

CHEROKEE REMOVAL, THE PERFECT STORM

History books provide us with events that climaxed in what become known as “The Trail of Tears,” the Cherokee tragedy that created such an impact on northeastern Oklahoma. This sad chapter in American history usually recounts events from the signing of the Treaty of New Echota and the resulting division among tribesman. This was followed by the horrendous circumstances surrounding the imprisonment and journey of Cherokee tribesmen to the newly designated Indian Territory. But, like many historical events, the causes are not always fully explained. In reality, the storm clouds related to this saga began to gather nearly 300 years before.

Through the 15th and 16th centuries, the arrogance of Europeans regarding the acquisition of lands in America was governed by an international law, the Doctrine of Discovery. This legal principle was justified by the self anointed assumption of Europeans regarding their superiority over other races, cultures and religions. Later, as the United States developed it was replaced by “Manifest Destiny,” the inevitable right to expand.

Other ingredients of a growing storm also came into play that eventually impacted the Cherokee Nation. For example, the colony of Georgia, settled in 1732, was established to push Indian tribes out of the Carolinas in order to expand white holdings. Even then, the Cherokee tribe was attempting to cohabit peacefully and sent diplomats to England to negotiate with the “Great White Father.” Soon, intermarriage between tribesman and white settlers began. But all efforts to accommodate and integrate, even successfully adopt the white culture, could not offset the clouds that continued to build. And, to add to the pending storm, during the latter half of the 1700’s the birth of three men occurred, all of whom would actively participate in what would become “the final Indian solution.” As the events unfolded, they were Andrew Jackson, John Marshall, and Winfield Scott.

Andrew Jackson, the seventh president of the United States, had long supported slavery and Indian removal. Orphaned at fourteen, he became a self made man in Tennessee, and a politician, land speculator and plantation owner. Jackson gained national prominence in 1812 for leading troops to victory against the British at the Battle of New Orleans and, later in the Indian wars of 1814 and 1817. Undoubtedly, these conflicts influenced his prejudice toward Native Americans, although he had been involved in many treaty negotiations, total removal was his goal. Ultimately, he succeeded in 1830 when during his first term as President, Congress approved the Indian Removal Act which authorized him to buy tribal lands in the east in exchange for lands further west.

John Marshall, who was Supreme Court Chief Justice from 1801 through 1835 has been credited by historians with making that government branch a center of power, even to the extent of occasionally overruling Congress. In this instance, for years the Georgia legislature had increasingly approved laws that were prejudiced against the Cherokee’s. However, in one case appealed by the Cherokee Nation in 1832, Marshall’s court ruled against the state, noting that “Georgia could not impose its laws upon sovereign Cherokee tribal lands.” Jackson simply ignored the decree. He is quoted as saying, “John Marshall has made his decision, now let him enforce it.”

Despite Marshall's ruling, a perfect storm was about to erupt over the Cherokee Nation, coordinated by a third participant, General Winfield Scott, then commander of Federal Troops in the Cherokee Nation. Scott, later a hero in the Mexican – American War and eventual Commander of all United States Armies, at the beginning of the Civil War, arrived in New Echota, Georgia in April of 1838. A reluctant participant who was following orders as a soldier, Scott preferred to use army regulars because state militiamen were extremely prejudiced and many were already laying claim to Cherokee properties. Unfortunately, he was forced to use 4000 Georgians, and with their involvement the fury of this developing storm was unleashed. Scott gave orders to avoid “any acts of harshness and cruelty” and admonished troops not to fire on “any fugitives they might apprehend unless they should make stand and resist.” He detailed specific plans to help the weak and infirm including “infants, lunatics and women in a helpless condition.” In fact, his compassion so enraged now ex-president Jackson, he lobbied unsuccessfully for Scott's removal. Unfortunately, the general's orders did not protect the Cherokees from unspeakable suffering, first at the hands of Georgia militiamen, then food contractors, steamboat owners, and others who provided services for a profit.

In the aftermath of this “Perfect Storm,” Government officials might have discounted or ignored Cherokee tales of the horrors of this journey as simply overstated, but one objective account compiled by a missionary traveling with them could not be refuted.

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