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American Indians and Removal, 1820s-1840s

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With the introduction of capitalism into the American Indians' traditionally communal and non-materialistic societies, factionalism emerged. Groups of Indian slave owners clashed with groups of non-slave owners, and power struggles arose between groups and individuals who accepted white culture and others who rejected it. Faced with military pressure from southern governors and United States presidents to move west, Indian disunity, such as this, made it very difficult for groups of Cherokee and Creek Indians to remain on their native lands. In order to resist U.S. pressure for Indian removal, less acculturated Indian leaders, including Cherokee Chief John Ross and Creek leaders Big Warrior and Little Prince established constitutions and centralized their governments. By doing this, they hoped to appear more "civilized" to the Americans and to speak with a more united voice against removal. Contrary to the Cherokee and Creek experience, the Seminole Indians had no constitution or centralized government, but shared the imposition by the U.S. government of a series of fraudulent treaties that bound the tribe to removal. Rather than negotiate their opposition to these treaties with the U.S., the Seminoles used guerilla warfare as their line of defense. But, in the end, the Seminoles' tactic of guerilla warfare only delayed their westward migration as the U.S. forced all three groups, the Creeks, Cherokees, and Seminoles to migrate west to Indian Territory, except for a small number of Seminoles who managed to elude U.S. troops.

American Indian factionalism, unsuccessful adaptation measures that would fend off the U.S.'s pressure for removal, and the presence of fraudulent removal treaties imposed on or signed by individuals without the proper authority to cede Indian land resulted in the removal of American Indians from the eastern United States. These issues are discussed in Michael D.

Green's *The Politics of Indian Removal: Creek Government and Society in Crisis*, Theda Perdue's *Slavery and the Evolution of Cherokee Society, 1540-1866*, and John K. Mahon's *History of the Second Seminole War, 1835-1842*. In Mahon's military history on the Second Seminole War, he explains that the Seminoles were not acculturated, they had no centralized leadership, and they refused to debate the issue of removal with the United States. Instead, they relied on guerilla warfare and localized leadership from individuals, like Osceola and Alligator, in order to resist the efforts of U.S. President Andrew Jackson, Florida Governor Richard Keith Call, and a series of U.S. generals, including Winfield Scott and Zachary Taylor to remove them from Florida. In contrast to the Seminoles, the Cherokees had centralized leadership, but they were more divided in their goals than the Seminoles. In Perdue's social and political history, she argues that the institution of black slavery that whites introduced into Cherokee society drove a wedge between the Cherokee people. On one side, more acculturated Cherokees, led by Major Ridge, his son, John Ridge, Elias Boudinot, and Stand Watie fought for influence and power in the nation against Cherokee Chief John Ross, who supported the Indians' traditional communal lifestyle.¹

The question of how much American culture to accept also divided the Creek Nation. The Creeks split between their traditional geographic boundaries with the Upper Creeks, mainly in Alabama, and the Lower Creeks, predominantly in Georgia. Historian Michael Green explains in his political and social history that "in the Lower [or eastern] Creek towns, accommodation and adaptation to the ways of their white neighbors was much more rapid and complete than in the Upper [or western] Towns."² Like the Cherokees, Creek traditionalists battled acculturated individuals for influence in the nation; but to a larger extent than the Cherokees, the Creeks united against U.S. efforts to force them from their land. Upper Creek

headman Big Warrior and Lower Creek leader Little Prince refused to accept what they perceived to be a fraudulent removal treaty signed by an influential and bi-cultural Lower Creek individual, named William McIntosh.

Factionalism hurt the Creeks dearly as they lost fourteen million acres of land to the U.S. following the Creek Civil War in 1814. Contrary to the Creeks' traditional hunter-gatherer lifestyle, Green explains, "More Lower Creeks spoke English, were plow farmers, planters, and ranchers, more owned black slaves, and more participated in the market economy of western Georgia." On the other hand, "the Upper Creeks were more isolated. The Federal Road [built by U.S. President Thomas Jefferson to speed-up mail delivery to the region] bisected their country, and they were not immune to assimilationist pressures but more of them clung to the traditions of the past."³ Fed up with any degree of acculturation, an Upper Creek group, called the Redsticks, began a religious revival to cleanse acculturated elements from their society. With the intent of restoring their traditional Indian lifestyle, the Redsticks sparked a civil war in 1813-14 against Lower and Upper Creek individuals, who they believed supported U.S. culture.⁴ The Redstick revolt did not last long however, as the U.S. military launched an assault of its own on the Redsticks and other "hostile" Creek elements. Subsequently, U.S. General Andrew Jackson forced the Creek Nation to cede fourteen million acres of land in the Treaty of Fort Jackson.⁵ Defeated in battle, the Redsticks left their native land and ventured into Florida to join the Seminoles. As for the Creeks, after the Treaty of Fort Jackson, the battered and bruised nation had to rebound and adapt to the new circumstances if they were to prevent any further land cessions to the U.S. government.

Factionalism in the Cherokee ranks also threatened their existence. Cherokee elites John Ross, Major Ridge, John Ridge, and Elias Boudinot all owned slaves, but Ross was more

attached to the traditional Cherokee lifestyle than the other three men. This rift emerged as the institution of black slavery increased in importance within the Cherokee Nation. Traditionally, Perdue explains, Cherokees captured slaves or captives from another tribe, as a way to avenge theft or murder. Contact with Europeans changed this tradition as Cherokee men began wars for the sole purpose of acquiring slaves for economic gain. Stronger and more proficient warriors captured more soldiers and turned around and sold them to southern U.S. farmers. This destroyed the Cherokees traditionally communal society with the wealthy slave owners gaining power and influence in the nation. But, even the slave owners were divided. In essence, a form of capitalism emerged where one side wanted wealth at the expense of the nation's common good, while the other side wanted wealth, but not at the expense of losing the group's traditional identity. In order to save Cherokee traditions, Chief John Ross had to devise a way to combat his opponents' greed. Forging unity was especially important to Ross in order to thwart the U.S. government's increasing pressure for the Cherokees to give up their land.

The various Seminole groups, including the Redsticks and the Mikasuki did not usually fight against one another, but they also did not unite as one force in opposition to U.S. encroachment on their territory. During General Andrew Jackson's campaign into Florida in 1818, historian John Mahon explains, "The various bands of Seminoles were by no means unified against Jackson's army."⁶ Rivalries between the groups prevented this unity. Formed in 1826, the Seminole Agency attempted to create a united voice for the Seminoles in their dealing with the U.S., but localized leadership still prevailed. With the Seminoles dispersed throughout Florida after Jackson's invasion, the Seminoles continued to rely on localized leadership from individuals, like Micanopy, Alligator, and Osceola. These chiefs, especially Osceola, committed themselves against removal to Indian Territory. On one occasion, when one Seminole chief,

named Charley Emathla, gave in to U.S. pressure to migrate west to Indian Territory, historian John Mahon explains, “After a bitter colloquy, Osceola shot him dead on the trail, leaving his carcass for the wolves and vultures.”⁷

If the Seminoles did not intend to migrate, they had to adapt to their hostile environment. In the Second Seminole War, they did this by fighting a guerilla war against the United States. Unfamiliar with Florida’s terrain and troubled by the peninsula’s humid climate, the U.S. struggled for eight years to defeat the Seminoles in battle. Disease and rainfall permeated Florida, especially in the summer, making summers virtually off-season for U.S. attacks against the Seminoles.⁸ Additionally, Florida’s large swamps, especially the Everglades, created headaches for U.S. troops. Mahon claims that “There were large swamps in all quarters of the territory where the Seminoles were at home, and where the white man could not go without an Indian or a Negro guide.”⁹

The Seminoles use of psychological warfare also gave them an advantage over U.S. troops. Mahon asserts that in this form of warfare, designed to instill fear in their opponents, “some warriors entered battle naked except for a loin cloth, but their bodies were streaked with bizarre symbols in red and black paint...Especially effective was the war cry, shrieked each time a shot was fired, which began like a growl and ended with a shrill yelp.”¹⁰ The Seminoles waged war against the U.S. instead of accepting what they perceived to be fraudulent removal treaties imposed on them by the U.S. government.

Rather than wage war in opposition to removal, the Cherokees chose to adapt to U.S. encroachment on their land by establishing a constitution and a national government that could speak to the U.S. with a more unified voice than their previous government. Prior to the creation of the Cherokee republic, clans of like-minded people united together as allies for the safety and

well-being of all parties. This system broke down as one group of acculturated individuals, who yearned for American technology, including knives, hatchets, and guns, sought material wealth over their traditional culture.¹¹ Cherokee Chief John Ross hoped to solve the divisions in the nation by establishing a constitution and a centralized government in 1827, asserts historian Theda Perdue. In this manner, Cherokee leader John Ross hoped that the U.S. government would consider them “civilized” and capable of governing their own land without interference or encroachment.¹² But, with the U.S. government headed by war hawks and Indian fighters, like President Andrew Jackson, the Indians never stood a chance to keep their territory through negotiations. Historian Robert Remini maintains that people “like Andrew [Jackson] who lived on the frontier [before he became president] accepted as indisputable fact that Indians had to be shunted to one side or removed to make the land safe for white people to settle and cultivate.”¹³

But Ross and the Cherokees did not let Jackson’s indignation stop them from pleading for their land and independence before the U.S. Congress and the U.S. Supreme Court. The Cherokees especially relied on the mercy of the U.S. Supreme Court, but two notable Supreme Court cases, *Cherokee Nation v. Georgia* in 1831 and *Worcester v. Georgia* in 1832 held no such promises of independence for the Cherokees. The 1831 case recognized the Cherokees as a “domestic dependent nation,” while the 1832 case put them under federal control rather than under state control.¹⁴ Matters of independence aside, Cherokee Chief John Ross refused to accept removal from Georgia. He refused to give in to the U.S. government or fervent frontiersmen who wanted to take Cherokee land.

Like the Cherokees and Seminoles, U.S. encroachment also forced the Creeks to adapt to their hostile environment. In 1818, nine years before the Cherokees, the Creeks established a constitutional government with a series of codified laws, known as the “Code of 1818.” The

Creeks' constitution allowed them to speak with a more united voice in their dealings with the U.S., but their constitution was established to give equal power to the Lower and Upper Creek factions in the nation.¹⁵ This constitution, supported by Upper Creek leader Big Warrior and Lower Creek Chief Little Prince, destroyed the Creeks' traditional system of clan leadership and clan retaliation against criminal offenders. Under the new system, the Creeks' National Council became the arbiter to assign punishments. Additionally, the new code declared that only the National Council could cede Creek territory and that guilty offenders could be sentenced to death by the Creek government. Historian Michael Green asserts that this "code was an attempt by some Creeks to proclaim their 'civilization' in a way that was recognizable to the United States."¹⁶ Despite the implementation of this constitution, factionalism remained unabated, especially with Upper Creek Chief Big Warrior and Upper Creek National Council Speaker Opothle Yoholo's struggles to keep a Lower Creek bicultural elite, named William McIntosh, from selling the Creeks' native lands to the U.S. But with McIntosh in the Creeks' ranks, no amount of adaptation could save the group from removal.¹⁷

First in 1821, Green explains that McIntosh illegally ceded land to the U.S. in the first Treaty of Indian Springs. In a fait accompli, "the Treaty of 1821, signed by William McIntosh and other Lower Town headmen at McIntosh's tavern at Indian Springs [Georgia], had cost the Nation the last of its 'disposable' property."¹⁸ By no means, however, was McIntosh finished selling his country. Ignoring death threats from Speaker Yoholo, McIntosh illegally concluded another Treaty of Indian Springs with the U.S. in 1825, and in the process, signed his death warrant. McIntosh received support from a "council of the representatives of eight of the fifty-six Creek towns, a nearly unanimous vote was taken in favor of removal."¹⁹ Clearly, this unrepresentative vote of the Creek people, in addition to the Creeks' law, which specifically

forbid land sales by any individual or entity outside of the National Council, explains why the Creek people retaliated against McIntosh and murdered him. Historian Michael Green maintains that this retaliation, in itself, was a form of adaptation by the Creek government, since it was the first death sentence ever issued by the national government.²⁰ Historian Andrew Franks asserts that McIntosh's "rise to power [within the Creek Nation], as well as his fall from grace, directly resulted from his dual identity and his bicultural backgrounds."²¹

While the U.S. ultimately abrogated McIntosh's 1825 Treaty of Indian Spring, realizing that it was deceitful, this treaty set in motion the Creeks eventual removal to Indian Territory in 1836. Pressured by Georgia Governor George M. Troup, U.S. Presidents John Quincy Adams and Andrew Jackson imposed land cessions on the Creeks, who were in a defensive position following the Treaty of Indian Springs. Little by little, these treaties pushed all of the Creeks out of Georgia into their only remaining eastern territory in Alabama. But by this time, Alabama, turned against the Indians after it temporarily increased its land base with the Indian Springs cession. This increased land allotment given to and taken away from the ambitious Alabama Territory, which hoped to one day become a state, caused the Alabama legislature to pass discriminatory legislation against the Indians that sought to take away the Creeks' political unity. Divided between Lower Creeks who preferred removal and Upper Creeks who refused to leave their native land, the U.S. military easily overwhelmed the remaining 14,609 Creeks and forced them out of Alabama and towards Indian Territory in Oklahoma.²²

The Cherokees also faced irreversible harm when a group of highly acculturated Cherokees fraudulently agreed to a removal treaty with the U.S. in 1835. This acculturated group which signed the Treaty of New Echota, included "Major Ridge, a hero of the Battle of Horseshoe Bend and a consistent proponent of Cherokee adoption of white culture, his son John

Ridge who aspired to be principal chief, Elias Boudinot, the editor of the *Cherokee Phoenix*, and Stand Watie, Boudinot's brother."²³ With fierce pressure from the U.S. to leave their native territory, historian Theda Perdue explains that this group, known as the Treaty party, which favored white culture over their native culture, treasonously sold the Cherokee's land to the U.S.²⁴ Once these men sold the Cherokees' land, there was no way to get it back. Like the acculturated Creek traitor William McIntosh, this group of Cherokees, known as the Treaty party, also signed their death warrant by illegally selling Cherokee land to the U.S. The Treaty party's cession to the U.S. for five million dollars violated an 1829 Cherokee law that made such land sales a capital offense.²⁵

The Cherokee's principal chief John Ross vigorously opposed this Treaty of New Echota, as did non-slaveholding members of the Cherokee nation. Ross' faction, known as the Eastern Cherokees after their removal to Indian Territory in 1838-39, appealed to the U.S. with 15,665 signatures in opposition to the Treaty of New Echota.²⁶ Ross' Eastern Cherokees received sympathy from northern U.S. states, which he did not forget about during the U.S. Civil War, but there was nothing that they could do to prevent the Cherokees' removal to Oklahoma. In the aftermath of the Eastern Cherokees' forced Trail of Tears, they received some justice against most of the leaders of the Treaty party for their betrayal. Upon arrival in Indian Territory, members of the Eastern Cherokees found and killed all of the leaders responsible for the loss of their native land, except for Stand Watie. Much like the Creeks, the Cherokees found out that no amount of adaptation to white culture or negotiations with the U.S. could save them from removal.

Total opposition to white culture did not save the Seminoles from the same fate as the Cherokees and the Creeks. Unlike the Creeks and Cherokees, however, the Seminoles' forced

removal was not caused by traitors within their ranks. In the Seminoles case, the U.S. fraudulently imposed a series of treaties on the Seminole nation that bound them to removal. In the 1823 Treaty of Moultrie Creek, U.S. negotiators intimidated thirty-two Seminole chiefs with threats of renewed violence against them, if they refused to sign the treaty that moved all of the Seminole groups onto designated reservations within Florida. In the United States' defense, historian John Mahon attests that this "was a more representative group of Seminoles than the white men ever again gathered into a Florida council."²⁷

Coerced or not, the Treaty of Moultrie Creek was more democratic than the 1832 Treaty of Payne's Landing. The Treaty of Payne's Landing forced the Seminoles to send a delegation to Indian Territory to inspect the land and "'should they be satisfied with the character of that country, and of the favorable disposition of the Creeks to reunite with the Seminoles as one people,' then the articles of the agreement were to be considered binding," and they would move to Indian Territory.²⁸ This treaty was filled with problems. Not only would the Redstick Seminoles never agree to reunite with the Creeks, but this treaty also used vague wording. Did the word "they" refer to the delegation or the group as a whole? Additionally, one Seminole chief, Charley Emathla, who two years later clashed with Osceola over the issue of removal, "claimed that all [of] the signers [of this Treaty of Payne's Landing] were coerced."²⁹ Adding to the Seminoles' problems, after the group's delegation left to inspect Indian Territory, Agent John Phagan refused to allow the delegates to return to Florida without signing the Treaty of Fort Gibson that bound the whole Seminole tribe to removal. Under pressure, the Seminole delegation signed the new treaty, but the Seminole nation, as a whole, refused to accept its provision of removal. Steadfastly, the Seminole nation refused to leave Florida without a fight. Between 1835 and 1842, the Seminole nation fought against the U.S. in the Second Seminole

War. The Seminoles' courageous fight to remain in Florida stood as a testament of their will to adapt and to resist the United States' pressure to take over their land.

In *The Second Seminole War*, historian John Mahon provides an exquisite and highly detailed discussion of the Seminoles that traces the group from its origins in the eighteenth century through its final encounter with the U.S. in the Third Seminole War in the 1850s. Mahon explains that after renewed hostilities in the 1850s between the U.S. and the remaining 3,136 Seminoles who eluded U.S. troops during the Second Seminole War, the number of Florida Seminoles fell to about one hundred.³⁰ Mahon's story of the Second Seminole War reads like a fast paced novel. His consistent use of dialogue from the individuals involved brings his story to life. Mahon's informative annotated bibliography also reveals his exhaustive research in primary and secondary sources. Unfortunately, this book is written mostly from an American perspective. Hopefully another scholar will one day correct this imbalance. In this wonderful book, reviewer Merrit B. Pound found only one minor error in reference to one of the U.S. generals in the Second Seminole War. She explains, "On page 302, Mahon refers to [General] William Jennings Worth...as General Worth and Colonel Worth in the same paragraph."³¹ Aside from this minor editing oversight, Mahon's account of the Second Seminole War will remain an authoritative account of the war between the U.S. and the Seminoles for some time to come.

Equally impressive is Theda Perdue's 147-page work, *Slavery and the Evolution of Cherokee Society*. In this study, she provides scholars of Cherokee and American Indian history with an important look at the understudied Cherokee institution of black slavery. Her work traces the Cherokees from their origins through their entanglement in the U.S. Civil War. She believes that the institution of slavery among the Cherokees was one of the main reasons why the

U.S. forced the group off of its land. Told from the Cherokees' perspective, this well-researched page-turner adds to the historiography of the antebellum United States and of Cherokee society, in general. One minor criticism, explained by reviewer Ola Criss, is that "Perdue is inclined to confuse captive...with slave." Criss adds that Perdue's work "is easily one of the most original and provocative works on slavery and Indians so far to have been written."³² This contention nicely explains historian Theda Perdue's overall work.

Historian Michael Green's study of the Creek Indians is equally well written. Like the previous two authors, Green traces the Creeks' path from autonomy to removal. His notable ethnographic survey is impeccably researched and makes use of all of the available Creek sources, especially from the National Archives. Green's fast-paced work is not without its faults. A brief account of Creek life after removal would vastly have improved the usefulness of the work. Additional maps and portraits of some of the individuals involved in his story would also have improved his work. Still, this important, engaging, and accessible work on the Creeks up to removal is a nice addition to American Indian historiography.

Collectively, Michael Green's *The Politics of Indian Removal*, Theda Perdue's *Slavery and the Evolution of Cherokee Society*, and John Mahon's *History of the Second Seminole War* offer scholars an important look at some of the key factors that resulted in the United States' successful removal of American Indians from their native territory in the eastern United States. In the face of U.S. encroachment on the Indians' land and U.S. pressure on the Indians to leave their native territory, Indian factionalism served as one of the main reasons for their ultimate removal to Oklahoma. Within the Cherokee and Creek groups, support for and opposition to acculturation divided them. Disunity also hurt the Seminoles. The Seminoles, Cherokees, and Creeks all tried to adapt to their hostile environment, but neither through negotiations with nor

war against the U.S. could the Indians stop the U.S. from taking over their territory. This pursuit of the Indians' territory included a number of fraudulent treaties conducted by the United States with acculturated individuals, such as William McIntosh, and groups, such as the Treaty party, who had no legal right to cede Indian land. Additionally, U.S. imposed removal treaties on the Seminoles, especially the Treaty of Fort Gibson, made it very difficult, if not impossible, for them to avoid removal.

¹ Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540-1866* (Knoxville: University of Tennessee Press, 1979), 66.

² Michael D. Green, *The Politics of Indian Removal: Creek Government and Society in Crisis* (Lincoln: University of Nebraska Press, 1982), 38.

³ *Ibid.*, 72.

⁴ Joel W. Martin, *Sacred Revolt: The Muskogeans' Struggle for a New World* (Boston: Beacon Press, 1991), 18.

⁵ *Ibid.*, 166.

⁶ John K. Mahon, *History of the Second Seminole War*, Revised ed. (Gainesville: University of Florida Press, 1967, 1985), 28.

⁷ *Ibid.*, 101.

⁸ *Ibid.*, 129.

⁹ *Ibid.*

¹⁰ *Ibid.*, 123.

¹¹ Theda Perdue, *Slavery and the Evolution of Cherokee Society*, 22.

¹² *Ibid.*, 56.

¹³ Robert V. Remini, *Andrew Jackson and His Indian Wars* (New York: Viking Penguin, 2001), 4.

¹⁴ *Ibid.*, 255-57.

¹⁵ Michael D. Green, *The Politics of Indian Removal*, 69-70.

¹⁶ *Ibid.*, 71.

¹⁷ *Ibid.*, 72.

¹⁸ *Ibid.*, 73-74.

¹⁹ *Ibid.*, 86-87.

²⁰ *Ibid.*, 97.

²¹ Andrew K. Frank, *Creeks and Southerners: Biculturalism on the Early American Frontier*, Indians of the Southeast, ed. Michael D. Green and Theda Perdue (Lincoln: University of Nebraska Press, 2005), 66.

²² Michael D. Green, *The Politics of Indian Removal*, 185.

²³ Theda Perdue, *Slavery and the Evolution of Cherokee Society*, 66.

²⁴ *Ibid.*, 73.

²⁵ *Ibid.*

²⁶ *Ibid.*, 67.

²⁷ John K. Mahon, *History of the Second Seminole War*, 48.

²⁸ *Ibid.*, 76.

²⁹ *Ibid.*, 75.

³⁰ *Ibid.*, 321.

³¹ Merritt B. Pound, review of *The History of the Second Seminole War, 1835-1842*, by John K. Mahon, *The Pacific Historical Review* 38, no. 4 (November 1969): 483.

³² Ola Criss, review of *Slavery and the Evolution of Cherokee Society*, by Theda Perdue, *Phylon* 42, no. 2 (2nd Quarter, 1981): 203-05.

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