manifestation of one’s *true nature* (and one’s nation...one’s race), is the tip of the iceberg. Relevant to Indian Removal, it is during this period that the discourse of racial difference becomes solidified in various pseudo-sciences. To some extent, man the rational, willful subject is replaced by the type “man” whose behavior conforms to measurable rules. It is during this time that the principle of “self-interest” enters philosophical and economic thought, and from there is adopted into history, culminating in the work of Marx. The discourse of Indian Removal, the arguments and employed strategies, follow a logic that is entirely consistent with post-Enlightenment thought, residing on our side, as it is, of the *episteme* break described by Foucault. In fact, it is representative of this layer, for it very much defines the “Indian” as a measurable object whose future ruin, if not Removed from the boundaries of “civilized society,” was scientifically foreseen. Indian defenders relied on a rhetoric that emphasized the progress of the Indian race, the sanctity of national treaties, a professed concern for national “honor” (a very real concept to Whigs but one almost comically abstract and inapplicable for Jacksonians), and the bare moral impropriety and indecency of Removal. More often than not, pro-Removal debaters regarded these arguments as “old-fashioned.” The unfortunate triumph of Indian

Removal, the precedent-setting popularity and overall cultural victory of Jackson and the Democratic Party, and the transition from the Enlightenment to the modern episteme in American politics; these occurrences are different aspects of the same episode, and each aspect sheds light on the others.

The ultimate conclusion of this essay is an ambitious claim: there is a sense of self-worth and power that explains the victory of and justification for Indian Removal, and, further, the popularity of Jackson's "vision" of America—a sort of nationalism enabled by the new, post-Enlightenment patterns of thought that was inaccessible to those who still perceived the world through an Enlightenment lens. In a sense, Indian Removal was the perfect issue for the Democratic Party, for the opposition was impassioned and extensive, a moral attack that forced an equally extensive justification. It was this process of accumulative justification that allowed the Democratic Party to promote a national identity that allowed a new sense of popular access, for behind every argument made in favor of Indian Removal there laid a subtle claim--an assertion that some instinctive "greatness" was inherent to (white) Americans.

II: The Partisan and Regional Politics of Race

The prospect of the Indian presence inhibiting progress was a topic of mounting political concern throughout the 1820s. The traditional federal policy of acquiring land through treaty was being met with increased resistance from the major Indian nations of the southwest, as significant factions of the so-called “five civilized tribes” publically proclaimed their determination to hold the land that remained to them. Rumblings began in earnest during the administration of John Quincy Adams, as the belligerence of southern states grew alongside mounting evidence that the Cherokee, in particular, had no intention of ever leaving.

In 1826 the Creek Nation rejected the *Treaty of Indian Springs*. Though this rejection was acknowledged as such by the federal government, Georgia’s Governor George Troup mobilized teams of land surveyors into the land that was to be acceded in the Treaty. The move infuriated President Adams, who had steadfastly refused to consider forced relocation as a solution to the Indian presence.¹¹ In February, 1827 he demanded a Congressional response to Georgia’s governor, claiming that the state’s executive actions were “in direct violation of the supreme law of this land.” A divided Congress let the matter drop, and so characteristic of his presidency, the passion of

¹¹ Lynn Hudson Parsons, “‘A Perpetual Harrow upon my Feelings,’ John Quincy Adams and the American Indian,” *The New England Quarterly*, 46.3 (Sept 1973): 339-379. Adams biography up until his presidency demonstrated a rather anti-Indian tendency, and Parsons notes that in post War of 1812 treaty negotiations it was he who most vociferously argued against England’s desire to protect their Indian allies. Nevertheless, he was staunchly opposed to any infringement on the Indians’ right to determine the time of their exit. He simply did not want the nation “implicated in injustice.”

Quincy Adams found no practical avenue, finally exhausting himself in his diary. Soon thereafter, the Creek signed away their rights to Georgia land in a third treaty, saving Adams from what would have been an embarrassing public showdown with Congress that would only have encouraged the burgeoning state autonomy sentiments growing in the South. It should be noted that Governor Troup responded to the President with a public declaration that any federal intrusion would be met with resistance. Thus in the late 1820s, just as the presidency of Adams was cracking open to reveal emerging partisan rifts, the conflict over Indian Removal had already sparked an intense debate over states' rights, federal authority, and national "honor," and, on a more fundamental level to the national intellect, it highlighted the potential impotency of government authority when set against a popular will that perceives itself as a majority.

With the "official" departure of the Creek nation, the attention of Georgia shifted to the Cherokee, whose Removal became a key issue in the state's 1828 gubernatorial campaign. Troup had set the pattern with his insertion of land surveyors onto Creek land with a cool disregard for federal law.¹² In December passed into law a bill that proclaimed the extension of state jurisdiction into the Cherokee lands that overlaid the northwest corner of Georgia's "chartered limits." The law was thrust upon the Cherokee

¹² I find this aspect of "states' rights" agitation fascinating—there is so much "bluff" involved. At home, in their own legislative houses, it is easy to get carried away in the rhetoric of popular will and the righteous assertions that the federal "intrusion" is null by virtue of its unconstitutionality. How quickly that language changes when the governor has to correspond with federal colleagues, without his wonderful echo-chamber. The state legislature can act with more impunity than the governor, who becomes a necessary scapegoat. It seems to me that the federal authority-state legislature relationship during this period is reminiscent of that between a parent and an adolescent.--Official maneuvers made by the legislative and executive offices of Georgia to accelerate Indian relocation are accompanied by a rhetoric that necessarily emphasizes both the *right* to act and the disqualification of the federal authority to prohibit that act. Nevertheless, for all the bold rhetoric, one cannot escape the sense that these state maneuvers are made "on the sly."

as a tactic of intimidation and menace. As Governor George Gilmer explained in a letter to a magistrate whose district bordered the Cherokee land, the extension of state jurisdiction would “drive out” the Indians, and their land would be converted to public property, the sale of which would solve the state’s debt crisis.¹³ That same year, the same ironic threat was made by an apoplectic John Eaton, then Secretary of War for Andrew Jackson, during a particularly terse negotiation with the Choctaw Nation at Dancing Rabbit Creek, as he assured the gathered Indian delegation that “failure to remove through treaty would leave them *unprotected* from the jurisdiction of the state.”¹⁴ The irony lies in the juxtaposition of law and ‘lack of protection’—the admission that the abstract concept ‘jurisdiction,’ which would normally imply ‘protection,’ somehow constituted, in and of itself, a *threat*.

The remarks of Gilmer and Eaton convey a tone of glibness that is a result of their unawareness of the irony present in the notion that the law itself could represent direct threat. The rationale has been internalized by both. Clearly, when Eaton and Gilmer referenced “law” and “jurisdiction, they did not have in mind the Enlightenment concept of a *functional ideal* that colored notions of “law” a generation earlier. This was not ‘law’ as a neutral force, as a universally applicable medium for achieving justice. The ‘law’ referenced by Gilmer and Eaton was a functional operation that would *not* shield Indians from injustice—in fact, it would accomplish the opposite.¹⁵

13 George Gilmer, to Hon. Augustin S. Clayton, 7 June 1830, in George Gilmer, *Georgians: Sketches of some of the First Settlers of Upper Georgia, of the Cherokees, and the Author*, (Danielsville GA: Heritage Papers, 1989, orig. 1855): 276.

14 Mary Young, *Redskins, Ruffleshirts, and Rednecks: Indian Allotments in Alabama and Mississippi, 1830-1860*, (Norman OK: University of Oklahoma Press, 1961): 31.

15 For Gilmer and Eaton, and surely for many of their political brethren, ‘law’ has become more akin to a ‘tool’ than a neutral structure. This is symptomatic of post-

The logic that allowed for the equation of ‘law’ and ‘threat’ operates through a curious mix of admitted culpability and racial superiority. Both Gilmer and Eaton, and indeed all those who accepted and advanced arguments in favor Indian Removal, took for granted, *as scientific fact*, that the extension of state law would abandon “traditional” Indians to the rapacity and ingenuity of the ‘enterprising’ white race. Indians would be fully exposed to fraud, debt, and alcohol, and they would find themselves undefended in local courts in which they would not be granted status and could not hope for impartiality--a process that would slowly, inexorably, lead to extinction. The bias of the state’s local court and law enforcement system was admitted without compunction, as these political actors assumed and countenanced that for the Indians, the law would function opposite its social purpose, offering protection and avenues of aggression for those that would con and bully. It was a confessional disclosure that Indians would be vulnerable to the extralegal biases of local government officials and harassment and intimidation from the local citizenry.

These numerous depredations, including the admission of the inevitable *injustice* sure emerge from local courts, was accepted and internalized by pro-Removal advocates as a *fact of nature*, the inevitable result of an inferior race occupying land adjoining that

Enlightenment thought. From an Enlightenment perspective, a “perfect country” would be a country with “perfect laws,” for this would reflect the greatest possible rational achievement. Certainly this idealism drove Madison. The rise of the modern, post-Enlightenment episteme replaces rational achievement with various other potential yardsticks for evaluating a country: prosperity, vitality, etc. In post-Enlightenment thought, a perfect country is not equivalent to a country of perfect laws, nor is there an ideal law structure suitable for all mankind—‘law’ is but a cultural artifact, one of many tools with a duty not to “justice,” (a meaningless abstraction, these moderns might say), but rather to the maintenance of a framework of national advancement. Gilmer’s equation of the extension of Georgia law with

of a more energetic race following its acquisitive instincts. Bold admission was granted to this stance in the language of an 1827 resolution passed by the Georgia legislature:

It may be contended with much plausibility, that there is in these claims [of “discovery”] more of force than of justice; but they are claims which have been recognised and admitted by the whole civilised world, at it is unquestionably true, that under such circumstances **force becomes right** [document’s emphasis]. This kind of title is not only good and valid agreeable to the laws of Nations, but it is perfectly consistent with natural justice. The earth was certainly made for the benefit, comfort and subsistence of man, and should be so used as to accommodate the greatest possible number of human beings – It was therefore perfectly in accordance with the design of nature, that the densely populated countries of Europe, should possess themselves of the immense forests in America, which were used only as hunting grounds, and employ them in promoting the comforts and providing for the subsistence of their overflowing population.¹⁶

The passage above perhaps best exemplifies the degree to which Removal inspired and fed a post-Enlightenment perspective. It admits the right of force and claims an assertion over ‘justice’ by introducing the concept “natural justice.” All of this hints at a deeper, implied intellectual declaration: an assertion of “how the world truly operates.” Force and “natural justice” are *real* entities, each consistent with the other, while plain “justice” is tossed out as an abstraction. The arguments made in favor of Indian Removal were

¹⁶ “Report of the Joint Committee on the State of the Republic” in Senate, Georgia, 19 December 1827, in *Whites Among the Cherokees: Georgia 1828-1838*, ed. Mary B. Warren and Eve B. Weeks, (Athens GA: Heritage Papers, 1987): 10.

necessarily arguments crafted against the Enlightenment understanding of man in the world. There could be no justification for “force makes right” so long as each man was a rational being, and so long as America was a nation with an identity rooted in its commitment to rational ideals. The claim that “force becomes right” presumes that America’s first commitment is to (white) Americans—that the duty of the nation is not to any abstract ideal but rather to the history of the nation not yet written.

The entire premise of Removal depended on notions of racial limitations, and these notions were severely undermined by the very public “advances” that permeated the societies of the “five civilized tribes.” In fact, Georgia’s extension bill of 1828 was prompted by the Cherokee nation’s formal adoption of a written constitution the previous year, for with every “civilized” achievement the case for Removal was weakened.

The response from the Cherokee nation to Georgia’s extension law was immediate and effective, and the Cherokee benefited from a groundswell of political support led by the American Board of Commissioners for Foreign Missions (ABCFM) and a variety of other religious and humanitarian associations, largely centered in the Northeast. The Cherokee governing body published a public memorial denouncing the arrogance and invalidity of Georgia’s law, and prominent attorney William Wirt was hired to present their grievance to the United States Supreme Court.¹⁷

¹⁷ The Cherokee petition to Congress (Dec. 1829) was also circulated in print, published as “Memorial of the Cherokee Indians: From the Cherokee Phoenix, Jan. 20.” *Niles’ Weekly Register* (Mar. 13, 1830). The most influential writer and organizer supporting the Cherokee cause was Jeremiah Evarts. See Jeremiah Evarts, *Cherokee Removal: The “William Penn” Essays and Other Writings*, ed. Francis Paul Prucha, (Knoxville TN: University of Tennessee Press, 1981). For the ABCFM, the Cherokee were something of a “crowning achievement.” Several “missionaries,” Samuel Worcester most notably, resided for years in the Cherokee nation and were tied to the Cherokee upper class

The Cherokee government consisted of a diverse and able group, many of whom were demonstratively “upper-class” in every sense that one imagines the Antebellum Southern gentility. The decision to codify their political structure and shape it to fit the American model was efficiently executed over a period of twenty years, an extraordinary historical accomplishment when one considers the amount of cultural change this entailed (far more than this nation’s birth required). Throughout this remarkable transitory process, the Cherokee confronted ever-increasing pressure to abandon their land, and an increasingly belligerent white population on their borders.

The ‘acquisition through treaty process’ that defined federal Indian policy up until 1828, though often accompanied by insidious strategies, never crossed the line of “force makes right.” Outright infringement upon Cherokee land, though discussed, had never been sanctioned by the administrations of James Monroe or John Quincy Adams insisted that the Cherokee should move west, and both men insisted that the “right” decision could not be forced, that the Cherokee nation had to formally *agree*. Andrew Jackson, however, was a vocal proponent of Indian Removal, and his promise to accelerate the process through federal mandate certainly contributed to his popularity in the South and West. Confident in the support of the new president, and eager to raise revenues from the rapid sale of Cherokee territory, the state of Georgia initiated a political and legal showdown that would last a decade. Georgia’s extension law accompanied a fierce Congressional debate; the easily defensible Cherokee afforded a powerful rhetorical opportunity for otherwise disparate “Anti-Jacksonians” to present a united front.

Advocates of Removal were caught off guard by the sheer volume of the opposition

through bonds of friendship and political interest. The term ‘missionary’ severely underplays the legal and political force these men wielded.

rapidly mounted by the Cherokee and their political allies, as both Jackson's policy and Georgia's extension law became the subject of widespread public debate.

Because of the grave intellectual and definitional ramifications, the debate over Indian Removal was one framed entirely within moral terms. From a posture of deep moral concern, both sides argued passionately and persuasively. Indeed, it is possible for current readers of the Removal and Anti-Removal rhetoric to find themselves alternately convinced with each side's arguments.

The moral framing of the issue is precisely what lends Indian Removal its creative force in the process of ideological construction, for it compelled involved individuals to articulate an entire idea-system in defense of either position. Those advocating Removal were placed on the "moral defensive," so to speak, by the simple fact that the Indians (the Cherokee most publicly) claimed that they did not want to move. An interesting facet of the debate, however, is how often Removal advocates reestablished their position as the "moral offensive," as they were quite successful in characterizing their position as both sympathetic and practical, while simultaneously portraying their opponents as recklessly misinformed.¹⁸ Perhaps no item can better illustrate the stakes of impassioned morality that framed Indian Removal than this ironic and telling fact: Wilson Lumpkin and George Gilmer, the two Georgia Governors most involved in advancing Removal, were

¹⁸ Indian Removal had been proposed as a humanitarian policy during the Jefferson administration, although Jefferson himself seemed to have favored assimilation through increased education and trade. See "President Jefferson on Indian Trading Houses," Speech to Congress, 18 January 1803, in *Documents of United States Indian Policy*, 2nd edition, ed. Francis Paul Prucha, (Lincoln: University of Nebraska Press, 1990): 21-2. The issue was thrust into a new national spotlight during Jackson's campaigns, and following the ensuing reaction by the Cherokee and the ABCFM it was pro-Removal advocates that were forced to defend and re-establish the ethical basis of the policy. For Jeffersonian Indian relations, see Reginald Horsman, *Expansion and American Indian Policy, 1783-1812*, (East Lansing MI: Michigan State University Press, 1967).

both, independently, compelled to write entire books, several hundred pages each, in defense of the state of Georgia, their own Indian beliefs, and the *necessity* of their actions.¹⁹

At this point, it is necessary to provide a rough sketch of the dispute specific to the Cherokee and Georgia, the true epicenter of the Removal debate. Like many states in the 1820s, Georgia was in need of revenue. The Panic of 1819 marked the culmination of bad cotton years; a result of Europe's shift to general stability after the Napoleonic Wars and the consequent drop in overseas demand for American goods, as European production and alternative import chains were stabilized.²⁰ The economic troubles exacerbated what until then had been a more mild desire for that portion of Georgia "occupied" by Indians. The solution proposed in Georgia was to generate revenue by holding a lottery for the land occupied by the large Indian populations of the Creek and the Cherokee. This plan, quite obviously, necessitated that the Indians vacate. The purpose of the lottery was to raise revenue from that land as quickly as possible without resorting to land speculators—a policy that was well-calculated in its appeal to the Democratic partisan ideals popular in Georgia, for it embodied individual fairness and expansive opportunity all at once.

Also prominent in the minds of Georgians in particular was the Compact of 1802, an agreement whereby the federal government had promised to encourage the Cherokee

¹⁹ Gilmer, *Georgians*, was originally published in 1855. For governor and congressman Lumpkin, the title says it all: *The Removal of the Cherokee Indians from Georgia* was described by the publisher as "Incidents connected with the life of Wilson Lumpkin, illustrated from selections from his speeches and official writings, written and compiled by himself in the seventieth year of his age, 1852."--The ladies doth protest too much, methinks.

²⁰ George Dangerfield, *The Awakening of American Nationalism, 1815-1823*, (New York: Harper & Row, 1965): Ch.3, "The Panic of 1819," 72-96.

to leave Georgia's borders. This promise was made in exchange for the forfeiture of the state's western lands (which would become Mississippi and Alabama) to the federal government, a keen loss that persisted in the state's collective memory.²¹ The Compact of 1802 became the subject of much political discussion within Georgia in the years leading up to and during Indian Removal, and this helped to solidify a popular sentiment that Cherokee land already belonged to Georgia, and that the federal government had long since betrayed its promise to encourage Cherokee emigration. The sense of betrayal should not be understated, for it helped solidify a sense of unity amongst Georgians while at the same time conceptually linking the Indian presence with federal intrusion. It was the Compact of 1802 that made the clear demarcation of Georgia borders on contemporary maps, and this must be understood as a source of the growing sentiment that the Cherokee were occupying Georgia lands, though their presence in the area predated colonization.²²

During the course of national debate on Removal, the Compact of 1802 was often the subject of specific arguments advanced by both sides. This is not surprising, as its language was quite ambiguous: the Compact included a clear mandate for federal intervention (as Georgia would have it), but it also stipulated that the Indians could *under no terms* be forced out against their choice. In 1827, the Cherokee ratified their own

²¹ Wallace, *The Long Bitter Trail: Andrew Jackson and the Indians*, 62-64. Richard Longaker, "Andrew Jackson and the Judiciary," *Political Science Quarterly* 71.3 (Sep., 1956): 341-64. Forfeiture of Georgia's western lands and the negotiated Compact of 1802 were part of the political settlement arranged to quell the crisis that resulted from the Yazoo land scandal.

²² A minor but rather common occurring theme in pro-Removal rhetoric was that the Cherokee were *mistaken* in their belief that they were the original inhabitants of the soil. Perhaps, but as the accounts of the De Soto expedition have shown, the Cherokee presence across Northern Georgia certainly antedated the British presence.

Constitution and proclaimed their sovereignty, a move which made it clear that they had no intentions of leaving.

The sense of popular frustration with the Cherokee and impatience with the federal government accelerated during the campaign and election of George Gilmer as governor. His victory in 1828 reflected popular support for a plan to accelerate Removal and begin immediate preparations for the land lottery. Incensed by the Cherokee Constitution and their proclamation of sovereignty, the Georgia legislature passed the bill that extended Georgia jurisdiction into Cherokee land almost immediately following Jackson's election, confident in the new president's support despite their sudden, legally unprecedented legislative action.

When the staunch political resistance of the Cherokee and their supporters forced the issue before the U.S. Supreme Court, a third political entity entered the fray, also seeking, like Georgia and the President, to exert its power and protect its jurisdictional sphere. The resulting mess of contending authorities led to friction between pro-Removal efforts at the state and national level, and also served to intertwine the Indian issue with the many other Jacksonian conflicts that became embroiled in rivalries between state and federal powers, and between the three branches of the federal government. Neither the states vying for Removal, Jackson, the Supreme Court, nor (especially) the interested Indian nations could afford to rescind their claim upon the right to decide the fate of the Indians—to do so would entail too much jurisdictional forfeiture.

Though it would seem that the issue could not be more tumultuous, gold was discovered on Cherokee land in 1829, unleashing what locals referred to as the “great intrusion,” as tens of thousands of fortune-seekers made their way into the disputed

area.²³ The specter of gold, the ultimate perversion of the American dream for some, its purest distillation for others, complicated the Removal problem by accentuating issues of the individual liberty of citizens and the obligations of the state to individuals. One can imagine the outcry when Governor Gilmer, in order to quell any disruption to the Removal process unfolding at the national level, issued orders forbidding whites to dig for gold on the contested land, leaving them watching while several Cherokee used the opportunity to mine for themselves. Tensions got so great as to lead to the “Battle of Leatherford,” a showdown between one hundred or so miners and the Georgia Guard (a volunteer militia created by Gilmer).²⁴ Such attempts to halt any disturbances that might upset the national debate made Gilmer quite unpopular in parts of Georgia, and, ironically, a governor who was seen as renegade, forceful, and radical in the eyes of the nation was perceived as far too soft and ambivalent in his own state.

The Cherokee, who amongst the Indian Nations had been the most successful legally and politically, posed a significant challenge to Removal advocates, for it was claimed by their numerous supporters that the Cherokee population was culturally and socially on par with their neighboring white Southerners. The development of a written alphabet had captured the imagination of the nation, while the bilingual *Cherokee Phoenix* newspaper afforded the Cherokee with a vehicle through which their societal accomplishments could be publicized, while standing as a dramatic accomplishment in its

²³ David Williams, *The Georgia Gold Rush: Twenty-Niners, Cherokees, and Gold Fever*, (Columbia SC: University of South Carolina Press, 1993): 28.

²⁴ *Ibid*, 35-6. Also, when Gilmer discusses the land lottery in his autobiographical *Georgians*, no discussion is made regarding the ideological conflicts over property rights that characterize the period, nor does he emphasize the democratic virtues of his land-lottery enforcement, as he did during his campaign. The focus is entirely on the Indians vis a vis his duty as “Head of State,” and the need to preserve his authority versus federal jurisdiction.

own right. At the national level, far from the immediate desires of local constituencies, this claim of progress and equality severely undermined the moral basis for Removal. From its incipient years during the Jefferson administration, the policy of Removal, when raised as a topic of discussion, had always been presented as an action necessary for the continued survival of Indian society, an assumption belied by Cherokee gains. For this reason, the need to disprove the possibility of the “Cherokee example,” to render it somehow illusory, formed the organizing principle of pro Removal discourse. This was the strategy, often unconscious, that drove the campaign of racial typing that formed one of the key pillars of pro-Removal ideology.

The foremost public authority on the “nature” of the “Indian race” was Lewis Cass, who would serve as Jackson’s Secretary of War from 1831 to 1836. As governor of the Michigan territory in the 1820s, Cass had overseen the administration of the vast population of Indians residing near the Great Lakes, an area long known as historically tumultuous, most recently due to the uprisings associated with Tenskatawa and Tecumseh, and the War of 1812. The Indians residing in the former *Pays d’en Haut* were the inheritors of a very specific historical circumstance, and, in fact, many of them had been reduced to what would today be considered refugee status. The uniqueness of their situation, however, did not prevent Cass from proclaiming his observations on their character as pertinent to all Indians.²⁵

In 1827, Cass submitted an article to the *North American Review* in response to a much publicized British editorial that had impugned America’s mistreatment of its

²⁵The authoritative intellectual and political role played by Cass is well presented in Wallace, *The Long Bitter Trail*. See also Theda Perdue, “Mixed Blood” Indians: Racial Construction in the Early South, (Athens: University of Georgia Press, 2003).

“native inhabitants.”²⁶ His article became much more than a mere rebuttal, however; Cass managed to capture, in his writing, a widespread disdain and popular frustration with Indian-American relations, and he was able to broadcast this frustration back to his readers, having translated it into a language of objectivity and practical expertise. Cass’s article would be oft-cited by advocates of Removal, and his “objective, scientific, expert” instruction on the psyche and culture of the Indian *race*, on their inescapable *nature*, gave structure and authority to the pro-Removal arguments that would follow.

The excerpt below is representative of Cass’s article as a whole, in that it demonstrates the discursive strategies by which he constructed both the subject, “the nature of the Indian race,” and his claim to expertise on that constructed subject. The selection below emphasizes the irredeemably savage nature of the Indian; a racial tag as old as the continent’s European discovery but reformulated into a language and logic of sophisticated specialization. Of note is how Cass is able to emphasize a sort of tired familiarity with the subject, which he accomplishes by unveiling various anecdotes, presented in a language of generality to hint that each anecdote stood for many. Indians, according to Cass, were:

Impelled to war by passions, which acknowledge no control, and death and desolation are the objects of their military expeditions. From infancy, they are taught to inflict cruelties upon their enemies, and to bear with stern fortitude, whatever may befall them. They are equally prepared to endure and to torture, and in either situation without the slightest symptom of human frailty or feeling. They have not only no principles of religion or morality to repress their passions, but

²⁶ Lewis Cass, “Indian Treaties, and Laws and Regulations Relating to Indian Affairs...,” *The North American Review* 24.55 (Apr., 1827): 365-442.

they are urged forward in their career of blood by all around them; by the examples of their fathers, and by the deeds of their companions. He is the most renowned warrior, whose tomahawk flies swiftest and sinks deepest.”

The passage alludes to the racial tags that had been present during the Enlightenment. The Indian was subject to inflamed passions and was culturally inured to violence from a young age. To this rather conventional view, Cass then adds context, establishing a firm and authoritative logic that mimics the tone of “objective” truth—note the language of “expertise” in the passage below.

The passion for war is fostered and encouraged by institutions, which are admirably adapted to make the warrior brave and enterprising. Nothing in the systems of the ancient republics was better devised to stimulate the ardor of their citizens. And when assembled Greece proclaimed the victor at the Olympic games, and crowned him with the olive wreath, she furnished no more powerful motive for exertion and distinction, than is provided in the institutions of our aborigines. It is the same love of distinction, which impels the warrior to tear from the head of the writhing and reeking victim, the bloody trophy of savage victory, and at the next war, dance in his distant village, to strike the post, and to recount the atrocities, which, by the aid of the Sag~a~nosh, he has been enabled to commit upon the Tshe-mo-ke-maun.²⁷

The “Tshe-mo-ke-maun” is but one of the many Indian “ceremonies” named and described by Cass in the article, the specificity and variety of which establish his strategic claim to knowledgeable authority. The language that he utilized, one can see, is proto-

²⁷ Ibid, 373.

anthropological, factual, and objective. The manner in which Cass refers to the “institutions” of “Indian culture” lacks the curious observer tone of Enlightenment writings on “the Indian.” Indian culture is “old news” to Lewis Cass, and he writes with familiarity of its institutions and with confidence about the relation of these institutions to the racial psyche of the Indian. By the end of the article, Cass has leveraged his “expertise” to proclaim that the Indian character was *permanently* fixed—that the entire race was necessarily violent in habit and ambivalent towards civilization:

Strong moral or religious barrier would be necessary to restrain the Indians from the perpetration of cruelties, to which they are impelled by the powerful motives, which we have described. But no such barrier exists; and the experience of two centuries has demonstrated, that in all their battles with the whites, when resistance ceases the slaughter begins. Man in his strength, woman in her weakness, and infancy in its innocence, are alike devoted to destruction, and frequently with circumstances of atrocity, to which no parallel can be found in other ages or nations...

...In their own moral qualities, if they have not receded, they certainly have not advanced. A principle of progressive improvement seems almost inherent in human nature. Communities of men, as well as individuals, are stimulated by a desire to meliorate their condition. There is nothing stationary around us. We are all striving in the career of life to acquire riches, or honor, or power, or some other object, whose possession is to realize the day dreams of our imaginations; and the aggregate of these efforts constitutes the advance of society. But there is little of all this in the constitution of our savages. Like the bear, and

deer, and buffalo of his own forests, an Indian lives as his father lived, and dies as his father died. He never attempts to imitate the arts of his civilized neighbors. His life passes away in a succession of listless indolence, and of vigorous exertion to provide for his animal wants, or to gratify his baleful passions. He never looks around him, with a spirit of emulation, to compare his situation with that of others, and to resolve on improving it. In a season of abundance, he never provides for a season of scarcity. Want never teaches him to provide it, nor misery to be industrious. This fatuity is not the result of ignorance. Efforts, however ill directed, have not been wanting to teach and reclaim him. But he is perhaps destined to disappear with the forests, which have afforded him food and clothing, and whose existence seems essential to his own.²⁸

While Cass's article does not argue from a full biological understanding of race, as would emerge gradually in the following decades, one can see the elements forming. Cass provides *objective* authority and *observational experience*, which gives his view of the Indian the gloss of science. Though he still relies upon an environmental explanation of race, the traits associated with the Indian (violence, passion, indolence, ambivalence) are presented as permanent, and, most importantly, he subtly implies that there is some undiscovered racial defect that accounts for the complete lack of the otherwise universal human drive to "ameliorate their condition." This presents quite a discursive conundrum for the Cherokee and their allies in the public debate: how paltry their scattered examples of progress must have seemed when compared to the authority of this new character, "the

²⁸ Ibid, 391-2.

expert,” whose sophisticated understanding of the race is so complete that he can perceive the course of their historical destiny.

The image of the Indian so “expertly” defined by Cass reflected the “true state of the Indian” that, according to Removal advocates, was borne out by experience. A commonly expressed sentiment among Removal supporters was that the Indians were defended only by people residing in “those states that have none.” In part, this represents a piece of the much larger drama of regional identity and rivalry that played out during this period. Regional identity factored most heavily into the racial inferiority discourse of Indian Removal insofar as southern and western statesmen believed they were more familiar with the true situation and character of “real Indians.”

The Northeast, in particular, was isolated as the center of Removal opposition and attacked for its presumption. Since New England no longer contained substantial Indian populations, advocates of Removal claimed that the volume of petitions and protests simply demonstrated that they had been deluded by Romantic literature. As William Gilmore Simms explained, “Nothing has been more misunderstood by us than the Indian character. Like other subjects of which little is known, and over which time has thrown an impenetrable mystery, Fancy has stepped into the aid of history, and tradition has dreamed until fact has lost its character and all become poetry.”²⁹

The popular Romantic literary trope of the “noble savage” became a useful straw-man against which Removal advocates mobilized their experts and their regional experience. The image presented by Removal discourse, that of an aggregation of “actual

²⁹ William Gilmore Simms, “North American Indians,” *Southern Literary Gazette* (September 1828) in *An Early and Strong Sympathy: The Indian Writings of William Gilmore Simms*, ed. John Caldwell Guilds and Charles Hudson, (Columbia SC: University of South Carolina Press, 2003): 7-19.

experience,” reaffirms Cass’s Indian traits listed above, a character of violence and indolence.

The conceptual association made between “Indian” and “violence” was especially strong amongst the American population that identified with the “frontier.” Though many historians of Indian imagery have studied the trope of the “noble savage” in American thought, it should be noted that “noble savage” literature never pervaded the American consciousness as thoroughly as it did European romantic circles.³⁰ In his study of Indian Removal, Wallace notes the popularity, especially in the South and West, of an alternative “frontier literature” genre in which Indians served as rote villains. During the commercial blossoming of the American novel market in the early-nineteenth century, sensationalized stories of gore proved to be a sure seller, and frontier novels submitted to this marketing principle, further reinforcing the Indian stereotype of violence. This captivity narrative-informed literature paralleled an oral tradition, prominent in the expanding South, of “frontier personalities” made famous through Indian fighting. The personal accounts of Gilmer and Lumpkin illustrate a sort of “frontier-descendent” identity, an appellation that may be widely applicable to American public of the time when one considers the personal popularity of Jackson. Without venturing too far into a vast tangential topic, let it be said that in the Southern states in particular there was a very strong “frontier” sense of imagined history in which the Indian signified the ever-present threat; an almost ethnographic “traditional enemy.”³¹

³⁰Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy*, (Middletown CT: Wesleyan University Press, 1982): 13-31.

³¹Wallace, *The Long Bitter Trail*, 26-38.

Briefly referred to earlier, two Georgia governors and primary actors in the Removal drama each independently published substantial volumes in defense of their activities. Both narratives begin by referencing a frontier heritage and a history of American and Indian relations fraught with warfare. In a long speech supporting Jackson's Indian Removal Bill, Georgia Representative and future Governor Wilson Lumpkin presents his state as suffering from frontier agitation long since forgotten in other parts of the country:

Amongst my earliest recollections are the walls of an old fort, which gave protection to the women and children from the tomahawk and scalping knife of the Indians. And let me inform you that, while the Indians have receded thousands of miles before the civilized population, in other sections of the Union, the frontier of Georgia has remained comparatively stationary.³²

George Gilmer, whom preceded Lumpkin as governor, gives fuller vent to a history of Indian antagonism. Telling the story of his Virginia and North Carolina ancestors, Gilmer seems to take special pains to elucidate instances germane to the Cherokee.³³ In the narrative history which opens his work, Gilmer describes consistent antagonism between Virginia pioneers and the Cherokee extending back to the early eighteenth century. Most of Gilmer's attention, however, is focused on the American Revolution and the years that followed. During the Revolution, as Gilmer strenuously

³²Lumpkin, "Speech to Congress," May 1830, in Lumpkin, *Removal of the Cherokee Indians*, 69. A perusal of the numerous Indian cessions granted to Georgia between 1800 and 1820 would seem to challenge Lumpkin's complaint of a "stationary frontier."

³³It is worth noting that in Gilmer's long history of frontier Indian relations, the Cherokee are the only group designated by name—all others are referred to simply as Indians, savages, etc. The resultant portrait is of the Cherokee as a rather obstinate and powerful traditional enemy that looms larger than other Indian tribes.

emphasizes, the Cherokee sided with the British. He implies Cherokee involvement in Dunmore's War, the hated campaign of 1775 in which the British governor of Virginia rallied slaves and Indians to his banner, a move conceived by Virginians to be doubly perverse. Following the Revolution, Gilmer details Cherokee antagonism continuing throughout the 1780s, implying that they played a role in the series of uprisings that plagued the nation in the wake of the Treaty of Paris.³⁴

Gilmer also gives special attention to what was the most recent and relevant Indian episode in Southern and Western memory: the War of 1812, and the Tecumseh and Red Stick uprisings which accompanied it. By presenting a history through family anecdotes, Gilmer manages to convey the sense of an *intimate regional experience*, one that is intended to help explain the troubles faced, and the sentiments held, by a Southern population informed by stories of Indian depredation that stretched back generations. Ironically, the Cherokee served as invaluable allies of America in the Tecumseh uprising, the Red Stick Creek uprising, and the War of 1812. Such specificities, however, are hidden from view in Gilmer's presentation; the effect of his words is to present a White history of fear and perseverance, the "real" experience of those who had lived near "real" Indians. This regional mentality portrayed itself as legitimately insulted by the very idea of the "noble savage," and disdain for the "noble savage" concept was easily absorbed

³⁴ Wallace, *The Long Bitter Trail*, 30-4. The Miami Confederacy and the Battle of Fallen Timbers are the best known episodes in the post-Revolution Indian uprisings referenced here, which forced the development of America's first national Indian policy. For the policies and thoughts of Washington and Henry Knox, see Henry Thomas Malone, *Cherokees of the Old South; a People in Transition*, (Athens GA: University of Georgia Press, 1956): Ch. 2-4; Perdue, "*Mixed Blood*" Indians; Reginald Horsman, "The Indian Policy of an 'Empire for Liberty,'" *Native Americans and the Early Republic*, ed. Frederick E. Hoxie, Ronald Hoffman, and Peter J. Albert, (Charlottesville: University Press of Virginia, 1999): 37-61.

into the Democratic partisan rhetoric which emphasized the virtue of the hard-earned, practical knowledge of the yeoman/mechanic against the impractical, oft-misleading knowledge of educated society. A partisan-identity distinction is thus drawn in the minds of Removal advocates: the common-sense experience of Indian Removal advocates versus the fanciful and blatantly incorrect notions of a decadent, isolated Northeast.

The overlapping emphases on expertise and experience in Pro-Removal thought served to define the Indian race in public discourse in a more firm and determinate manner than could have occurred previously. The expert opinion of Cass provided the pro- Removal public, a significant majority in the Southern states, with a sophisticated “objective” corollary to their own sentiment that the impossible nature of the Indian, their inability as a race to evolve, was “old news.” Furthermore, as noted, belief in the inherent violence of the Indian race was inseparable from the identity of many of these Americans, for in their minds it was the ubiquitous violence of the Indian which forged the strength of their frontier forefathers and thus comprised their own racial inheritance as Americans.

It is interesting to note the dynamic that this overlap of expertise and experience establishes for the debate from the perspective of pro-Removal advocates. Because both expertise and experience support the opinion that the Indian race is irredeemably violent, and because anti-Removal efforts are based in the Northeast, where they have long been without an Indian presence, where Romantic literature fills the vacuum of experience, and where a condescending religiosity makes a nuisance of itself in the public sphere, Removal advocates were largely able to dodge the morality of their position by advocating it as a practical necessity—the conclusion of both expertise and experience.

What is of interest in this dynamic is that as continuous debate further reinforced the identity among Removal advocates that they held the position of practical necessity, informed by expertise and experience, it further implicated the opposition as being lost in some sort of fantasy world. A dichotomy thus emerges between abstraction and reality, and Removal discourse pushes American notions of the role of the national government towards a more real politick view in which ideals are subordinate to the realities of nature within which the nation-state exists. An advocate of Indian Removal would say that “justice” for the Indians is impossible because of the unavoidable limitations of their race, and that therefore “justice,” in this situation, is a mere abstraction, the phantom desire of a philosopher isolated in his library, a fool who dreams of woods populated by proud, pristine beings.

At root, pro-Removal discourse was levied not against certain politicians, nor against certain states or a party or region, though all of these elements were present. Instead, the strategy and assumptions of Removal discourse demonstrate that the real, perceived opposition to Removal was an *incorrect mode of thought*. Whether due to fantasy, simplicity, naïve idealism, or to the slothful ignorance of the rich and removed, those who charged that Indian Removal was an immoral policy lacked a fundamental understanding of the realities of the world, the “rules” of nature and history that necessarily supersede such abstract desired outcomes as “morality.” The ascension of the pseudo-scientific rules of human behavior, and the influence of experts in the various emerging fields of knowledge of that behavior on public policy, framed the emergence of the modern intellectual world. The basic change in thought that occurred between the Enlightenment and Romanticism was the supersession of “natural rules” over “rational

categories” as the organizing template of knowledge. Without possibly being conscious of the fact, Pro-Removal discourse had harnessed the power of a complete tectonic shift in Western conceptualization, and the Indian Removal debate is itself a fundamental part of this shift as it occurs in America.

The contention that Indians were irredeemably violent was challenged, of course, by the Cherokee example and their army of supporters, who pointed to the rapid spread of agriculture and Christianity amongst them. The most glaring accomplishment was the adoption of a formal written constitution, which notably eschewed many of the violent practices associated with the Cherokee, and instituted a system of civil courts and a police force.³⁵ To counter this accomplishment, advocates of Removal adopted a severe and sarcastic tone, thus reinforcing the identity dynamic of common-sense practicality, and further depicting as “fantastic” the notion that Indians could advance.

The following excerpt from a speech by Georgia Senator John Forsyth, in answer to New Jersey Senator Theodore Frelinghuysen’s praise of the Cherokee Constitution, reflects this strategy. Drawing from a list of “Cherokee usages, laws, and ordinances,” Forsyth admonishes Frelinghuysen that if “he is determined, in *defiance of reason*, to hold fast to his faith in Cherokee civilization and Christianity, he must cover his eyes with an Indian flap.” As he continues:

Polygamy is allowed by usage....[though] it is recommended that all should have but one. A prohibition to an Indian of more than one wife would have shocked

³⁵Most notorious was the “blood vendetta,” a custom whereby retribution for a crime committed by an Indian individual could be visited upon any member of that individual’s clan.

their prejudices too much, a recommendation was therefore substituted. Does the usage, corrected as it is, meet the Senator's approbation?

“If a man overtakes a horse thief, and his anger is very great, he may put the thief to death—the death is to remain on the conscience of the murderer—no satisfaction is to be claimed for the offence.” Is this provision suited to the gentleman's [Frelinghuysen's] ideas of...public justice?

“An assault, with intent to commit murder, rape, or robbery, is punished by a fine...not exceeding fifty dollars, and by corporeal punishment,...not exceeding fifty lashes.” Are the penalties awarded adequate to the atrocity of the offenses?³⁶

After a rebuttal to Forsyth's speech was presented by Indian supporter Peleg Sprague of Maine, Senator Robert Adams of Georgia revisited Forsyth's argument, citing ordinances of other Indian nations throughout the country. He noted that the Iroquois still practiced the capital punishment of witches, while the Choctaw excused homicide if it occurred in the context of ball play. As with Forsyth's polygamy example, Adams was implying that any pretensions to Indian “law” would simply codify the very same superstitious and uncivilized traditions that Indian education projects had failed to stamp out.³⁷

As previously noted, Georgia responded to the Cherokee constitution by extending state law into Cherokee land. Disparaging the Cherokee constitution was by default an argument in favor of such an extension. As Forsyth concluded his speech

³⁶Sen. John Forsyth, Speech to Congress, 15 April 1830, *Register of Debates*, 21st Cong., 1st sess., 1830, 6, 1:339.

³⁷Sen. Robert H. Adams, Speech to Congress, 20-21 April 1830, *Register of Debates*, 21st Cong., 1st sess., 1830, 6, 1:359-67. Portions of this particular Senatorial debate of April 1830 were published in the *North American Review*, 31.69 (Oct. 1830): 396-442.

referenced above: “For the preservation of ordinances, thus marked, the honorable gentleman (Frelinghuysen) invokes the agency of the Senate, condemns the State of Georgia, and...censures her laws.” This rhetorical tactic reaffirmed the “common sense—borne out by experience” tone expressed by Removal advocates. It was absurd, they contended, to renounce Georgia law in favor of Indian law. Like the “noble savage,” they asserted that faith in the Cherokee constitution was based on a Romantic phantom, and that its reality was sure to express the violent, true nature of the Indian.

More damning than the violence of the Indian character, however, was the impression of inveterate indolence and listlessness attributed to him--a depressed inability to adapt attested to by both contemporary science and “local experience.” By producing a fusion of empirical observations played against the straw-man of the Romantic ‘noble savage,’ advocates of Removal fixed “laziness” as another defining racial trait in their construction of the “Indian character.

This widespread sentiment of Indian indolence, and, indeed, the entire ideology of Indian Removal, was embedded within what Brian Dippie has referred to as a “rhetoric of doom” characterized contemporary Indian reference. In The Vanishing American, Dippie explored the historical diffusion of the idea that the Indian was dying out before the onslaught of white civilization. The 1810s and ‘20s, he notes, represented a high point in cultural references to the “vanishing Indian,” and Dippie shows how the pervasive use of naturalistic metaphors in the language with which Indian issues were addressed rendered the idea of Indian extinction as digestible and inevitable. Both efforts to civilize and efforts to remove emanated from the national sentiment that “the Indian was at the sunset of his existence, fated to vanish as the snow melts before the

sunbeam.”³⁸ As a Georgia senator observed in 1825, “One by one they perish, like the leaves of the forest that are swept away by the Autumn winds.”³⁹

The quintessential author of the image of the “vanishing Indian” in America’s cultural consciousness is James Fenimore Cooper and his *Leatherstocking Tales*, which are steeped in a language of noble nostalgia. This rhetoric of the “vanishing” American, with “the easy sweep of the language, the inspired phrases, and the comforting euphemisms [which] anesthetized the listener’s conscience,” resulted in what Dippie refers to as a “habit of thought” present in post 1812 America.⁴⁰

The rhetoric of the “vanishing Indian” represents an American corollary to the “noble savage,” a sort of domestic rendition of a larger subject within a realm of more immediate familiarity and responsibility. That Indians were indeed “vanishing” at an alarming rate was completely accepted within American intellectual circles and was considered to be verified by empirical evidence. Though specific factors were cited and isolated, such as alcohol, disease, and war, the evidence of that the Indians were indeed “vanishing” supported the presumption of Indian inferiority.⁴¹

Cherokee success, however, challenged this attitude of inevitability. The *Cherokee Phoenix* newspaper afforded a vehicle through which the Cherokee could assert their advancements. Samuel Worcester, missionary and active political ally of the Cherokee, contributed numerous articles, rebutting false statements in other national newspapers with his own knowledge of the Cherokee state. In terms of clothing,

³⁸ Dippie, *The Vanishing American*, 13

³⁹ Ibid.

⁴⁰ Ibid, 12.

⁴¹ Ibid, 70. Of particular note were the “population charts” deduced and organized by Thomas Jefferson, which portrayed a massive drop.

education, home-construction, cleanliness, and crop management, Worcester persistently argued that the Cherokee villages were equal to those of neighboring whites, harboring a small percentage of miscreants no different from that of any other population.⁴²

Such evidence, however, was consistently denied outright by the advocates of Removal. Southern politicians in particular disputed the claims of Cherokee advancement as embellishments, instead advancing discursive images allegedly based upon their own experience in “states that still had real Indians.” Embedded within a larger cultural understanding of the “vanishing Indian,” advocates of Removal successfully deflected evidence of Cherokee success by linking this sentiment with their arguments of a fixed racial nature. This strategy is worth examining because it once again binds race and history in such a way as to emphasize Removal as practical necessity.

The argumentative dichotomy that emerged between claims of Cherokee progress and the anecdotes of Removal advocates led the latter to a strategy whereby they continually emphasized a sort of trope of the lazy, indolent Indian that was calculated to parody and undermine the positive facets of the “Noble Savage” trope. This “degraded Indian” trope emerges in Removal discourse and possesses attributes that are the thematic opposite of the noble savage. The “degraded Indian” was submissive, depressed, often foolish and confused in the adoption of “white methods,” and generally attributed with labels of poverty, squalor, and darkness. For white southerners, informed as they were by a myth-history of frontier antagonism with Indians, embedded as they were within a

⁴² *New Echota Letters: Contributions of Samuel A. Worcester to the “Cherokee Phoenix,”* ed. Jack Kilpatrick and Anna Kilpatrick, (Dallas: Southern Methodist University Press, 1968).

society of rapid technological change, the “degraded” Indian presented a ready-made, geographically adjacent foil for their own identities as modern Americans. As is far more familiar with the history of white perceptions of blackness in American history, these preconceived tropes would shade the perceived experiences of whites. Given this background, and the uncomfortable social dynamic it must have engendered for an Indian man or woman when interacting with white society, the “degraded Indian” found validation with Southerners whose vast “experience” of the Indian presence probably consisted of sparse interactions that fit a pattern of obsequiousness, conditioned by social reality, that was directly antithetical to the image of the noble savage.

An illustration of the “degraded Indian” trope and its strategic use is offered by renowned southern author and editorialist William Gilmore Simms, who adopted a prose of down-home observational sense consciously opposed to those “fanciful accounts of some of our countrymen.” Simms was active during the time period in question and deeply interested in the issue of Removal, and it is worth reconsidering his writings on Indians within the context of the Removal debate. Modern critics have praised Simms for writing about Indians as “real people” and regarding him as a welcome, ahead of his time author during this period in which Indian literary references were too often modeled on the template of the noble savage. Unappreciated by these critics is that Simms’ so-called realistic Indian characters are themselves as much of a trope as the noble savage, written for the express purpose of countering the noble savage. In the selections below, Simms’ strategy of undermining Romantic notions of Indians may be perceived in their political context.

Many of his writings relevant to the period were purportedly based on journal notes from his youth. Taking a tour through Alabama Creek country, a young Simms was surprised and scornful of the domineering attitude taken by “border” whites. In anecdotal form he relates being reproached for violating “the border code” by *not* price-gouging an Indian. While Simms feels no sympathy for the white society he sees on the border, his writing also implies that Indians were culpable of their own victimization insofar as they were not strong enough to defend against such deprivations. As he puts it:

Indeed, I was surprised to see, in how arbitrary and dictatorial a manner the white borderers lorded over the Indians. An Indian—at least out of his own village—never thought of resisting a white man. On the highway, unless under the influence of liquor, they made no resistance, even when beaten without a cause. In this respect, I could perceive no difference between Indians and negroes. They would both receive the whip, from a passing traveler, without seeming even to feel the degradation. I am sorry to be compelled to raise so much of the veil of romance, with which our modern novelists have covered the Indian character.⁴³

Simms explanation of this phenomenon is quite interesting. As the passage continues, he roots this behavior within an animalistic, rather than a social, explanation. Like a rabbit cut off from its burrow,

An Indian, out of the shelter of their forests...always seem to be in the condition of animals cut off from a resort to their instincts for protection. Losing all confidence in their own resources, and feeling themselves defenceless, they at once become humble and powerless...I have been assured by an officer, who has

⁴³ William Gilmore Simms, “Sketches of Indian Character,” *Southern Literary Journal* (Oct. 1835): 101-7. In *An Early and Strong Sympathy*, 29.

several times been engaged in battles with Indians, that when driven from their fastnesses and brought into the open plain, however superior their numbers, they at once cease to resist—I have been assured that a single horseman seen on a neighboring hill has put them to flight. Black Hawk himself...became crestfallen and spiritless the moment he emerged from his native forests.⁴⁴

This description, and in particular the analogy drawn with Southern blacks, is aimed directly at any claim for inherent nobility. Of note is the discord drawn between the natural wilderness, from which any “noble” visage of the Indian must emanate, and the civilization within which such a nature is out of place. Whatever noble character the Indian might possess, it does not get exhibited outside of the forest. Once outside of this natural habitat, the Indian becomes a figure of absurdity, the “degraded” Indian, an accident of history that should have been miscarried. Absurdity is the opposite of nobility, and Simms emphasizes absurdity through humor. In his travel notes, he remarks upon an incident in which his wagon gets stuck in a mud-hole:

It was determined to employ...a tribe of Indians, dwelling within a mile...We were soon emboldened by the appearance of some ten or a dozen of the greasy runagates—men and women—who without any ado, turned hastily to their vocation—a black man, one of their own slaves, standing by all the while, directing their exertions, but offering not the slightest assistance himself.⁴⁵

Much as Indian law was portrayed by Removal advocates as merely codifying uncivilized traditions, Simms implies that the adoption of black slavery, one of the supposed “signs”

⁴⁴ Ibid, 29-30.

⁴⁵ Simms, “Notes of a Small Tourist, No. 7,” *Charleston City Gazette* (April 1831). In *An Early and Strong Sympathy*, 21-3. Simms notes, also, that the slave “scammed” his Indian masters out of the reward money.

of Indian advancement, was in reality equally confused, and certainly not indicative of advancement.

In another anecdote, Simms presents a satire criticizing the Romantic notions that he attributes to the Indians' political defenders. The following excerpt is in response to an anti-Removal article which celebrated an Indian leader who had prevented the mail from passing through his nation:

The commonly received opinion is that [Chief] Tuskina, with a small touch of patriotic fury, (a little exaggerated by whiskey), denied the right of Uncle Sam [to deliver the mail in his territory]....The opinion is more prevalent, from the fuss kept up by the philanthropists, who, without knowing anything about them...would make us believe that the Indian is a sort of Roman.⁴⁶

Simms continues the anecdote by stating what “really happened.” To paraphrase Simms: Tuskina walked eight miles to the edge of his territory not to stop the mail; but rather in order to meet the U.S. mailman and *deliver* a letter. Through an accident of miscommunication, Tuskina then frightened the postman when he approached him brandishing his weapon, and was forced to chase down the mail carrier, who proceeded to outrun the chief and escape. This incident, then, which the “philanthropists” cited as demonstrative of Roman virtue was, according to Simms, actually a muddled cultural exchange.

Simms' anecdote mobilizes the “degraded Indian” trope on three levels to underline the absurdity of a “noble, civilized Indian.” First, it undercuts any pretension of noble authority attributed to the position of “Chief” by portraying him engaged in the

⁴⁶ Simms, “Notes of a Small Tourist, No. 8,” *Charleston City Gazette* (April 2, 1831). In *An Early and Strong Sympathy*, 23-5.

very mundane activity of waiting for the postman (this also implies a surfeit of idle time). Second, it further develops the idea that attempts by Indians to civilize will lead to miscommunication and awkward social interactions. Third, and most obvious, it implies that romantic idealism, rather than any practical knowledge, informs the anti-Removal party and shapes their perceptions.

As with the challenge presented by the Cherokee Constitution, Removal politicians responded to the challenge of the “civilized Cherokee” by portraying, as Simms did, an inflexible Indian character, rooted in common-sense observation, that revealed anti-Removal ideology as built on dreams. Indeed, both the Cherokee constitution and the “civilized” Cherokee did represent “dreams” of the Enlightenment, for it demonstrated rational growth and advancement through education. By emphasizing race as reality, Removal advocates came to argue that these signs of advancement were merely the comic distortions of a dated, naive worldview. The result was a disdainful attitude towards claims of Cherokee advancement. As one old southern gentleman put it, “It is a mistake to imagine a nation civilized because it has black cattle, or plants a few potatoes in the weeds, or spins a gross of broaches of very indifferent cotton.”⁴⁷

Essentially, advocates of Removal succeeded in presenting their perspective of the Indian character as “practical.” The evidence of two centuries of White and Indian interaction, as attested to by “experts” such as Lewis Cass, observational data such as the then famous population charts of Thomas Jefferson, and the proclaimed experiential knowledge of citizens residing in “border” states, all seemed to verify the fixed racial character of the Indian. Through the debates on Removal that raged in Congress and in

⁴⁷ Dippie, *The Vanishing American*, 44.

public, evidence of Cherokee advancement proved impotent against the growing sentiment that any such evidence was manufactured myth based only on the optimistic desires of a romantically-inclined, out of touch, limited but politically powerful cohort. In an 1830 article published in defense of Removal, Lewis Cass makes plain what he views as a common-sense plea against the deluded romantics:

The relative condition of the two races of men, who yet divide this portion of the continent between them, is a moral problem involved in much obscurity. The physical causes we have described, exasperated by the moral evils introduced by them, are sufficient to account for the diminution and deterioration of the Indians. But why were not these causes counteracted by the operation of other circumstances? As civilization shed her light upon them, why were they blind to its beams? Hungry or naked, why did they disregard, or regarding, why did they neglect, those arts by which food and clothing could be procured? Existing for two centuries in contact with a civilized people, they have resisted, and successfully too, every effort to meliorate their situation, or to introduce among them the most common arts of life. Their moral and their intellectual condition have been equally stationary. And in the whole circle of their existence, it would be difficult to point to a single advantage which they have derived from their acquaintance with the Europeans. All this is without a parallel in the history of the world. That it is not to be attributed to the indifference or neglect of the whites, we have already shown. There must then be an inherent difficulty, arising from the institutions, character, and condition of the Indians themselves.

It is difficult to conceive that any branch of the human family can be less provident in arrangement, less frugal in enjoyment, less industrious in acquiring, more implacable in their resentments, more ungovernable in their passions, with fewer principles to guide them, with fewer obligations to restrain them, and with less knowledge to improve and instruct them.⁴⁸

In his earlier article from 1827, Cass had already articulated his belief that the Indians, amongst all the races, seemed to lack a willingness to adapt, or to improve. That a few “individuals among the Cherokees have acquired property, and with it more enlarged views and juster notions of the value of our institutions, and the unprofitableness of their own,” Cass did not doubt. Such exceptions, however, did not interfere with the overall trajectory of a people whom experience had shown to be degenerating.⁴⁹

That racism accepted as empirical truth provided the ideological foundation for Indian Removal is, of course, not a new discovery. What, perhaps, has not been considered by historians, however, is the *experience* that this empirically grounded sense of Indian inferiority lent to Removal politicians and those citizens interested in the debate. The racial discourse effectively shielded Removal policy from the challenge presented by Cherokee advancement by providing a logic that rendered such advancements necessarily fraudulent.⁵⁰

Furthermore, the passion shown in support of the Cherokee against Removal could also be “explained” through the “pragmatically-framed” perspective of Removal:

⁴⁸ Lewis Cass, "Documents and Proceedings...for the Emigration, Preservation, and Improvement of the Aborigines of America. July 22, 1829," *The North American Review* 30.66 (Jan. 1830): 72-3.

⁴⁹ *Ibid.*, 62-121.

⁵⁰ Indians show signs of advancement. But the Indians as a race are incapable of advancement. Ergo, the signs of advancement are illusory.

in the Northeast, where Indians were no longer a perceived threat, concepts uninformed by experience were filled with the false sentiments of Romantic authors. This portrayal of the opposition as naïve and misguided allowed for individuals defending Removal to partake of a moral identity of pragmatism--a common call against delusion. For pro-Removal southerners in states that bordered territory of the “five civilized tribes,” this moral identity could take on a very personal quality. For them, not only was the Indians’ racial inflexibility the accepted popular-scientific stance of the time, it was a constant presence and problem. Pro-Removal writings by Southerners often adopted a tone of exasperation, for it seemed to them that defenders of the Cherokee would rather accept the absurdity of “civilized Indians” than believe the testimony of those actually familiar with the subject. This served to render the subject personal to many.

George Gilmer’s Georgians, a self-described series of “Sketches of some of the first settlers of Upper Georgia, of the Cherokees, and the Author,” provides a valuable source for analyzing the interrelation between racist assumptions, regional identity, and the tone of “logical assuredness and practical necessity” adopted by Removal politicians. In the following passage, Gilmer provides one of his many defenses for his native state:

The question was tauntingly put to Georgians, Why not let the Cherokees remain among you? Why not foster and improve them, and let them add to your numbers and wealth? Our villifiers seemed, in their clamor against us, to have forgotten that there was no interchange of the productions of labor between the Indians and others; that they were without wealth, and were incapable of acquiring any; and that they had remained ignorant savages, notwithstanding the constant efforts to change them into better beings.

To appreciate fully the motives...which induced the public men of Georgia to adopt its Indian policy, it is necessary to know what sort of people Indians were....The race seems destined soon to pass away, leaving no trace behind, except in the discolored skin and revengeful temper of their descendents from the crossing with other races.

For a long time the...manners and habits of the Indians strangely affected the imagination of all those who talked or wrote about them....According to their accounts, some of the chiefs were as crafty as Ulysses, others as brave as Achilles, and here and there one as eloquent as Demosthenes...the truth was seldom perceived and constantly exaggerated.

Though the Indians made upon sight impressions the most difficult to forget, they have been found upon examination to be the least worthy of remembrance of any human beings.⁵¹

The passage is thus setup to illuminate a distinction between the fanciful opinions of outsiders and the first-hand experience of Georgia. Addressing the impressive posture attributed to Indian males, a key physical marker of the “noble savage,” Gilmer makes humorous reference to the racist tag of Indian idleness—the men, when they were not hunting, would “stretch themselves out at length upon logs, or upon the ground.” Humor is once again mobilized in order to isolate absurd pretensions in the opposing political stance. Gilmer follows this satirical monologue by proceeding to layout his view of the real nature of Indians, based on experiential observation and presented in conscious

⁵¹ Gilmer, *Georgians*, 247.

opposition to romantic fantasy. In this passage may be seen the unity of physical and psychological racist assumptions thus far discussed:

Indian women were the least inviting of their sex. They lost by drudging what the men gained in comeliness by freedom from it....Their hair was coarse like the hair of a horse's tail....Men and women went with unwashed hands, faces, and bodies, except when they cooled themselves....Their wigwams were of unbarked poles, with unswept earthen floors, their beds were of badly dried skins, whose scent added to the other vile smells about their cabins. Most of them could count ten; few could number a hundred. They had no genius for invention, and have added nothing to the stores of human knowledge or instruments....Their gods they worshipped only when they desired to do evil, and found them in the worst of their kind, low animals, sticks, and stones....Social affections were scarcely felt....Their master passion was revenge, which they indulged in as their greatest luxury. They sought no social meetings, nor enjoyed any greetings. They lolled about their cabins smoking and looking at the clouds. They talked but little, and that little of what happened yesterday or today. They were never seen walking side by side with one another....They were called eloquent because they followed the vagaries of their imagination in speaking....heroic, because their insensibility enabled them to bear torture; hospitable, because they laid up no provisions for the future, and consumed what they had without care; and dignified, because they were indifferent when others would have been excited....They delighted in no melody, and remained unmoved by any concord of sweet sounds....They worshipped at the shrine of Cupid with less fervor than any other animal. The

squaw which the Indian took to his side one day, he often kicked the next. He looked at her toiling for him, without sympathy and without assistance. The Indian women learned from their first intercourse with white men, the superior results which followed from choosing them for husbands....The unmixed Indians have remained what they ever were, and will ever be, until they finally pass away—the most thoughtless, listless, least lovely, of human beings.⁵²

This passage opens what amounts to a two hundred page defense of Georgia's Indian policy in Gilmer's volume. It precedes a section in which Gilmer recounts various frontier anecdotes, spanning back a century, in which Indians slaughter children, often in graphic description, before the eyes of parents. "Who can sympathize with creatures who *habitually* act thus?" he writes.

The passage above was presented in its near entirety in order to adequately capture the tone of *insistency* in Gilmer's language. The language might strike one as a "rant," a sort of expression of political passion, too hyperbolic and specific to the moment, and thus too overstated, to rely on as an example of a wider political-racial mindset. Gilmer clearly has a personal stake in his defense of Georgia's Indian policy; as the governor who oversaw the extension of state law into Cherokee land, he bore a great deal of national criticism. The extremity of his language is certainly an expression of frustration and a retort to this criticism. However, what I wish to draw attention to is Gilmer's perceived enemy—the "fanciful" construction of the noble savage, the false image that he presumes must inform his critics. There is a logic that unites Gilmer's racist comments. Indian lifestyle, physical appearance, and racial personality traits are all

⁵² Ibid, 247-9.

presented as interconnected facts, lending a unity that wears the guise of scientific understanding. This logical framework is what allows Gilmer to experience himself as a defender of pragmatic factuality, and his enemies as overreaching, misguided meddlers twisting the country, beyond all evidence and reason, down a path based on fantasy.

The strongest, race-centered claim made by pro-Removal advocates against the evidence of Cherokee advancement was the damning accusation that it was only the “half-breeds” that embodied Cherokee civilization, and that their constitution, and, indeed, their entire political support structure, was in fact part of a conspiracy by a “half-breed aristocracy” bent on maintaining power. This issue resonated with larger themes in the Jacksonian movement, for it implied that the “common” Cherokee were being prevented from removing, against their will, by a tyrannous elite adept at manipulating the levers of power. In terms of this essay, the “half-breed” conspiracy affords a link between racial assumptions and opinions on sovereignty as they informed Removal ideology.

The “half-breed” conspiracy could itself comprise an entire volume on Jacksonian thought. It was an argument wielded throughout the course of the Indian Removal debate at every level of government, from Andrew Jackson and in Congress to the written opinions of state judges in the South. The basic logic to the conspiracy held as follows: half-breeds dominated high positions in the Cherokee government, and, as such, held a *personal stake* in maintaining their lands and base of power, where they could continue to dominate local trade and live free from state taxes and jurisdiction. Similarly, it was also contended that the missionary allies of the Cherokee benefitted from funding based upon records of their success; so they too had a stake in maintaining things as they were and

sustaining the illusion of Cherokee gain. Many Removal advocates went so far as to assert that the *Cherokee Phoenix* newspaper and the Cherokee Constitution were actually the direct productions of the missionaries themselves.⁵³

For Georgia governors George Gilmer and Wilson Lumpkin, the perceived confrontation with the half-breed interest took on the dimensions of a personal battle, since it fell to these governors to oversee and implement the process of extending state law into Cherokee lands. The autobiographical volumes of both governors, each of which contains a fair breadth of correspondence with both political allies and opponents, are replete with references to the divide between the state of “real” Cherokees and that of their leaders.

As the Cherokee succeeded in pressing their case politically, it became more incumbent to isolate the “half-breed” element. By 1831, George Gilmer had presided over his state’s conflict with the Indians for three years. In that year, William Wirt represented the Cherokee in the Supreme Court Case *Cherokee Nation v. Georgia*, a suit directly challenging Georgia’s extension law. At first glance, the opinion of the Court, written by Chief Justice John Marshall, looks like a loss for the Cherokee—Marshall refused to grant the Cherokee Nation status as a foreign country, thereby denying the Court’s jurisdiction on the matter in question.

Marshall’s opinion, however, pontificated beyond the parameters of the case. In the written opinion, Marshall admitted that the “conduct of Georgia” towards the Cherokee “excited sympathy.” He then defined the Cherokee as a *domestic-dependent nation*, a newly created category that in effect was entire ambiguous, neither affirming

⁵³ See *New Echota Letters*, Ch. 5, for a contemporary published rebuttal of this charge by Samuel Worcester.

Indian sovereignty nor denying their right to occupancy, but would nevertheless command the course of American Indian Law from thence on. Following publication of Marshall's opinion, Gilmer addressed his state legislature in order to build solidarity against what Gilmer perceived, correctly, as a sign that the sympathies of a Supreme Court majority had begun leaning towards the Cherokee.

What wrong has Georgia done to its Indian people to call for this extraordinary sympathy from the Court?...Upon no subject has there been more misrepresentation than in relation to the government of the Cherokees, and the civilization of the people of that tribe. Upon examination, it will be found that the Aboriginal people are as ignorant, thoughtless, and improvident as formerly;...that none of them in this State, with the exception of one family, have acquired property, or been at all benefitted from the improvements which have been made by others among them; that the chief, the president of the council, the judges, marshal and sheriffs, and most other persons concerned in the administration of Government, are the descendents of Europeans...and the Indians, instead of living under their own simple usages and customs, have been compelled to submit to a system of laws and police wholly unsuited to their condition.⁵⁴

It is interesting to note the ways in which this passage intersect with the racial assumptions already discussed. Once again, the real state of the true "aborigines," as *examination* will show (again stressing regional familiarity and empirically demonstrated truth), reveals the fantasy harbored by those who emphasize Cherokee advancements.

⁵⁴ George Gilmer, "Message to the State Legislature," 1831, Gilmer, *Georgians*, 296.

Furthermore, such advancement, being in actuality the product of half-white sophistication, was unsuited to the inadaptable “real” Indians. This line of reasoning necessitates certain conclusions, namely that the majority of Indians were being prevented, either through coercion via tyrannous power or through delusion perpetrated by superior minds, from pursuing what was obviously in their best interest—voluntary Removal to a pre-civilized landscape more suited to their needs. The unconscious strategy of the emphasis on half-breeds was to isolate a group of villains from the mass of individuals that excited national sympathy. The identity of practical realism adopted by Removal advocates required such villains; for if the ideology of Removal was based on self-evident, experiential truth regarding Indian decline, then Removal opposition, sustained as it was upon fantastic notions of Indian advancement, demanded an initial source, a blame-worthy swindler, for its delusion.

The course pursued by Gilmer and the Georgia legislature to advance Removal cannot be understood without reference to his perceived half-breed enemies. Amongst the articles which comprised the final law that extended state jurisdiction into Indian Territory was one that criminalized the Cherokee government. Any Cherokee individual observed practicing in an official capacity was threatened with hard labor. Another provision rendered illegal any speech or writing that dissuaded Cherokee individuals from selling their land.⁵⁵

Gilmer also took aim at the influential missionary allies of the Cherokee. In 1831, he implemented a law passed the previous year which required that all whites living

⁵⁵“An Act, Signed 19 December 1829,” *Georgia Laws 1829*, in *Whites Among the Cherokees: Georgia, 1828-1838*, ed. Mary B. Warren and Eve B. Weeks, (Athens GA: Heritage Papers, 1987): 23-6.

within the borders of Georgia, and residing within the “state’s Indian lands,” must be granted a license. In order to obtain the license, the white man in question, be he a teacher, trader, or preacher, had to take an oath to uphold the laws of Georgia. Samuel Worcester and Elizur Butler, both prominent defenders of the Cherokee (Worcester was well known nationally) and ABCFM missionaries, refused to take the oath and forsake their position on the issue. In order to enforce the various new regulations, Gilmer initiated the formation of a network of county-led militia.

The Georgia Guard, as it came to be called, was distinct from the official state militia in that it was a voluntary organization. Ostensibly, the group was created to protect the Indian lands from disturbance by white settlers. Finding himself poised between the demands of his constituents and the difficulties of navigating Georgia through the national political debate on Removal, Gilmer was in an unenviable position. It was imperative, he felt, to prevent the appearance of any injustice, so that Indian Removal might be accepted and implemented as quickly, and thus with as little national controversy, as possible. Perhaps unforeseen by Gilmer, though it should not have been, extension of state law in Cherokee land, and its accompanying promise of a land lottery, increased the level of white aggression in border areas. White squatters, peddlers, and horse thieves raised their levels of harassment, a phenomenon that grew exponentially as word spread of a gold rush in Cherokee land.⁵⁶

The Georgia Guard was also the vehicle through which Gilmer tried to enforce state jurisdiction in Cherokee territory—correspondences with the Guard’s “generals”

⁵⁶ Gilmer’s correspondences demonstrate a high level of interest and involvement with the Georgia Guard, as well as concern for the gold mines, a predicament which dominated his thoughts in late 1829 and early 1830. See Gilmer, *Georgians*, pp. 267-290.

demonstrate the governor's keen interest in keeping tabs on the movements of the Cherokee council, as he encourages the Guard in several letters to collect evidence that the Cherokee leaders were meeting in secret.

In April 1831, Gilmer ordered the arrest of Samuel Worcester. For the Cherokee, this arrest actually afforded a long awaited opportunity; with Worcester as plaintiff, Wirt once again filed suit against Georgia in the Supreme Court, challenging the constitutional validity of the law extending state jurisdiction into Cherokee land. Unlike *Cherokee Nation v. Georgia*, the decision in *Worcester v. Georgia* involved white American citizens and thus could not be postponed due to a technicality—a decision had to be made regarding Cherokee sovereignty.

The result of *Worcester v. Georgia* marks an infamous and cruel twist of national fate. Marshall's majority opinion, beyond all technicalities and definitions, was an outright assertion of Cherokee sovereignty, and it thereby rendered Georgia's extension law unconstitutional under such an interpretation. In a well known historical development, Jackson's administration refused to sustain the Court decision. Whether Andrew Jackson actually uttered the famous line "Marshall has made his decision, now let him enforce it" is inconsequential; the Jackson administration continued to pursue Removal despite the *Worcester* decision, while Georgia, emboldened by Jackson's public stance, denied the Supreme Court's jurisdiction in the case. Cherokee success in *Worcester* only reinforced the Pro-Removal sentiment that villainy and delusion were leading the United States down a course opposed to all practical considerations.

It was mentioned earlier that many, especially Southern, supporters of Indian Removal were operating from a personal, regionally-conscious sense of history quite

different from that of their opponents. Also discussed earlier was the vast post-Enlightenment epistemological shift which was changing the shape of ideological patterns during this period. The Romantic emphasis on the instinctive basis of human behavior allowed for a new conceptualization of history based on the premise that human behavior would follow a natural pattern--the “natural law of self-interest,” one might call it. This is not a cut and dry transition. One could consider Marx’s historical model, with its grand synthesis rooted on what might be called ‘basic-behavioral truths’ of man in history, as representative of a key threshold in the development of this spectrum of nineteenth-century historical thought.

Thinkers and politicians that defended Indian Removal operated from an understanding of history that falls along this spectrum pointing towards a worldview in which history unfolds according to rules of human behavior. While Removal advocates were not absolute materialists, their arguments express a clear assumption that history would reveal a logical unity between race, environment, and self-interest. Such an understanding allowed Removal advocates to explain the “half-breed” conspiracy in historico-scientific terms, providing yet another ready-made escape from the evidence of the “impossible” Indian advancement.

This historical understanding is expressed in the writing of William Gilmore Simms, who, in addition to his articles and fictional works, was also an avid, and for his time quite excellent, historian. Simms’s self-conscious opposition to Romantic writings on the Indian has already been mentioned. One of the specific themes that emerges in his Indian writings is a disdain for those who would glorify Indian myths as reflective of

historical fact or poetic talent. In one autobiographical tale, Simms recounts sneaking up and surprising a group of Indian children playing in a pond. He writes,

I have often thought of the terrible tale which these simple children of the forest probably told, on their return home, of the white giant...who surprised, and would doubtless have murdered, scalped, and eaten them, but for the interposition of the Great Spirit....and it is not improbable that some sixty years hence, a traveler among the scattered remnant of the Creek tribe, *west of the Mississippi* (his emphasis), may find among its traditions the account of an Ogre, a river demon who haunts the streams of their “fatherland.”⁵⁷

One of the arguments that the Cherokee presented in their defense was that, unlike many of the other Indian nations, they had an established tradition that they were the original inhabitants of the disputed land, and were therefore not themselves usurpers, as could be claimed against, for example, the Iroquois. In challenging this claim, Simms reveals how history frames his opinions on Indians.

“From all the traditions,” said they [the Cherokee], *“which have been handed down to us from our forefathers, we have been impressed with the belief that we are the original and sole proprietors of the soil;”*—We have no reason to reject their belief, though there is much to throw suspicion on it. None of their assertions are entirely to be relied on. Their speeches and letters are prepared for them by white men, most of whom are interested in keeping them where they are. These whites are generally from that class of borderers who acknowledge few of the obligations of civilized life. They enter the nation, take wives from

⁵⁷ Simms “Sketches of Indian Character,” *Southern Literary Journal* (Oct. 1835). In *An Early and Strong Sympathy*, 33.

among the tribe, possess themselves of lands, and from their superior intelligence, acquire influence enough...to become chiefs. These men...are not willing to remove utterly from their connection, and into a world consisting of savages only. They arm themselves with conjectures and speculations of civilized men, to furnish weapons of defence in argument to the Indian; and thus it is that we have traditions of the past among this people, which have not even the air of *vraisemblance* to sustain them. It is, perhaps, utterly impossible that any people [without] agriculture, can be a stationary people. Even herdsman are compelled to keep moving....When first known to Europeans...the Indians were hunters.⁵⁸

Note the logical authority and implications of this brief passage. Racial inferiority explains the historical rise of the half-breed Cherokee class (of course those with some white blood would rise to the top), and their political opposition is readily explained as reflective of self-interest in a position and status. Furthermore, Simms implies that the Cherokee nation that existed under the direction of half-breeds represented a nation *disconnected* from its genuine roots (spouting stories told to them by whites and half-breeds, rather than tradition). The effect is to render a clear distinction between a mass of clueless dependents, the “real Cherokee,” and a cohort of politically invested half-breeds working against Removal.

“We are all aware of some formidable obstacles opposed to the removal of the Indians,” uttered Georgia representative and future governor Wilson Lumpkin, supporting the Indian Removal Bill in the course of a May, 1830 speech. He continues:

⁵⁸ Simms, *Thle-cath-cha, Being a few passages from Muscoghee History* (1837-1838). In *An Early and Strong Sympathy*, 62.

The obstacles to which we allude will not derive their origin or their support from the Indians themselves, but both will be found in the avarice of white men, near to, and mingling with, the Indians, whose interest it is for the natives to remain where they are, and in their present condition.... We may prepare to encounter a host of opposers, consisting of traders, both licensed and unlicensed, many of them speaking the Indian language fluently, and in habits of daily intercourse with them, often allied by marriage, and otherwise by blood; and from many others who profit more or less by a commission of our Government, for the performance of services in the Indian Department. Remove the Indians and the fountain fails.⁵⁹

The use of the term “traders,” is misleading, a rhetorical device which plays upon accepted racial generalities and emphasizes economic motivation as a historically determinant factor in the rise of the half-breeds and their stubborn resolve to hold onto power. It would be easy to misread Lumpkin as referring to a politically united contingent of self-identified “traders.” Instead, Lumpkin refers to Cherokee Head Chief John Ross and the other well-to-do Cherokee “gentry” that comprised their governing body.

It is true that many of these leading individuals were “only part Cherokee” in that they were indeed descendents of white traders who had established relations in the region.⁶⁰ However, it needs to be noted that these “half-breeds” were largely raised, especially during the crucial early developmental stages, in a matrilineal society in which

⁵⁹ Lumpkin, "Speech to Congress," May 1830, in Lumpkin, *Removal of the Cherokee Indians from Georgia*, 65.

⁶⁰ It is probable that in the historical understanding that pervaded the “frontiers” of the southern states, these integrated individuals, who were so crucial to the early progress of America, were regarded as traitors, the antitheses of the mythic Indian-fighting pioneers.

females had authority and maintained the norms of village life. These men were Cherokee by culture, experience, and identity.⁶¹ It is also true that upper class Cherokee were engaged in a variety of “trade” and entrepreneurial pursuits, such as the operation of stores at key crossroads, the manning of mills and ferries, the provision of credit, and serving in general as local economic “hubs” with access to the larger state and national markets. However, it is a disguised truth, for by engaging in these enterprises the upper-class Cherokee simply adopted the same economic niche served by members of the white upper class.⁶² If John Ross was a “trader,” then so too were John Calhoun and Andrew Jackson.

Though Lumpkin probably would refrain from making such a connection, he did wish to draw attention to the similarity which the Cherokee elite bore to the white elite. Implied in the half-breed discourse is a subtle appeal to Jacksonian populism that cannot be understated, for it spells out an essential ideological difference between the emerging political parties. As presented by Removal advocates, the great travesty of the “half-breeds” was that this leading class of the Cherokee had made their fortunes on an uneven playing ground, the greatest of sins in Jacksonian rhetoric. By receiving the annuities granted to the Cherokee by the American government; by enjoying the economic and political dependence of an entire community; by tightening their grip on power in that community through several generations; all the while avoiding the taxes and responsibilities of American citizenship and commerce law, the “half-breed” elite had, so the argument went, effectively forged a kingdom.

⁶¹ Perdue, “*Mixed Blood*” *Indians*.

⁶² Theda Perdue, “Clan and Court: Another Look at the Early Cherokee Republic,” *The American Indian Quarterly* 24.4 (2000): 562-9. Malone, *Cherokees of the Old South*, Ch.8.

Cherokee Chief John Ross, a canny politician and the consummate public gentleman, emerges as the chief antagonist in the recollections of Georgia's former governors. Soft-spoken and small of stature, and thus presenting a complete inversion of the traits associated with the "Indian" (and no doubt engendering hatred in part because of his clash with the stereotype), Ross fully embodied the half-breed conspiracy in the eyes of Removal advocates, and he provided a natural target for the frustration of Georgia's governors. Gilmer's correspondences with the Georgia Guard reveal a focus on Ross that borders on obsession; in May and June 1831 he issued a continuous stream of instructions to the Guard to urgently investigate "what relationship, by blood, John Ross has to the aboriginal Indians? Who was his father, [and] how much of Indian blood his mother had?"⁶³

Whereas Gilmer sought to bring attention to Ross's blood quotient, Wilson Lumpkin professed a concern that Ross and his fellow "half-breeds" wielded absolute power over the Cherokee masses. About Ross, Lumpkin wrote the following:

Although he did not come to the *Throne* by regular hereditary descent...he has governed them, in the most absolute manner, for upwards of a quarter of a century....A full examination of the records of the Federal Government will show that John Ross has had the entire control and disbursement of millions of dollars, as *King* of the Cherokees, during the last twenty years. The control of this

⁶³ George Gilmer, to Col. Hugh Montgomery; to Col. John W. A. Sanford; to Dr. David A. Reese; to 'Surveyors, 31 May 1831 to 17 June, 1831, in Gilmer, *Georgians*, 311-4.

immense amount of money...is the key that unlocks the secret cause of his long career of absolute reign and power.⁶⁴

Lumpkins' writings on Indian Removal are peppered with terms such as *dictator*, *tyrant*, and *absolute rule* when referring to Ross and his "cabal." Implied in these criticisms is the assertion that the full-blooded Cherokee were "overawed" by their chiefs. Such an impression of the Cherokee masses reaffirms the primitivism that informed the race-based premises of Removal ideology, which accordingly proclaimed that the full-blooded Cherokee found themselves subject "to a system of laws and police wholly unsuited to their condition."⁶⁵ For precisely this reason, Lumpkin considered it "a *farce* and degrading to the Government" to "treat these unfortunate remnants of a once mighty race as independent nations of people...[They] should be treated with tender regard, as orphans and minors who are incapable of managing and protecting their own patrimony."⁶⁶ Furthermore, it was not the Indians' nature alone that allowed for their domination by a half-breed elite. According to Lumpkin, Principal Chief Ross had "long since found it expedient to yield the chief control of the *purse* and the *press*" to his missionary allies.

The impression of Cherokee leadership yielded by Lumpkin and Gilmer is one of totalitarian control; within the walls of disputed Cherokee sovereignty, Ross could limit the access of outsiders and hide the reality of his people, thereby allowing his "Northern allies" to present an undisputed false image of Cherokee advancement. Removal

⁶⁴ Lumpkin, *Removal of the Cherokee Indians from Georgia*, 187. The office of Principal Chief, held by Ross, was an elected position.

⁶⁵ George Gilmer, "Message to the State Legislature," 1831, Gilmer, *Georgians*, 296.

⁶⁶ Wilson Lumpkin, to Eli S. Shorter, J.P.H. Campbell, and Alfred Iverson, Esqrs., 4 May 1835, in Lumpkin, *The Removal of the Cherokee Indians from Georgia*, 340.

advocates argued that such propaganda was meant to preserve this station whereby Ross and his allies could maintain power while thriving off government annuities. That the propaganda was itself financed by these Federal annuities was a darkly ironic source of frustration in the minds of Removal advocates.

The concept of a “half-breed” aristocracy controlling information allowed Lumpkin to focus his arguments on what was considered readily apparent in Georgia, the distinction between “the lordly chiefs, of the white blood, with their Northern allies” and the “real” Indians suffering under their sway. That the “principle part of these enjoyments [of advancement] are confined to the blood of the white man, either in whole or in part,” was, for Lumpkin, a matter of personal experience. “From *what I have seen*, I can readily conclude that but a small portion of the real Indians are in a state of improvement, whilst their lords and rulers are white men...enjoying exclusively the Government annuities (emphasis mine).”⁶⁷ Lumpkin’s statements here hint at another strain of quasi-scientific notions—the assertion that there existed a mismatch of culture inside Cherokee society, whereby the disjunction between the “advanced” plantation class of Cherokee “rulers” and the “hunter-gatherer” masses was described as dangerous, a sort of dire “crime against nature” that would lead to doom.

⁶⁷ Wilson Lumpkin, "Speech to Congress," May 1830, in Lumpkin, *The Removal of the Cherokee Indians from Georgia*, 77.

III: Conclusion

What is, perhaps, the most striking attribute of Indian Removal discourse is the tone of immediacy. It is, of course, not surprising that the heated political debates tended to produce extremes of language on both sides. It is quite conceivable that a Removal politician could enter the fray possessed of an initial mild sentiment that the Cherokee were indeed ruled by a class of half-whites for whom historical circumstances and racial superiority had carved out a fortunate, albeit unfair, position of power. This initial sentiment, however, when subjected to the fire of drawn-out, national debate, fully enmeshed within the conflicting forces of the party, the press, and the people, will be understandably sharpened. Thus, what begins as a concept of historically “lucky,” ambitious men was sharpened into the rhetoric of a “half-breed conspiracy.”

I have thus far not focused on the arguments presented by the Cherokee or their anti-Removal supporters. There is a straightforwardness and simplicity to their arguments that appeals to current day sensibilities: The Cherokee proved that Indians were reformable, that they could grow. There was a religious duty to continue to support the rapid spread of Christianity. Similarly, there was a moral duty on the part of the American nation to support the Cherokee in their adoption of constitutional government. The rhetoric of anti-Removal emphasized the humanity of Indians through stories generated by various resident pastors, who knew the “real Indians” far better than most southerners. Foremost and above all, anti-Removal advocates never failed to point out the boldfaced, callous, hypocritical injustice of forced Removal, or of a president who

would not enforce the Supreme Court decision that there was a legal obligation to protect the Cherokee from state intrusions

For the most part, anti-Removal arguments simply do not require any in depth analyses—there was no constructed “anti-Removal ideology,” and the creative power of anti-Removal rhetoric was limited to the eloquence of its indignation. Justification, on the other hand, proved to be a fruitful endeavor: the argument(s) for Removal required the assumption of underlying premises about the nature of “man in history,” drawing the arguers and their resonant audience into a more modern perspective, one where legal and moral purity, “authority” and “rights,” are but naïve concerns that pale when set against the government’s obligation to scientifically demonstrated necessity.

This essay represents phase one in a study that I hope to continue. The compartmentalization of race set the stage for pro-Removal arguments on other key themes of the Indian Removal debate. The duel over “sovereignty” is thoroughly interesting and worthy of its own chapter—the question of whether the Indian nations, and the Cherokee in particular, qualified as “sovereign” bled into a much deeper partisan debate over the very definition of the term, and related conflicts over the nature of treaties and the degree of priority to be afforded to legal precedent. On each of these themes, the intellectual treatment of the subjects by pro and anti-Removal advocates follows the same epistemological breakdown. Anti-Removal arguments were rooted in an Enlightenment conceptual world. For them, “sovereignty” is a legal status—a categorical recognition. America’s history of treaties with the Cherokee established the recognition of the legal category. Therefore, the nation was bound, by the rational laws of civil society, to

respect this sovereignty—this was essentially the principle used by Chief Justice Marshall to support the pro-Cherokee verdict in *Worcester v. Georgia*.

Pro-Removal arguments defined “sovereignty” as a natural measurement and used a rationale that was distinctly post-Enlightenment. A people’s “sovereignty” could not exist simply by being recognized; rather, it was self-determined. A nation was “sovereign” only insofar as it was powerful and organized enough to assert that sovereignty and secure it. Sovereignty, therefore, is defined in pro-Removal rhetoric as a *natural feature*, a touchstone of health reached only by the select few worthy nations. This implies the romantic era understanding of man in the world, subject to forces beyond rational control. Removal advocates argued that Indian sovereignty was a farce in the same sarcastic tone of “exasperated common-sense” that characterized their treatment of race. Treaty precedent or not, the “law” could not stem the tide of nature and history.⁶⁸ Any pretensions that Indians had to sovereignty were betrayed by their historically visible diminution. To “pretend” they were sovereign would only accelerate their doom—so said the experts.

In order for Removal to move forward, the advancements of the Cherokee had to be intellectually contained. This was achieved through the various strategies of racial

⁶⁸ Various arguments over the authority of treaties present yet another broad theme of the Indian Removal debate worthy of its own chapter. Again the epistemological pattern holds true. Anti-Removal advocates argued that treaties represented legally binding agreements—the supreme law of the land. Pro-Removal advocates argued that treaties (pre War of 1812 in particular) with Indians were, essentially, expedient measures, valid only insofar as both parties were in relatively equal power. The reasoning is directly analogous to the pro-Removal definition of sovereignty. Treaties are not some sort of ideal legal promise—the emblem of a rational commitment—rather they are mere tools that function in the regulation of relationships between the nation and foreign entities. Again there is a sense of historical, natural evolution to the pro-Removal sense of treaties that is quite distinct from static, ideal concept espoused by Indian defenders.

typing outlined in this essay. At the same time, each of these strategic efforts contributed, through a process of conceptual implication, to the organization of the Democratic party by aiding in the construction of its identity and ideology. At the same time, this identity construction unquestionably held an unconscious appeal that helps explain its popularity.

The strategic thrust of the various race-based arguments espoused by advocates of Removal served to isolate a caricature of their opponent--of not only the Indian but the Indian-supporter. This required a dual process: the fixing in stone of the Indians' racial nature, and the explanation of their opponents' rationale as implied in their arguments. The former was emphasized through expertise and experience. Lewis Cass, and to a lesser degree William Gilmore Simms, exemplify the "expert" in their discursive treatment of the Indian as a *subject of nature* capable of being understood as such. This claim to knowledgeable authority implies a "worldview," to borrow Ashworth's term, that at the time was part of a relatively new emergence, the "modern episteme" which Foucault characterized as the rise of the 'sciences of man.' If a man like Cass, who had studied the Indian for years, who had lived amongst them and governed them, levied his expertise to argue that, indeed, the Indians' *popularly proclaimed* racial inaptitudes were fundamentally true, and that in the course of history an expert like himself could clearly see the inevitable disappearance of this race before the more dynamic one, how foolish, then, must be the opponents of Removal, those who cling to rumors of exceptional advancements and speak of national "honor" as if it were an ideal free from the forces of history.

At this point, conceptually speaking, regional animosity supports partisan identity construction by offering various explanations of their opponents. The inescapable racial nature of Indians espoused by the experts found a receptive audience, as evidenced by the writings and rhetoric of various regional representatives, be they intellectuals, like Simms, Congressmen like John Forsyth and Robert Adams, or Georgia governors with a strong sense of state identity. The arguments identified the “Indian problem” as one unique to several states and wholly forgotten in the states that were the center of opposition. This difference was carried further in the celebration of frontier myth history pervasive in the regionally popular literature and popular family histories of the southern and southwestern states.⁶⁹ The northeastern center of opposition emanated from a population that was more dilettante. They sat in comfort without any substantial Indian presence, oblivious to the attendant difficulties of that situation. In a sense, they were less American. How could they preach to southern states about the so-called advancements of the Cherokee?

This regional animosity, in the course of political argumentation, was easily transposed into a partisan identity dynamic. It established Democratic thought as somehow more *empirically sound* than their opposition. The claim to knowledge of race made by pro-Removal advocates emphasized observation, whether as expert or simply experienced, as *characteristic* of their party; the fact that the anti-Jackson party was

⁶⁹ A point made earlier, but worth remembering here: both William Lumpkin and George Gilmer, the two Georgia governors most involved in provoking action towards Removal, wrote entire semi-autobiographical memoirs focused on justifying the necessity of their crusade. Both volumes celebrate a family history that is classic in its celebration of the “frontier.” Both authors identify with the “American” character of strength and intelligence forged, in no small part, by the constant, dangerous, instructive presence of the “Indian race.”

opposed to Removal simply reinforced the rhetoric of an out of touch intelligentsia, awash in abstraction and theory, devoid of the practically acquired knowledge that was the true national virtue—the virtue of Jackson. This identity claimed by the Democrats emerges throughout Jacksonian politics, whether it was the presidents’ struggles against the machinations of Supreme Court legal theorizing or his efforts against that ultimate sandcastle, the National Bank. The Indian Removal debate occurs at the incipient stages of partisan identity formation and was, as Rolater demonstrated, an issue of constant party conflict throughout the 1830s. The discourse of Indian Removal did not take on this pattern because it was already present. The dynamic grew within the arguments themselves, a natural outgrowth of regional animosity/identity and of the claims to a new authority made by “experts.” The process of pro-Removal argumentation was appealing because it established a sense of oneself as being on the side of the inherited practical, *national*, knowledge. The caricature of the opposition, emphasized through rhetoric that was often both sarcastic and/or humorous, further reinforced this identity which was embedded in a certain version of the American story. The “science” of the vanishing Indian corresponded to the myth of the frontier.

Partisan identity is not the only locus of appeal embedded in the concepts of pro-Removal discourse. The construction of race in the discourse implies a “worldview” in which one is allowed to connect, on a very self-inclusive level, to the larger historical entity that is “the nation.” There is a formula for nationalism that Romantic era thought allows and which was not accessible to the Enlightenment worldview.⁷⁰ The celebration of instincts necessarily correlates with a celebration of cultural and racial, in short

⁷⁰ The French Revolution, truly, seems to epitomize the shift in an epic microcosm. Universal concepts go in... Napoleon comes out.

historical, and *natural*, inheritance. These refer to properties and characteristics that are inborn, and this offers potent rhetorical opportunity for public figures. Jackson was magnificent at capturing this possibility. His strength, his history, he claimed, was the same as yours, the same as every American—he would unloose the fetters to Democracy and show you. It is the subtlest rhetorical shift, but emblematic of so much—the move from “what we can achieve” to “what’s holding us back.”

This difference is essential, and, I think, is epitomized wonderfully in the contrast between the rhetorical tendencies of John Quincy Adams and Andrew Jackson during their tenure as presidents. Adams’ first Annual Message to Congress is notorious for the audacious program of national improvements which it announced on the cusp of a very divisive election. Playing right into the hands of the pedantic, out-of-touch caricature crafted by his political opponents, Adams’ program proclaimed support for the controversial National Bank, the creation of a national currency, and an aggressive internal infrastructure program aimed at creating and expanding roads and canals. On top of these perceived partisan swipes, Adams called for other programs of such grandeur that not even his supporters were prepared: the institution of a national observatory, for example, and the creation of a national university. Adams even proposed an expedition to circumnavigate the globe. It was an ambitious dream, one that gazed far into the future of the nation with the utmost care of a clockmaker. But it was his personal dream; Adams was never capable of rendering his project into a rhetoric that would lend it popular appeal. All that his dream truly offered to the “average American” was the role of spectator.

Compare this with the wonderfully effective rhetorical style of Jackson, as demonstrated in this excerpt from his own Second Address to Congress, a passage germane to Indian Removal:

Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been long busily employed in devising means to avert it, but its progress has never for a moment been arrested, and one by one have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race and to tread on the graves of extinct nations excite melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes as it does to the extinction of one generation to make room for another. In the monuments and fortifications of an unknown people, spread over the extensive regions of the West, we behold the memorials of a once powerful race, which was exterminated or has disappeared to make room for the existing savage tribes. Nor is there any thing in this which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns, and prosperous farms, embellished with all the improvements which art can devise or industry execute, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization, and religion?⁷¹

⁷¹ Andrew Jackson's *Second Annual Address to Congress* is widely documented and reprinted, and is easy to find on the internet.

In this brief excerpt, Jackson presents a united, collective, accessible vision of the nation. Spelled out with an eloquence not often enough attributed to him, Jackson encodes racial superiority within a set of pristine images. *A country that is studded with prosperous farms and embellished with all the improvements of civilization* conveys the vivid image of a vibrant landscape—each word is pitch perfect, while reference to the gargantuan number “twelve million” lends the landscape a sense of expansive growth, as if the darkness of savagery was yielding to an advancing sunlight that would gleam off church spires and well-ordered houses. Expansion, racial superiority, and a unitary, advancing, collective enterprise—“the will of the people” made manifest—are inseparable elements in this appealing vision brought to life through Jackson’s rhetoric. This was the story implied through the race-definition arguments of Indian Removal efforts, one that offered supporters the opportunity to be part of, to feed and embody, a shared constituent national spirit; a story of dynamic and healthy growth with themes of a people’s historical destiny, all made visible against the backdrop of the vanishing Indian.

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