

# *Cherokee Emigration: Reconstructing Reality*

*By Lathel F. Duffield\**

While the outline of the tragic story of the forced removal of the Cherokees from northern Georgia and the adjoining areas of Tennessee, Alabama, and North Carolina is widely known, the details of that ordeal are still unfolding. The historical convergence of need for land to accommodate a rapidly increasing white population, the rediscovery of gold in the Cherokee Nation, the election of Andrew Jackson who adamantly believed the Indians would be better off out west, and, most important, the smoldering issues of

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states' rights briefly coalesced with an egalitarian and sometimes fractious Cherokee government to create a milieu that crushed any hope of the Cherokees remaining in the east. By manipulation, the federal government, defeated in earlier attempts, arranged a meeting during which the Treaty of New Echota was signed by Cherokees who were not officials in the government. Many Cherokees, optimistic that the illegal treaty would be declared invalid, did not prepare for what became inevitable, resulting in greater personal hardships.

The moving of a large nation, its citizens widely disbursed, was an awesome task.<sup>1</sup> The federal government, fearful that the Cherokees would rebel, first ordered Gen. John E. Wool and later one of his successors, Gen. Winfield Scott, to seize the Cherokees' guns and attempt to monitor the moods of not only the Indians but also their white neighbors. Both the tribe and the federal government faced immense problems. In spite of the seizure of the Cherokees' guns, there was constant concern of inflammatory bloodshed. The monetary costs were enormous. To effect removal, the United States Congress not only had to provide funds for the regular army but had to call on state militias and volunteers.

The number of documents created relating to the removal also was voluminous. Primary documents such as letters, accounts, military orders, a flawed census, and diaries of some of the participants are now located in various depositories.<sup>2</sup> Some legitimate documents are still being found.<sup>3</sup> With the plethora of documents, it is easy to assume they are all equally valid and accurate. Some documents from that period and later, on closer scrutiny, have dubious validity. At least two are known. One was designed to incite the contemporary opponents of Indian removal and the other to capitalize on the collective guilt of later generations. In the following, those documents will be examined in context of the removal, but one in particular will be more intensively examined—Private John G. Burnett's romanticized "eyewitness" account of the Cherokees' removal.<sup>4</sup>

Following the focus and interpretation of earlier historians, many of the events in that dark period in the Cherokee Nation's history have become romanticized. The documents for that period, recounting the white misdeeds and maltreatment of the Cherokees by Georgia, Alabama, and the United States, speak eloquently for themselves. However, there also are documents showing that the interpretation and reconstruction of the outrages are overly generalized. They were not experienced by every Cherokee family.

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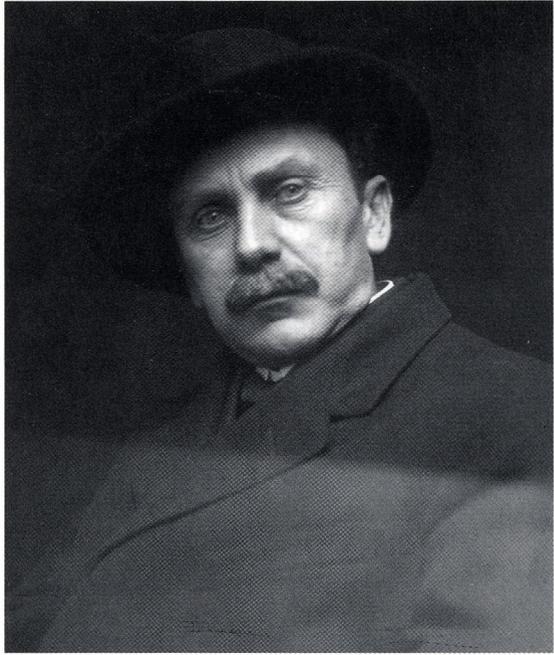
The timing of emigration, once the Treaty of New Echota was ratified by the Senate in May, 1836, was dependent upon the political persuasion of the family. Some, recognizing that moving would be inevitable, voluntarily emigrated either with other like-minded families or in organized detachments escorted by the American military. Many families who believed the treaty would be rescinded stayed until they were forcibly ejected. Once the forced removal began, some of those families loaded their belongings and moved to the emigration depots. No matter the families' political orientation, all were harassed by white settlers and the states, in particular Georgia and Alabama.

Unfortunately, there are so many erroneous statements in the histories regarding that period that it is impossible to review them all here. By pointing out some of them, perhaps future researchers will be encouraged to return to the original documents as much as possible. Hopefully, they will try to present a more balanced picture of that episode and not just focus on or rehash the negative events. The quantity of documents generated during that time often enables one document to be compared against others and in that sense many documents do not have to stand alone. Each document contains slightly different information, thus providing a wider picture of any particular event.

Many educated players participated in that period of the Cherokee Nation's history and left documentation. Federal government documents and the papers of Chief John Ross provide a basic structure of the events and are substantially supplemented by letters of missionaries, state documents, personal diaries, and some newspaper stories.

Special care should be taken when using the latter accounts, especially those published in the larger northeastern cities. It should be remembered that Indian removal was a national issue and politically controversial. Newspaper publishers whose positions were against removal were happy to publish stories coinciding with their views. As will be seen, some newspaper accounts may not be too trustworthy. Regional weeklies seem to present a more balanced view of the events. Their articles often provide supplementary validation of documented events. By using related documents, events and conditions can be reconstructed somewhat more accurately.

In the following, some of the more influential histories of that period will first be discussed. Some missed interpretations and/or major misconceptions presented in the sources will be reviewed. The focus will be on stockaded forts as concentration camps. Embar-



*James Mooney (Courtesy National Anthropological Archives, Smithsonian Institution).*

kation camps, where Cherokees were assembled prior to being organized into detachments for emigration, will be briefly described. Then a widely popular account of the emigration described by Private Burnett will be analyzed.

### **Earlier Histories**

Two major early historians of the Cherokee Nation and of the Cherokee removal are Charles C. Royce and James Mooney.<sup>5</sup> Royce was a dispassionate, meticulous researcher, relying heavily on the federal documents at his disposal in Washington and some earlier published accounts of travelers and historians. In his writing, Royce focused on the political history of the Cherokee Nation. For example, he provided a several-page review of the congressional response and debate on the Treaty of New Echota, but in only two pages he covered the events from the time of the appointment of Gen. Winfield Scott to the end of the removal. In two paragraphs, he covered the roundup and movement of the Cherokees to the west.<sup>6</sup>

James Mooney is perhaps the most influential in creating the images currently popular. Richard Mack Bettis, then president of the

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Tulsa Tsa-La-Gi-Ya Cherokee Community, in his introduction to the reprint issue of Mooney's book, said, "When one has grown up holding the writings of James Mooney on the Cherokee in a reverence that is usually reserved for scripture, it is difficult to disassociate oneself from strongly positive feelings and to be critical."<sup>7</sup> Mooney was more the people-person than Royce and provided a combination of social/political history with more depth. He used more secondary sources, largely published state and regional histories, and he made use of informants. His informants included participants in the removal including both Cherokees and some military personnel. Unfortunately, at times in his writing Mooney used the enigmatic citation, "Author's personal information," to support his statements.<sup>8</sup> Presumably, he acquired some of this personal knowledge from his interviews with original participants and progeny of original emigrants or from his readings. As will be seen, some of his personal knowledge is incomplete. Mooney devoted four pages of his history to the events during removal.<sup>9</sup>

In 1975 Bettis compared the two authors: "I felt that Mooney was a warm, personable individual who wrote from experience, whereas Royce was a serious student who consulted books instead of people. He seemed cold and impersonal, an observer rather than a participant."<sup>10</sup>

While Mooney probably was warm and personable, his strong emphasis on the multitude of tragedies faced by the Cherokees during that period and his misinterpretation of the documents created a climate that at times not only colored his own views but also set the tone and structure for later research and interpretation. Mooney used terms such as "stockaded forts" and implied that the Cherokees were held there as prisoners until taken to designated locations to be immediately loaded on boats and shipped off to the west. As will be seen, while this is the basic outline, the devil is in the details.

As part of a later and broader study of the emigration of the Five Civilized Tribes, Grant Foreman provided a greatly expanded review of the events of Cherokee removal. His extensive use of documented quotes provided a more balanced picture of the events, but he also quoted extensively from and used Mooney's view of events.<sup>11</sup> Foreman used a larger variety of documented sources, including government documents, missionary accounts, Ross papers, and newspapers for his information. For the details of the forced roundup and removal of the Cherokees he relied on Mooney's interpretation.<sup>12</sup>

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In 1988 John Ehle published *Trail of Tears: The Rise and Fall of the Cherokee Nation*.<sup>13</sup> He too provided a broad look at the Cherokees' removal by incorporating national and regional events and how they related to the tribe's history. He utilized many government and personal documents, but his literary style at times can be misleading and/or frustrating. The *Los Angeles Times* quote on the book's back cover states, "Yet it is not so much the content as the telling that counts here. Ehle can be stark at times and lyrical at times, a style that suits his subject almost to perfection." Therein lies the problem. It is frustrating not to know when he had documents to back up his statements or when his words are a matter of literary and interpretive license. As will be seen, he did twist history in an attempt to reconcile what he considered valid documented facts. In general his account is romanticized.

### Mooney's Romanticism

Mooney's strong identification with his subject reflected the romanticism of the Victorian era. He fervently believed that all the Cherokees were mistreated and presented the evidence he had gathered to prove it. No doubt, the Cherokees were flagrantly abused, but Mooney by focusing on the wrongs, which was in keeping with his times, set the tone, colored much later research, and structured current popular conceptions. Unfortunately, some of Mooney's strongest statements, collected from informants, can neither be reviewed nor verified against other sources.

In an attempt to find and review his informant's statements, Mooney's papers in the National Anthropological Archives of the Smithsonian Institution were examined. The archive is the successor to the Bureau of American Ethnology (BAE) where Mooney began employment in 1885. Apparently, much of his historical and some of his ethnological research on the Cherokees probably occurred before he joined the bureau.<sup>14</sup> For example, the year he joined the bureau, his "Sacred Formulas of the Cherokees" appeared in the 1885–1886 *Seventh Annual Report* of the BAE. While he was a prodigious writer/researcher, it is not likely that he would have had the time to initiate and prepare such a lengthy manuscript had it not been largely researched and at least partially written before he joined the bureau. His field notes, photographs, and informants' information collected for bureau-sponsored projects are in the anthropological archives, but there are few earlier papers and notes for his historical study.

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While his historical study, "Myths of the Cherokee, did not appear until the 1897–1898 *Nineteenth Annual Report*, Mooney did not have full use of those intervening years to devote to extensive historical study. Mooney was engaged in fieldwork in the early 1890s with the Southern Plains tribes—the Kiowa, Comanche, Cheyenne, and Arapaho in south-central Oklahoma. He had his research on Eastern Siouan tribes published as BAE Bulletin 22 in 1895. In 1896 his Ghost dance study appeared. He had written an article on mescal published in 1896 and his Kiowa calendar history appeared in 1898.

While a careful page-by-page search of his archived papers in the Smithsonian Institution's National Anthropological Archives has not been conducted, the on-line Smithsonian Institution Research Information System (SIRIS) does not provide much information on Mooney's work on Cherokee history.<sup>15</sup> For example, a keyword search for "Mooney-Tahlequah," Tahlequah being the location of some of his informants, yielded only three sources. None of them related to the informants he used in the area. A "Mooney-Georgia" search did not reveal any informant names. Apparently there are no records available in the Smithsonian archives for the informant interviews. Hopefully, Mooney's notes have survived somewhere.

Ehle, on the other hand, briefly characterized the romantic notion ascribed to the Cherokees. He pointed out that people believe that the Cherokees were a peaceful people living in the mountains.<sup>16</sup> He wrote that to be a white man and participate in the Indian wars became reprehensible in subsequent years. As an example, he used extensive quotes from John Burnett's letter, although he did acknowledge Burnett's "exaggerations and factual errors."<sup>17</sup> He discounted some of the romantic ideas by pointing out that the Cherokees were also warlike and attacked neighboring tribes, and he noted that "fewer than one in five lived in the mountain areas."<sup>18</sup> He also mentioned that they were slaveholders.

### **Stockaded Removal Forts**

Mooney introduced the concept of the prison-like stockaded forts. "For collecting the Cherokee preparatory to the removal, the following stockade forts were built."<sup>19</sup> Mooney then named forts in North Carolina, Georgia, Tennessee, and Alabama. While the history of each of those "removal forts" has not been extensively researched, some of the forts are known to have been in existence prior to removal. Fort Scudder in Georgia near Dahlonga, for example, was established by the Georgians to protect gold miners



*Grant Foreman (Courtesy Oklahoma Historical Society, No. 5277).*

in the early 1830s. Fort Cass in Tennessee also preceded the removal. There is no mention in Mooney's list of Fort Hetzel in Georgia where soldiers rounded up the Cherokees in that area or of Camp Sixes in Georgia.<sup>20</sup>

Based on Mooney, the popular conception prevails that the entire nation was rounded up and confined to those specially constructed "removal forts" prior to their departure west. Mooney listed only three "removal forts":

When nearly seventeen thousand Cherokee had thus been gathered into the various stockades the work of removal began. Early in June several parties, aggregating about five thousand persons, were brought down by the troops to the old agency, on Hiwassee, at the present Calhoun, Tennessee, and to Ross's landing (now Chattanooga), and Gunter's landing (now Gunter's Landing, Alabama), lower down on the Tennessee, where they were put upon steamers and transported down the Tennessee and Ohio. . . .<sup>21</sup>

That statement established the outline of events followed by later historians. Foreman, following Mooney's lead, quoted him without attribution and with only slight changes:

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When nearly seventeen thousand Cherokee thus had been gathered into the various stockades, the work of enforced removal West began (footnote). Early in June companies aggregating about five thousand persons, were brought down by the troops (footnote); part were taken to the old Agency, on Hiwassee river, at the present Calhoun, Tennessee, and Ross's landing, (now Chattanooga) and Gunter's Landing, (now Guntersville, Alabama) lower down the Tennessee river, to be embarked upon boats.<sup>22</sup>

The first footnote in Foreman's quote pertained to 376 Creeks who emigrated with the Cherokees and were later made citizens by the Cherokees. The second footnote referred to a June 14, 1838, newspaper article concerning 1,000 Cherokees who were being escorted from the Sixes, a military station in Cherokee County, Georgia, to the agency in Tennessee.

Foreman, following Mooney, was under the impression that the Cherokees remained at the forts until time to be assembled for moving westward. He also equated stockades and forts to concentration camps. He stated, "William Shorey Coodey was present at one of the concentration camps as the Indians prepared to march to the rendezvous where they were to organize for their departure."<sup>23</sup> For some reason, Foreman did not take into account the section of Coodey's letter that referred to the emigration camps as something separate from forts. Coodey stated that the encampment was one among others with large numbers of Cherokees until their final removal.<sup>24</sup> According to Coodey, the camps were the rendezvous locations. Once the people left the camps, they were on their way west.

Mooney's image of masses of people—prisoners—confined behind stockaded walls of forts provided the basis of the current popular and romantic concept of the Cherokees' removal. One contemporary web site describes the forts:

Conditions at the forts were horrible. Food intended for the tribe was sold to locals. What little the Cherokee had brought with them was stolen and sold. Living areas were filled with excrement. Birth rates among the Cherokee dropped to near zero during the months of captivity. Cherokee women and children were repeatedly raped. Soldiers forced their captives to perform acts of depravation so disgusting that they cannot be told here. One member of the Guard would later write, "During the Civil War I watched as hundreds of men died, including my own brother, but none of that compares to what we did to the Cherokee Indians."<sup>25</sup>

The guard's quote above roughly parallels the one Mooney obtained from one of his informants: "I fought through the civil war and have

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seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruelest work I ever knew.”<sup>26</sup>

The “nearly seventeen thousand” figure used by Mooney probably came from rounding up the number (16,542) of Cherokees in the 1835 census.<sup>27</sup> If so, Mooney apparently did not deduct the 2,000 Indians who stayed behind, especially in North Carolina, or the 1,318 who were in the area during the 1835 census but who had departed prior to the roundup either on their own or under a military escort.<sup>28</sup> The source of the 5,000 figure he used in reference to the moving of the Cherokees to the encampments is unknown. It is possible he derived the number from his belief that there were only three “removal forts” and there were approximately 16,000 people, thus there would be approximately 5000+ people each. In spite of the abundance of documents, it is possible that Mooney was not aware that there were four embarkation camps, not three.<sup>29</sup> Based on physicians’ reports from the camps, it appears that some of the encampments may have been divided into smaller administrative units.<sup>30</sup>

### **Mooney’s Version of the Roundup**

Mooney gave graphic descriptions of various atrocities committed during the roundup. Many were acts of Georgians—their militia or volunteers, some white settlers—and seemingly with the blessing of and encouragement from the state government. There are many documents describing this mistreatment, not least of which was a letter written by Major Ridge, a leader of the Treaty Party and principal signer of the Treaty of New Echota.<sup>31</sup> Treaty Party members had been promised special protection, and Major Ridge requested regular United States troops be sent to protect them from the Georgians. There are stories of the burning of homes, the seizure of Cherokee property, and the conviction and hanging of an Indian whose crime was an internal Cherokee matter. That individual, who could not speak English, could offer no defense when tried in Georgia courts.<sup>32</sup>

The Georgia legislature had passed acts declaring state ownership of Cherokee lands and then placing the seized lands into a state land lottery prior to the treaty. Chief John Ross lost his property in Georgia in the lottery. Georgia had unilaterally declared Cherokee laws and constitution invalid. Because of the hostility in Georgia, it was not by accident that General Wool selected New Echota in Georgia as his headquarters. It placed him on the “front line” where trouble was most likely to occur. Once in command,

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Wool issued orders directed at the Georgians to Gen. R. G. Dunlap heading the East Tennessee Volunteers: "You will also prevent any interference on the part of the Georgia troops with the Cherokee. . . . [I]f [they are] not legally authorized to maintain themselves and exercise military control, you will order them to disband or leave the country. If authorized . . . they will immediately report to me and receive my orders."<sup>33</sup>

Mooney gave passing attention to some kinder acts of the military. For example, he mentioned that General Wool was highly sympathetic to the Indians, but did not report that the general faced court-martial based on charges levied by the affected states for his sympathetic approach. It was Wool's strict and literal interpretation of the treaty that led to the charges. Wool, carefully abiding by the wording of the illicit treaty, protected the Indians and the whites when necessary. He had allowed the Cherokees to meet in council, infuriating Georgia whose legislature had "dissolved" the Cherokees' government. Wool did not see any legal basis to prohibit such meetings. Wool also had attempted to suppress the sale of whiskey to Cherokees in Alabama, and he ordered the removal of intruders who had seized Cherokee property there. The governor of Alabama requested an investigation.<sup>34</sup> It would have been easy, had Wool been so inclined, to have sided with Georgia and Alabama by taking a looser interpretation of his duties, thus forcibly crushing some of the actions of the weakened people. He was found innocent. Mooney also mentioned that General Dunlap stated that he would not dishonor Tennessee by enforcing the treaty.<sup>35</sup> The Tennessee attitudes toward the removal were quite unlike those of Georgia.

Mooney quite likely was not aware of the kind concern expressed by Lt. Edward Deas, who led several emigrant parties to the west. The March 25, 1838, contingent, consisting of Cherokees who decided to leave before the deadline and eventual roundup, in grateful appreciation for Deas's kindness and consideration, gave him a sword.<sup>36</sup>

### **Scott's Plan for the Roundup**

General Scott divided Cherokee country into three military districts. The Eastern District was commanded by Brig. Gen. Abraham Eustis with headquarters at Fort Butler, North Carolina. The Western District was commanded by Col. William Lindsay with headquarters at Ross's Landing, Tennessee. The middle district, Georgia, was to be under Gen. Walker Armistead. By the time Armistead

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arrived from his previous position in Florida, the Indians had been rounded up under Gen. Charles Floyd of the Georgia militia.

As part of his plan, General Scott established military stations or posts at selected locations in Cherokee country. The stations served a double purpose. First, establishing early a clear military presence in the area would signal to the Cherokees that removal was inevitable, and, second, the posts were to be used in the roundup. There were fifteen stations in Georgia. Scott differentiated between forts and stations; forts were stockaded, stations were "open."<sup>37</sup> When the roundup commenced, the commanders of the military installations were to surround and bring in as many Indians nearest to the fort or station that could be secured and then repeat the operation until there were as many prisoners as could be subsisted. Once a sufficient number had been collected, the Indians then were to be sent off to the most convenient emigration depots. The process was to be repeated again and again until all the Indians in the area had been collected and escorted to the depots.

Scott recognized that the open stations were not as well protected or staffed and gave permission for his officers to escort their prisoners to the nearest fort in the direction of the depots. At the forts, they would be incorporated with others and then conducted to the emigration camps. Scott's orders required that a sufficient guard be maintained at each fort and open station to guard the property there. The commanders of the forts and open stations were to report to the commander of his district.<sup>38</sup>

Once the forced roundup began, some families voluntarily packed up and removed themselves to the nearest depot, never stopping at the forts or stations. Obviously those families brought more of their personal possessions than was allowed by the soldiers. As a result, in the emigration camps there were many totally destitute families who had little to begin with and lost most of their few belongings in the roundup. At the same time, more wealthy families, if not forcibly rounded up, were more comfortable. The differences were noted by various observers of the emigration.

Thus the stockaded forts, while they had a role in the assemblage of the Cherokees prior to removal, were only temporary collecting points from which they would be escorted to the embarkation camps. The Georgia roundup and removal of the Cherokees consumed about four weeks. Scott initiated the roundup in Georgia on May 24, 1838. The Cherokees in Alabama, Tennessee, and North Carolina were to be collected beginning ten days later.<sup>39</sup> The orders called for seizing the families by taking either the men or the

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women and children and taking them to the nearest fort. Each family was permitted to bring "all other light articles of property" with them. The sick could remain with one or more of the family members.

### **Bureaucratic Organization of Cherokee Removal**

When reading the documents associated with Cherokee removal, it is important to understand the bureaucratic organization in place to effect removal. Knowing who had the responsibility for what duties sometimes clarifies what otherwise seems eccentricity in the documents. For example, after the decision was made in Washington for the Cherokee Nation to assume control of the emigration, Col. Nathaniel Smith, superintendent for emigration, wrote a letter critical of the transfer directly to President Martin Van Buren.<sup>40</sup> On first reading, one is impressed with Smith's audacity in defying the military chain of command. It appeared that he was bypassing Maj. Gen. Winfield Scott, commanding the Eastern Division. One assumes Smith was part of the military, because Smith also had a military title, and the Office of Indian Affairs was in the War Department at the time. Again, one assumes that Scott, in command of all eastern forces, was his commanding officer. With knowledge of the organization, Smith's actions are explained.

General Scott's correspondence usually carried the caption "Headquarters, Eastern Division" whether he was in Washington or elsewhere. Obviously, Scott was "Headquarters." He had developed a plan for rounding up the Cherokees who had not voluntarily agreed to emigrate. His goal for the embarkation camps was to have the Indians as comfortable and healthy as possible prior to their departure. His troops issued the rations in the camps.

In the embarkation depots, it is not clear exactly where Scott's authority ceased and that of Smith began. The physicians in the camps were military, but the hospital matrons or nurses reported to the superintendent. To understand the relationship between Scott and Smith, the organization table (Figure 1, p. 327) will be of assistance.<sup>41</sup> There were three units involved.

Those units were to work cooperatively but were not subject to each other. The only overlap in responsibilities was that some property evaluators were appointed by the commissioners and others by the superintendent of emigration. Since only two evaluators were appointed by the commissioners, one of which was reported to be employed "but a few days," the appointees were probably hired primarily to evaluate the properties of the Treaty Party.

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MILITARY	EMIGRATION	COMMISSIONERS
President	President	President/Senate
Secretary of War	Superintendent of Emigration (Smith)	Commissioners
Major General, Commander in Chief	Assistant Superintendent	Commissioners' Secretary (appointed by Secretary of War)
Commander of Eastern Division (Scott)  Assistant (Anderson)	Property evaluators, conductors and enrolling agents, interpreters, provisions agents, wagon masters, boat steerers, hospital matrons	Property evaluators, interpreters
Officers of regular army including physicians, officers of state militias, and volunteers		

Evidently the Cherokee did not fully understand the bureaucratic arrangement. Many prominent Cherokee men and leaders, after learning of the great sickness and discomfort among earlier emigrants, petitioned General Scott to wait until the sickly season was over. Scott wrote to Nathaniel Smith suggesting that the emigration be postponed until September 1. Smith assented and said, "I have no doubt that the Department will approve of the proceeding."<sup>42</sup> Without an affirmative decision from that bureaucratic branch, the emigration would have continued.

### A Bureaucratic Mess

While General Scott was preparing to initiate his plans for the roundup of the Indians who had not voluntarily presented themselves for emigration, Chief John Ross and his trusted associates were in Washington where, in down-to-the-wire negotiations, they failed to get the treaty modified, but they succeeded in receiving permission for the emigration of their own people. Joel Poinsett, the secretary of war, sent Scott a letter dated May 23, 1838, exactly the date the treaty was to be enforced, informing him of the transfer of power.<sup>43</sup>

Once the decision was made, rumors spread quickly from Washington to Cherokee country—the treaty had been "modified." The governor of Georgia was irate. The Cherokee people's spirits were

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buoyed. It was too late. The roundup had begun. The mail was slow and Scott would not cancel his plans on the basis of rumors. Scott received the letter late at night on June 4. Scott had heard the rumors, but when he received the letter he was caught totally off guard. He had not been consulted, and a major policy decision had been rendered which completely upset his plans for the forced roundup. Thousands of Cherokee had been collected by the time the official letter arrived.

Poinsett offered Scott a partial apology for "taking this matter into my own hands." Any government bureaucrat recognizes Scott's dilemma. Long-standing plans were shattered, and decisions were made without advice or consultation of those at lower levels who had to execute the decisions. Decisions made by superiors in these circumstances do not fully account for all the ramifications. They create a bureaucratic nightmare. The underlings responsible for executing the decision are left responsible for explaining the change to those affected and justifying a decision they had no part in making. In many cases, those lower in the chain of command do not know why the decision was made.

On June 7 the forced removal was well under way, and General Scott, futilely frustrated, sent a lengthy letter to the secretary of war outlining the "many serious practical and legal difficulties . . . particularly in regard to time" to the changes. He pointed out that Georgia had promised that Cherokee lands granted to Georgia citizens could be occupied on May 24. If the grantees tried to remove the Indian occupants forcibly, bloodshed would be inevitable. Scott had to reassure the Georgians that the Indians were being removed and to be patient.

Similar situations existed in North Carolina and Tennessee, but in those states the sales and possession of Cherokee lands occurred later, in September and November respectively. In Alabama, squatters had already taken the lands and were prepared to fight for them.<sup>44</sup> Scott further complained that Washington had adamantly said there would be no further negotiations. Emphasizing that fact, he had exhorted the Cherokees to prepare for removal. Many had left, believing the matter closed. The Cherokees were confused, and they did not know whom to believe.

Scott, having initiated the roundup, did not know whether to continue or to await the Cherokees' agents. He was instructed to continue the collection of the people and to prepare to discharge the volunteers. In addition to the unexpected agreement with the Cherokee Nation, by June 27 Washington, having transferred the power

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to the Nation for removal, was concerned. Poinsett began to have second thoughts on Scott's plans for the encampments (by that date most Cherokees were in the encampments) because of concern for their health. Poinsett suggested that the Cherokees be allowed to remain in their homes, and, when time came for removal, they would be collected in smaller numbers to be sent to the encampments.<sup>45</sup>

Not only was General Scott impacted by the change in power, but so was Nathaniel Smith. Although stationed at the Cherokee Agency, the military disbursing agent, Capt. John Page, reported to Scott. He and Smith had been negotiating contracts for wagons, teams, and supplies for the emigration. They had advertized for and on June 12, 1838, had signed a contract with a company to furnish necessary supplies. By June 16 the contractors were notified that the emigration was postponed until September 1. By letter dated June 22, Smith reassured the contractors that by September 1 he expected to "commence vigorously the removal of the Cherokees, inferring that the contractors would still be of service."<sup>46</sup>

It appears that Smith assumed that the Cherokees would make use of the contractors he had lined up. On August 10, 1838, the Cherokee council reached an agreement with Lewis Ross to be the principal contractor.<sup>47</sup> When the Cherokees were placed in charge of removal, Smith's contracts had to be canceled. By the time the contracts were canceled, the contractors had subcontracted with other suppliers and had purchased provisions. As a consequence, they immediately pressed compensation claims against Captain Page.<sup>48</sup>

### **Seizure of Cherokee Property**

There is ample evidence that many Cherokee families had items of personal property seized during the roundup.<sup>49</sup> Some families were not given the opportunity to collect even those items allowed by orders, while other families brought with them more than was allowed. In an informational letter from Nathaniel Smith to General Scott on August 9, 1838, Smith reported that at Camp Ross, one of the embarkation camps, there were 2,500 Cherokees and 300 *ponies*. He informed the general that because his staff of three was insufficient he was appointing a Colonel Easley to assist in the camp.<sup>50</sup> Clearly, some Cherokee families had either their horses, mules, oxen, and possibly wagons with them in the embarkation camps or that property was readily available to them. In the detailed detachment accounts for the Cherokee Nation, the names of individuals renting their teams to the Nation for emigration were

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listed by detachment. A team consisted of four animals. Some individuals rented half-teams, many more rented full teams, and some received compensation for as many as six.<sup>51</sup> Many who rented teams to the Nation were themselves Cherokees and their names appear on the 1835 census.

Some Cherokee families evidently were able to retain larger items of property, such as wagons or carriages. An article in the *Arkansas Gazette* of December 26, 1838, described a group passing through Jackson, Missouri, in early December: "Some of them have considerable wealth, and make a very respectable appearance, but most of them are poor and extremely dissipated."<sup>52</sup> In another newspaper article, "A Native of Maine" published reports in the *New York Observer* on January 26, 1839, that, in the southern part of Kentucky at the end of the first week in December, a mother with her husband and ill child were seen riding in a hack "with as much refinement and equipage as any of the mothers of New England."<sup>53</sup> When Captain Old Fields in Detachment Six, with Stephen Foreman as assistant conductor, went through Nashville, Tennessee, the *Nashville Union* on November 13, 1838, reported that "they were well provided with horses, ponies, and mules and some had private carriages; most of them were well clothed."<sup>54</sup> Not all families lost their possessions in the roundup.

### Embarkation Camps

The embarkation camps were intended to be temporary collection points. The plans called for organizing the citizenry into detachments of about 1,000 people and immediately starting them on their journey west. The vagaries of weather intervened. A severe drought gripped the southeast and lowered the river levels. Water transportation, which was the fastest and healthiest way to travel, was not feasible. The "temporary" camps became home for several months. The embarkation camp at the Cherokee Agency encompassed nearly ten square miles.<sup>55</sup> By July 13, 1838, there were 6,853 in camp.<sup>56</sup> To have built a stockade around the camp would have required 211,200 trees, six inches in diameter, set in the ground adjacent to each other. Cutting the trees, trimming them, hauling them to the site, digging the post holes, and erecting the posts would have consumed an inordinate amount of man-hours and expense. Considering that the camp at Ross's Landing had 2,300 people, Camp Ross 2,000, and Fort Payne, Alabama, 800, building stockades large enough to contain that population would have been an immense undertaking. There is no evidence that the embarkation camps were

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stockaded. If such massive projects were undertaken, surely they would appear in the records.

There is some suggestion that some of the interior forts expanded their stockades during the roundup due to the unexpected number of Indians collected. In a letter of June 4, 1838, to General Scott from Fort Montgomery, North Carolina, Col. [John G.?] Bynum commented, I have this morning set a large number of hands at work upon the picketing. . . . I think I was mistaken as to the number of Indians within this valley.<sup>57</sup>

While the Cherokees collected in the embarkation camps were not there under their own volition, they were not completely prisoners. They could and did leave the camps. In some cases they had to ask permission, but some simply left. B. Poole, an officer at Fort Payne, Alabama, wrote to Capt. Robert Anderson that some Indians were leaving the camp and returning home with their families. He suggested that those people be "sent for."<sup>58</sup> Col. William Lindsay, commander of the unit at Ross's Landing, on June 1 allowed the Baldridges to return home to Lookout Mountain, Georgia, which was about ten miles from the camp. Lindsay also permitted seventy families, about 400 people, to leave, and some went back home, so they were scattered in a circle about fifteen miles round.<sup>59</sup>

In Tennessee and North Carolina similar treatment of the encamped Cherokees was noted. Nathaniel Smith had given permission to some Indian families to remain in the area. However, some of the families were charged with harboring "fugitives." Lt. L. G. H. Larned on September 16, 1838, wrote to Captain Anderson that he had been in the mountains since September 13 and had not been able to round up the Indians because some were hiding and being assisted by Indians who were given permission to remain.<sup>60</sup> In response, Anderson said that those who harbored runaways would have their permission to stay revoked.

John Ross, in an appeal to Gen. Winfield Scott, requested his assistance in stopping self-styled "agents" who were collecting and selling Cherokee property. He stated that the Cherokees could dispose of their own surplus property during the period of their stay in the encampments.<sup>61</sup> Although it was Smith's responsibility to oversee the evaluation and payment for the appraised property, Ross appealed to Scott because Smith did not have command of any military forces.

The missionary Coodey partially described the temporary camps as consisting of shelters partially covered with boards or bark. He said that the camp was their home for three summer months and

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that the structures were burned as they were leaving. In addition to those shelters, there must have been a great many tents. Tents are mentioned frequently in the military accounts and in the requisitions for the Cherokees' detachments.<sup>62</sup>

Coodey also reported that he observed some people "shaking the hand of some sick friend or relative who would be left behind." That suggests that the camp was not entirely emptied when the detachment departed.<sup>63</sup> According to the agreement General Scott made with the Cherokee Nation, one of the final detachments would be made up of those too ill to travel with the others.

In the *Knoxville Register* on September 12, 1838, there was a report that the Cherokee Nation tried to meet its original September 1 deadline to start the emigration. On August 28 or 29, about 2,500 emigrants left in two parties but traveled only twenty miles before they "were obliged to stop and go into camp at Blythe's ferry."<sup>64</sup> On September 18, 1838, Situagi, conductor of Detachment Five in the John Ross accounts, wrote from Savannah Branch and referred to the "old camps" where the sick remained.<sup>65</sup> With unfavorable travel conditions, the detachments had to abort their travel plans and re-establish an encampment at their new location. During that time, the army must have continued to issue rations so that the Cherokees were not responsible for the costs.

According to Chief John Ross's detachment accounts, submitted for subsistence and removal reimbursement, the first detachment to move was Detachment Four under John Benge, which began its trip on October 1, 1838.<sup>66</sup> The accounts also provide the beginning date for the pay for the various conductors. The beginning dates were earlier than the departure dates. The time difference allowed for administrative work of organizing the detachment, that is, securing the necessary teams, wagons, and supplies prior to actual departure. The first conductor, Hair Conrad, began work on August 28, but his Detachment One did not commence its journey west until October 5, 1838.

Once the detachments were organized for their departure, Capt. John Page, for accounting purposes, was responsible for preparing a muster roll of the Cherokees removed by the Nation. The list contained the name of the emigrant, the number of males and females in the family by age category, and the number of male and female slaves. However, Page's numbering of the detachments does not coincide with the system used by the Cherokees. For example, Page's number one, Elijah Hicks, is the Nation's number two. Page's number four, Jesse Bushyhead, is the Nation's number three. Page's

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number nine is a detachment Lieutenant Deas escorted.<sup>67</sup> The latter group of 660 was composed of members of the Treaty Party remaining behind after the first Treaty Party emigrants with Major Ridge left by boat. Treaty Party members in Page's detachment number nine refused to allow John Ross to supervise their removal. The Nation's detachment nine was conducted by James Brown.

There also are errors in Page's muster roll. Not all people in the detachments were enumerated. For example, Page's roll does not contain the name of the elder Going Snake. In Coodey's letter, the only name he mentioned was Going Snake. In the census, there are two Going Snake families. One lived on Persimmon Creek in North Carolina and the other in McMinn County, Tennessee.<sup>68</sup>

The embarkation encampments were home to the Cherokees much longer than the "removal forts." Some Cherokees, especially those from Georgia since they could not return home, may have been encamped for at least three and one-half to four and one-half months. The encampments began to receive the groups escorted from the forts shortly after the May 25 collection date. Only 2,745 had been removed by the American military before the Cherokee Nation assumed control. The first Cherokee detachments did not leave until the first week in October, and by the end of that month, 9,005 were en route west. The last three of the land detachments with 3,913 Cherokees departed during the first week in November.<sup>69</sup>

### Voluntary Emigration

Many Cherokee families and individuals departed for the west shortly after the 1835 Treaty of New Echota was ratified in May, 1836. Some of the Treaty Party signers departed under a military escort for the west as soon as possible. In late February or early March, 1837, a group of about 600, after receiving expenses, removed themselves by land to the west.<sup>70</sup> On March 3, 1837, another group of 466, in charge of Dr. John S. Young, departed. Accompanying them was Dr. C. Lillybridge, one of the physicians in the party. They left Ross's Landing in a fleet of eleven flatboats.<sup>71</sup>

The disbursements for that period indicate that 656 people received \$20.00 each for their transportation west.<sup>72</sup> Included in that group was Major Ridge, who received \$280.00 for transportation for fourteen people. He also received \$800.00 in lieu of a year's subsistence in the west for his group. Only those people who removed themselves were to receive transportation expenses. Because the standard subsistence rate was \$33.33 $\frac{1}{3}$  per person, Ridge received

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twice the amount to which he was legally entitled.<sup>73</sup> Others on the flatboats in the detachment, such as Cherokee “doctress” Sally Raincrow (Raincraw), did not receive transportation expenses but she did take a year’s subsistence pay.<sup>74</sup> After that detachment departed, it was almost a year before the next large “volunteer” group left.

On March 24, 1838, a party of 252 left for Tuscumbia under charge of Charles Matlock. From that location, Nathaniel Smith escorted them to Little Rock where they were transferred to Lieutenant Deas who escorted them on west up river to Lane’s Bottom. From there they proceeded by land the remainder of the way.<sup>75</sup>

In addition to those large groups, according to disbursement accounts some families either separately or with one or two others also left for the west on their own during the emigration.<sup>76</sup> By carefully going through disbursement records, the number of volunteer families thus removing might be estimated.

### **Forced Emigration**

The first three detachments had been assembled by the military and had departed while other Cherokees remained in camp or were en route to the encampments. The first group, composed of about 800 Georgia Cherokees, left Ross’s Landing by boat on June 6, 1838. The second group of 875 left Ross’s Landing on June 13, 1838, also by boat, and proceeded to Brown’s Ferry where additional emigrants joined them.<sup>77</sup> By June 17, 1838, a third group of 1,070 left Ross’s Landing, but the drought had lowered the upper reaches of the Tennessee River to the point that the party had to start their journey by wagon and on foot. They were to travel to Waterloo, Alabama, where they would continue their journey by boat.<sup>78</sup> Three days after departing Ross’s Landing, they learned that the emigration had been suspended until autumn. They demanded to be allowed to remain, but they were willing to return to their former encampment or any new one until a more healthful season.<sup>79</sup> Their request was denied, and a mini-rebellion ensued. Many dumped their baggage, fled camp, and had to be rounded up with the assistance of a local militia. Desertions in that group were common. Of the 1,070 who departed, only 722 remained in the party by the time the group reached Little Rock.

A contemporary newspaper article purportedly described the soldiers assembling one of the water-borne detachments. The accuracy of the account is highly suspect. The article was originally submitted to the New York *Journal of Commerce* and then reprinted in

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*Niles' National Register* on August 18, 1838. The story was dated from "Prisoner's Camp July 24, 1838" and referred to Ross's Landing, Tennessee, one of the disembarkation points. This "news account" reported that the Indians were driven like cattle through rivers, allowing them no time even to take off their shoes and stockings. In describing the loading of the boats, the reporter stated, "[T]he soldiers rushed in and drove the devoted victims into the boats, regardless of cries and agonies of the poor helpless sufferers. In this cruel work, the most painful separations of families occurred. Children were sent off and parents left, and so of other relations." Immediately after those words, the reporter, inferring a state of urgency, said that he had to break off or he would miss the "present conveyance" (mail or dispatch).<sup>80</sup>

An attempt to validate this "news" story with other documents was unsuccessful. The most serious question about the veracity of the article is the date. By July 24, 1838, the Cherokee Nation had acquired the duties for the removal. There is no record of any military water-borne detachment leaving Ross's Landing in the week or weeks immediately prior to the July 24 date. Nearly five weeks prior to the article, June 17, the last of the military-escorted detachments departed, but the first leg of that group's trip was by land.

The *New York Journal of Commerce* was a socially conscious newspaper with a reformist agenda.<sup>81</sup> For example, the paper had many detailed weekly articles reporting the story of the *Amistad*, the mutinous slave ship. The paper's readership was not wholly in favor of Indian removal. Perhaps the reporter with his Cherokee story was providing what he thought the editor and the newspaper readers wanted to read. The reporter may have been piecing together and elaborating upon various events, mixing some that occurred in May, 1838, relating to the forced removal of the Indians from their homes with some that may have occurred during the assembling of the two water-borne detachments in early June, 1838.

Congress on June 12, 1838, had affirmed the contract with Chief John Ross by appropriating necessary funds.<sup>82</sup> It seems disingenuous that a reporter, presumably in the area of Ross's Landing and reporting on Cherokee affairs, would not have known about the transfer of power. It certainly was public knowledge locally and had been rumored since the end of May. Why he waited so long to write his article is unknown.

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### **The Nation's Removal Program**

Under the agreement with General Scott, the Cherokee Nation was to organize twelve land detachments and one water detachment. Scott preferred that all go by water, believing that it was the cheapest and quickest.<sup>83</sup> Scott did not take into account traditional Cherokee beliefs. Rivers and springs, it was believed, represented the underworld. The river was a deity and spoke "in murmurs which only the priests may interpret."<sup>84</sup> Underworld monsters came out of rivers and could create havoc.<sup>85</sup> Knowing that 311 of their people had perished in a steamboat accident on the Mississippi River on their trip west reenforced those beliefs.<sup>86</sup> Evidently, the Cherokee Nation, accommodating their traditional beliefs, believed that land transportation was more appropriate.

Ross and the council appointed prominent men to be conductors and attempted to select men who were known to the people they would be escorting west. The conductors also had to have organization and leadership skills. At times, it was difficult to fulfill the criteria. Each conductor was to have approximately 1,000 emigrants with a designated ratio of wagons and teams (horses or oxen) and supplies to accommodate the people and animals. While originally scheduled to begin September 1, 1838, the continuing drought and lack of water for people and animals made the movement impossible. There was scarcely enough water to supply a dozen people.<sup>87</sup> There definitely was not sufficient water available for detachments of 1,000 people.

General Scott, recognizing the extenuating circumstances, extended the deadline, but was adamant that the march had to begin by October 20. The rains came in September. The Nation alerted the conductors and the people were assembled for emigration. When the detachments were assembled, Captain Page at the Cherokee Agency prepared a muster of those in each detachment. The first to depart was Detachment Four on October 1. Then, at intervals ranging from one to eight days, the other parties left. Detachments Eight and Nine both left the same day, October 27. Once under way, the composition of the detachments changed slightly as some families left their original group to join friends and relatives in other detachments.

The last detachment, number thirteen, was the water-borne group. It consisted of 231 people including John Ross, his family, his brother Lewis and his family, and their belongings. There were at least 126 slaves, most of whom belonged to the brothers Ross. Con-

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tinued low water levels prevented Detachment Thirteen from departing until December 5, 1838.

### **Left Behind**

While the majority of Cherokee families moved either voluntarily or forcibly, many families remained behind while the rest of their people emigrated west. It is not fully understood why some families were allowed to remain while others were rounded up by the military. The orders did instruct the soldiers to leave seriously ill individuals with one or two family members to attend to them. Presumably those left were to come to the fort or station when able to travel. In addition Col. Nathaniel Smith had promised some North Carolina Cherokees they could remain. Some North Carolina Cherokees not living within the territory ceded by the Treaty of New Echota were not considered part of the nation, in spite of the fact that their names appear on the 1835 census. Those families outside the boundaries were exempt. It seems impossible that the families left behind were overlooked, especially those in Georgia. It appears that additional criterion applied (were they Treaty Party families?), but the documents in which they are mentioned have not been found.

Those remaining were not always those who fled to the hills, which happened especially in North Carolina. There were families such as Lewis Blackburn, who had large, personal, and reality holdings on the Etowah River in Georgia. Charles Duncan, a farmer with a family of five living on the Etowah River, also stayed.<sup>88</sup> There were about 100 Cherokees who were not forcibly removed still living in Forsyth and Cherokee Counties, Georgia, in 1842. By that year, many of those families were interested in joining those who had emigrated west.

### **John G. Burnett's Account**

Although the Cherokee Nation was in charge of the removal by October, 1838, John G. Burnett claimed to have accompanied the "group." Burnett's account purports to be a message to his children on the occasion of his eightieth birthday. It is presented as a true story of his experiences and involvement with the removal of the Cherokees in the late 1830s. It is titled *Story of the Removal of the Cherokees*, and it is widely quoted and reprinted. Burnett's narration has been readily accepted as an authentic eyewitness account of events involved in the removal of the Cherokees from Georgia, Alabama, Tennessee, and North Carolina. It was printed in the

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*Journal of Cherokee Studies*, and some historians have used it in their writings.<sup>89</sup>

*Story of the Removal* relates Burnett's experiences as a young man growing up in Sullivan County in northeastern Tennessee. In narrating his younger years, he spun a tale of his nursing a young Cherokee back to health after finding the unfortunate fellow in the woods. He told of living with the Cherokees and learning their language. He reported seeing helpless Cherokees arrested and dragged from their homes and driven by bayonet point into stockades. He further claimed to have been engaged as a soldier in the actual removal of the Cherokees and in accompanying them on their long trip west. He said that he defended the helpless when he could.

Close examination of his statements and the lack of corroborating documents quickly leads to the conclusion that many of the experiences he related are fallacious and manufactured. If he is the sole origin of the account, one might dismiss the document as the product of possible senility and the idle rambling of an old man. On the other hand, if the document is a later attempt to aggrandize and perhaps hoax, it is best to place it on a shelf with similar documents and learn thus from one's mistakes.<sup>90</sup> Whatever the situation, for the most part Burnett's account is not verifiable. Those personal portions of the account, that is, what he did as a young man, exploring the woods, and dancing with the Indians, would not appear in any federal documents. When the narration attempts to weave Burnett's experiences with documented actions, it loses its credibility.

John Burnett said that he was born in 1810 in Sullivan County, Tennessee. He stated that he was a private soldier in the American army. Sub-captions of the article state that he was in Capt. Abraham McClellan's Company, Second Regiment, Second Brigade, Mounted Infantry, in the Cherokee Indian removal, 1838–1839. Documents in the National Archives in Washington, D.C., confirm that John G. Burnett was a private and that he served with McClellan. Burnett joined for duty on June 25, 1836, in Bluntsville, Tennessee, for a period of twelve months and was mustered in at Athens, Tennessee on July 8, 1836. However, his service was with a company of Tennessee Volunteers, not the American army.<sup>91</sup>

Burnett's mustering in was probably part of a fiasco Brig. Gen. John E. Wool encountered when he arrived in Athens, Tennessee, on July 4, 1836. The general was ordered to Cherokee country on June 20, 1836, to evaluate possible plans of the Cherokees and to "take their weapons, using force if necessary." After reaching Knoxville on his way to Athens, Wool was informed that he would command

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1,000 to 1,200 Tennessee volunteers ordered by the governor of Tennessee to rendezvous at Athens on July 7. Before leaving Knoxville, the general purchased sufficient supplies for a force of that size. On arrival in Athens, he learned that the Tennessee volunteer force would be more than doubled. Instead of the 1,200 men he had planned for, 2,500 volunteers were marching to Athens, some arriving as early as July 5. McClellan was also part of that volunteer force.<sup>92</sup>

Burnett wrote that as a private he was "sent as an interpreter to the Smoky Mountain Country in May 1838." Burnett may have been gone to the mountains, but he would not have been under the command of Captain McClellan, who left for Congress a full year earlier. From that point on, the integrity of Burnett's story rapidly disintegrates. Burnett's account stated, "And in the chill of a drizzling rain on an October morning [in 1838] I saw them loaded like cattle or sheep into six hundred and forty-five wagons and started toward the west." His story implied that the Cherokees were moved en masse. As noted above, Cherokee removal was a slow, painful process and involved many different detachments. By October, the Cherokee Nation East had virtually completed its plans for departure, and they left from camps along the river and not from camps in the mountains. Soldiers were infrequently involved.

As noted, Chief John Ross, supervising the removal, was the last to depart, and his detachment did not leave until December. He, his wife and family, and twenty-two slaves were enrolled in the last detachment.<sup>93</sup> In Burnett's version of the removal, he provided an "eyewitness" account of the death of Quatie Ross, John Ross's wife: "This noble hearted woman died a martyr to childhood, giving her only blanket for the protection of a sick child. She rode thinly clad through a blinding sleet and snow storm, developed pneumonia and died in the still hours of bleak winter night, with her head resting on Lieutenant Gregg's saddle blanket." Ehle used Burnett's account in his description of Mrs. Ross's death.<sup>94</sup>

Since Mrs. Ross was part of the final detachment, she accompanied her husband on the boat. It was highly unlikely that she was riding through a sleet and snow storm without a blanket. There were 231 people in the final river-borne detachment.<sup>95</sup> Like the other detachments, that one had a physician on staff. But unlike the others with their large numbers, the physician could not have been so busy that he was unable to attend to Mrs. Ross. Most likely she was under his care at the time of her death. According to a footnote

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in James Mooney's *Historical Sketch of the Cherokee*, she was buried near Little Rock, Arkansas.<sup>96</sup>

Ehle had to twist the facts to accommodate Burnett's account of Mrs. Ross's death. He placed Ross's family on the steamboat, but says, "There was one passage of land to cross. As bad luck would have it, the land passage coincided with a winter snow. Night came. Quatie gave her blanket to a sick child."<sup>97</sup> There is no evidence that Detachment Thirteen ever had to take land passage.

Burnett's report of seeing the people loaded on 645 wagons could not have been an eyewitness account. That figure represents the total number of wagons used by the twelve Cherokee land detachments as reported by Mooney in his *Historical Sketch*.<sup>98</sup> The number of wagons used by the earlier army detachments in the removal has not been calculated. Burnett may have discovered the 645 figure at a later time, in which case he was drawing on documents and not personal experience.

Burnett stated that the emigrant group he accompanied arrived at its western destination on March 26, 1839. On March 25, 1839, the last of the Cherokee-organized detachments, number twelve headed by Peter Hilderbrand, arrived in Cherokee Nation West.<sup>99</sup> While the difference of one day is not important, what is significant is there is no evidence that Burnett was part of that entourage. Expense accounts maintained for each detachment provided the names of those who served in a working capacity, whether Cherokee or non-Cherokee. There were conductors, physicians, wagon masters, and even gravediggers. Burnett's name does not appear in the record.

On June 17, 1838, after authority to conduct the emigration was passed to the Cherokee government, General Scott dismissed the state militias and volunteers.<sup>100</sup> Private Burnett, being a volunteer, had he still been in service, would have been mustered out at that time. According to Burnett's military records, he was mustered out virtually a year earlier at Fort Cass, Tennessee, on July 7, 1837. In his account Burnett stated that the Cherokees he accompanied left in October, 1838, approximately sixteen months after his mustering out.

Other episodes in Burnett's account cannot be verified—for example, his story of the cruelty of a wagon master by the name of Ben McDonal. In the records of the Cherokee detachments, the names of those paid as wagon masters do not include any McDonal. There are four McDonalds, all in Detachment Ten, but none in the capacity of wagoners or wagon masters. What then is the real story?

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One suspects that Burnett's document is duplicitous. Unfortunately if it is, not only does it harm a gentleman who served his state and country but also obfuscates a critical and sad period of Cherokee Nation history. It is possible that Private Burnett may have loved to spin tales of his early life for his children and grandchildren. Some of those tales later may have been recorded by a descendant, perhaps with embellishments. During the writing, some published data must have been woven into the story to provide a backdrop for the dramatic moralizing and romanticizing found in the final portions of the document.

Accompanying the photocopy of Burnett's manuscript held by the Smithsonian Institution's National Anthropological Archives, there also is a copy of a cover letter dated November 10, 1910. The archives notes, "Both documents are in the same hand."<sup>101</sup> The style of penmanship on both seems appropriate for early-twentieth-century writing.

As noted earlier, by 1910 some major Cherokee histories were available. Both Royce's 1887 and Mooney's 1900 studies were in print. They were published as part of the annual reports of the BAE. The annual reports fulfilled part of the Smithsonian Institution's mission of disseminating knowledge. As government publications, they were distributed largely free of charge to libraries and other institutions throughout the United States.

### Summary

The illegal removal of Cherokees and the nefarious manner in which it was initiated is truly a low point in American history. Those actions cast a dark shadow on the states of Georgia, Alabama, Tennessee, and North Carolina. Georgia did make a gesture of repentance when it pardoned two missionaries, Samuel Worcester and Elizur Butler, who had to spend sixteen months in jail at hard labor for opposing the states' seizure of Cherokee lands.<sup>102</sup> Other than that small token, no apologies or compensation have been offered. The documented events of the removal are sufficient to portray the suffering and losses of people unjustly uprooted and removed. It does not need misleading and erroneous documents to create awareness of an American tragedy.

James Mooney, a writer/researcher living during the Victorian era, set the tone and paradigm for much of the current interpretation of Cherokee removal. His humanistic approach has made his work a must reading for anyone interested in Cherokee history. His work is held in reverent regard. Later historians such as Grant

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Foreman relied on Mooney for the reconstruction of events. John Ehle restructured the paradigm by using more original government sources. The removal forts on which Mooney placed emphasis were very temporary half-way points in Cherokee removal. The embarkation camps turned into extended 1838 summer camps for many of the Cherokees. While the Cherokees were not there on their own volition, some could and did leave the encampments to wait until their detachment was in the final stages of preparation for departure.

Cherokee removal was a complex event. The story historians previously told, while correct in a general outline, fail when subjected to the scrutiny of details. Some Cherokees left their homelands for the west after the treaty was ratified, and others waited, only to be forcibly removed. The removal is a black mark on the states of Georgia, North Carolina, Tennessee, and Alabama.

Perhaps one of the lessons that can be learned from the preceding is that Cherokee removal history must not be painted with broad strokes of coercion and avarice. While such acts did occur, to project those instances to apply to the entire 16,000 to 23,000 people creates a picture that robs the Cherokee Nation of its real history. In early times, the Cherokees were a nation of red and white (war and peace) with a balance between the two. With the emphasis in the histories up to now largely on the negative, perhaps it is time to closely reexamine the real events and bring back a lost balance to the story of their removal. By continued acceptance of earlier versions of the removal, not only will have the Cherokee lost their homelands but their true history as well.

### ENDNOTES

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<sup>1</sup> By the Treaty of New Echota, the Cherokees ceded 12,316 square miles, according to Charles C. Royce, *The Cherokee Nation of Indians* (1883; reprint, Chicago: Aldine Publishing Company, 1975), 256 (Subsequent citations refer to this edition). That amount of land is basically equivalent to the states of Connecticut and Massachusetts combined. Cherokee lands, however, were largely mountainous with some broad river valleys.

<sup>2</sup> Research on the 1835 census suggests that approximately one-third of Cherokee family names do not appear in the census. Lathel F. Duffield, "The 1835 Cherokee Census: Questionable Honor," *National Genealogical Society Quarterly*, forthcoming.

<sup>3</sup> Charles Fenton Mercer Noland, *Noland's Cherokee Diary: A U. S. Soldier's Story from inside the Cherokee Nation*, ed. Mildred E. Whitmire (Spartanburg, South

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Carolina: Reprint Company, 1990). This document was brought to professional attention in 1962.

<sup>4</sup> John G. Burnett, "The Cherokee Removal Through the Eyes of a Private Soldier," *Journal of Cherokee Studies*, 3 (Summer, 1978): 180–185.

<sup>5</sup> Charles C. Royce, "The Cherokee Nation of Indians: A Narrative of their Official Relations with the Colonial and Federal Governments," in Bureau of American Ethnology, *Fifth Annual Report* (Washington, D.C.: U.S. Government Printing Office [GPO], 1887), 121–378; James Mooney, "Myths of the Cherokee," in Bureau of American Ethnology, *Nineteenth Annual Report* (Washington, D.C.: GPO, 1900), 3–548.

<sup>6</sup> Royce, *Cherokee Nation of Indians*, 170.

<sup>7</sup> Richard Mack Bettis, introduction to *Historical Sketch of the Cherokee*, by James Mooney (1900; reprint, Chicago: Aldine Publishing Company, 1975), xiii.

<sup>8</sup> Mooney, *Historical Sketch*, 127–229.

<sup>9</sup> *Ibid.*, 124–127.

<sup>10</sup> Richard Mack Bettis, introduction to Royce, *Cherokee Nation of Indians*, ix.

<sup>11</sup> Grant Foreman, *Indian Removal. The Emigration of the Five Civilized Tribes of Indians* (Norman: University of Oklahoma Press, 1932), 287–288.

<sup>12</sup> *Ibid.*, 290–291.

<sup>13</sup> John Ehle, *Trail of Tears: The Rise and Fall of the Cherokee Nation* (New York: Doubleday, 1988).

<sup>14</sup> Seemingly, Mooney worked on his Cherokee history for many years, writing different segments at varying times while continuing research. The differences found in his statements concerning the death of Chief John Ross's wife suggest that approach. In his *Historical Sketch*, Mooney stated, "Somewhere also along that march of death—for the exiles died by tens and twenties every day of the journey—the devoted wife of John Ross sank down, leaving him to go on with the bitter pain of bereavement added to heartbreak at the ruin of his nation" (p. 126). In his reference notes section in a brief biography of Chief John Ross, Mooney stated, "His first wife, a full-blood Cherokee woman, died in consequence of the hardships of the Removal while on the western march and was buried at Little Rock, Arkansas" (p. 232). There is a suggestion that members of the Ross family were sickly prior to removal. On occasion, even with the press of duties associated with the emigration, John Ross took his family to some mineral springs about six or seven miles from Red Clay, Tennessee, for recuperation (Gary Moulton, *The Papers of Chief John Ross*, 2 vols. [Norman: University of Oklahoma Press, 1985], 1. 350–351).

<sup>15</sup> Smithsonian Institution Research Information System (SIRIS), available from <http://www.siris.si.edu/webpac-bin/wgbroker>: INTERNET.

<sup>16</sup> Ehle, *Trail of Tears*, 393.

<sup>17</sup> *Ibid.*, 394.

<sup>18</sup> *Ibid.*, 393.

<sup>19</sup> Mooney, *Historical Sketch*, 229.

<sup>20</sup> Ehle, *Trail of Tears*, 333; Foreman, *Indian Removal*, 291, n 9.

<sup>21</sup> Mooney, *Historical Sketch*, 125.

<sup>22</sup> Foreman, *Indian Removal*, 290–291.

<sup>23</sup> *Ibid.*, 290.

<sup>24</sup> Ehle, *Trail of Tears*, 350.

<sup>25</sup> "Cherokee Removal Forts," in About North Georgia, retrieved May 3, 2000, available from <http://www.ngeorgia.com/history/chokeeforts.html>; INTERNET When the publisher of the web site was asked about the forts, his e-mail reply was, "As a writer my expertise is computers. This has led to a number of people to suggest that I should

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document my research more (as a historian would). I am trying to do this today and in the future" (Randy Golden, e-mail to author, May 4, 2000).

<sup>26</sup> Mooney, *Historical Sketch*, 124.

<sup>27</sup> James W. Tyner, ed., *Those Who Cried, The 16000: A Record of the Individual Cherokees listed in the United States Official Census of the Cherokee Nation in 1835* ([Norman, Oklahoma?] Chi-ga-u, Inc, 1974) vii.

<sup>28</sup> In 1849 a census was made of North Carolina Cherokees, which after corrections and additions totaled 2,133. Royce, *Cherokee Nation of Indians*, 192.

<sup>29</sup> General Winfield Scott, Preliminary Remarks, June 17 1841, House, 27th Cong., 2d sess., H. Rept. 1098, 27 Scott was responding to an interrogatory concerning his role in the costs of the removal.

<sup>30</sup> Based primarily on physicians' reports, there appears to have been at least eleven medical centers. Documents mention Eastern Fork Mouse Creek, Cherokee Agency, Ross's Landing, Chestoioe Creek, Fort Payne, Chadata, Rattlesnake Spring, Fort Cass-east, Fort Cass-southeast, Bedwell Spring, and Kelly's Ferry. Research on these encampments may show that these are not formal names. They may apply to subdivisions within the four large camps. Some locations may have been known by two or more names. General Scott's orders to remove some Cherokees from Camp Ross to Rattlesnake Springs prior to their departure suggest that there may have been an attempt to keep the populations of the encampments somewhat balanced (Correspondence of the Eastern Division Pertaining to the Cherokee Removal, April-December, 1838, Record Group 75, M1475, Roll 2, Frame 56, National Archives, Washington, D.C. [hereafter cited as RG and NA]). People served at those locations may have formed the nucleus for each of the twelve Cherokee detachments.

<sup>31</sup> Mooney, *Historical Sketch*, 121–122.

<sup>32</sup> *Ibid.*, 124–125.

<sup>33</sup> John E. Wool to General Dunlap, August 4, 1836, *American State Papers: Military Affairs*, 25th Cong., 2d sess., 1861, Military Court of Inquiry, 7–550.

<sup>34</sup> Foreman, *Indian Removal*, 279.

<sup>35</sup> Mooney, *Historical Sketch*, 122.

<sup>36</sup> *Ibid.*, 285, n 7

<sup>37</sup> W. J. Worth, Orders, No. 25, 25th Cong., 2d sess., 1837–1838, H. Doc. 453, 2: 8–11.

<sup>38</sup> *Ibid.*, 15. The captives' short confinement in the forts and stations is reflected in the provision returns maintained by fort and station commanders. The May 28, 1838, to June 26, 1838, accounts (in two-day increments) for the station at Cedar Town, Georgia, provide the number of Indians, days, rations, rations of bacon, and rations of hard bread. See Capt. Isaac S. Vincent Papers, Hargrett Rare Book and Manuscript Library, University of Georgia Libraries. Georgia's Virtual Library, <http://mars.libs.uga.edu/cgi-bin/Galileo:SoutheasternNativeAmericanDocuments;INTERNET>.

<sup>39</sup> Ehle, *Trail of Tears*, 328.

<sup>40</sup> N. Smith to Martin Van Buren, August 15, 1838, Correspondence of the Eastern Division Pertaining to the Cherokee Removal, April-December, 1838, RG 75, M1475, Roll 2, Frame 179, NA.

<sup>41</sup> The organizational table was created from data contained in an accounting document prepared for Congress with the names of persons, other than officers of the army, employed and by whom the appointments were made (25th Cong., 3d sess., 1838–1839, S. Doc. 277 5: 2–7). A handwritten copy can be found in Letters Received Office of Indian Affairs, 1824–1881, RG 75, M234, Roll 83, Frames 347–252.

<sup>42</sup> Ehle, *Trail of Tears*, 342.

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<sup>43</sup> J. R. Poinsett to General Scott, May 23, 1838, 25th Cong., 2d sess., 1837–1838, H. Doc. 453, 2: 2–3.

<sup>44</sup> General Winfield Scott to Poinsett, June 7 1838, 23d Cong., 2d sess., 1837–1838, H. Doc. 453, 2: 18–21.

<sup>45</sup> J. R. Poinsett to General Scott, June 27 1838, 25th Cong., 2d sess., 1837–1838, H. Doc. 453, 2: 5–6.

<sup>46</sup> Nathaniel Smith to Clements and Bryan, June 22, 1838, 26th Cong., 2d sess., 1840–1841, H. Rept. 137 24.

<sup>47</sup> Moulton, *Papers of Chief John Ross*, 1. 657–658.

<sup>48</sup> C. A. Harris to Page, August 7 1838, 26th Cong., 2d sess., 1840–1841, H. Rept. 137 24–25.

<sup>49</sup> Foreman, *Indian Removal*, 288, n 5.

<sup>50</sup> Nathaniel Smith to General W. Scott, August 9, 1838, Correspondence of the Eastern Division Pertaining to the Cherokee Removal, April-December, 1838, RG 75, M1475, Roll 2, Frame 41, NA.

<sup>51</sup> Moulton, *Papers of Chief John Ross*, Detachment 12 Accounts, 2: 52-53.

<sup>52</sup> Quoted in Foreman, *Indian Removal*, 308.

<sup>53</sup> *Ibid.*, 307

<sup>54</sup> *Ibid.*, 300, n 14.

<sup>55</sup> *Ibid.*, 300, n 13.

<sup>56</sup> Ehle, *Trail of Tears*, 344.

<sup>57</sup> *Ibid.*, 333.

<sup>58</sup> B. Poole to Capt. Robert Anderson, August 19, 1838, Correspondence of the Eastern Division Pertaining to the Cherokee Removal, April-December, 1838, RG75, M1475, Roll 2, Frame 63, NA.

<sup>59</sup> John Young to N. Smith, August 19, 1838 Correspondence of the Eastern Division Pertaining to the Cherokee Removal, April-December, 1838, RG 75, M1475, Roll 2, Frames 124–126, NA. The Baldridges were from Georgia. Evidently their land had not been assigned in the Georgia land lottery. There were three Baldrige families living along Lookout Creek in Walker County, Georgia. There were seven farmers in those families, and they owned six slaves. They were neighbors of John Benge, the conductor for Detachment Four.

<sup>60</sup> Lt. L. G. H. Larned to Capt. R. Anderson, September 16, 1838, Correspondence of the Eastern Division Pertaining to the Cherokee Removal, April-December, 1838, RG 75, M1475, Roll 2, Frame 266, NA.

<sup>61</sup> Moulton, *Papers of Chief John Ross*, 1. 653.

<sup>62</sup> *Ibid.*, 1. 674.

<sup>63</sup> Foreman, *Indian Removal*, 290.

<sup>64</sup> Quoted in Foreman, *Indian Removal*, 300 n 14.

<sup>65</sup> Moulton, *Papers of John Ross*, 1. 670.

<sup>66</sup> *Ibid.*, 2: 46.

<sup>67</sup> *Ibid.*, 1. 690, 2: 42–53.

<sup>68</sup> Tyner, *Those Who Cried*, 153, 172.

<sup>69</sup> The 3,913 figure John Ross used in 1840 when submitting the vouchers for detachment reimbursements differs from the number in an earlier letter. On November 7 1838, Ross said that the number in the last three detachments was 3,572.

<sup>70</sup> Foreman, *Indian Removal*, 273.

<sup>71</sup> *Ibid.*, 273–274.

<sup>72</sup> Philip Minis, Abstract of Disbursements, 25th Cong., 2d sess., 1837–1838, H. Doc. 362, 10: 23–38.

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<sup>73</sup> Ibid.

<sup>74</sup> Foreman, *Indian Removal*, 276.

<sup>75</sup> Nathaniel Smith to General W. Scott, September 21, 1838, Correspondence of the Eastern Division Pertaining to the Cherokee Removal, April-December, 1838, RG 75, M1425, Roll 2, Frames 294–296, NA.

<sup>76</sup> Noland, *Noland's Cherokee Diary*, 8.

<sup>77</sup> The first two water-borne detachments left from Chattanooga (Ross's Landing). The June 6 group was under Lt. Edward Deas. The June 13 group was conducted by R. H. K. Whiteley. The records indicate that members of the latter group first refused to give their names to the conductor. The second group followed the same water route as the first group.

<sup>78</sup> Foreman, *Indian Removal*, 294–297

<sup>79</sup> Ibid., 297–298.

<sup>80</sup> Tyner, *Those Who Cried*, xix.

<sup>81</sup> (New York) *Journal of Commerce*, retrieved September 25, 2000, from <http://amistad.mysticseaport.org/library/news/nyjc/journal.of.commerce.html>; INTERNET

<sup>82</sup> Royce, *Cherokee Nation of Indians*, 189.

<sup>83</sup> Nathaniel Smith to Scott, September 21, 1838, Correspondence of the Eastern Division Pertaining to the Cherokee Removal, April-December, 1838, RG 75, M1425, Roll 2, Frames 294–296, NA.

<sup>84</sup> Charles Hudson, *The Southeastern Indians* (Knoxville: University of Tennessee Press, 1976), 128.

<sup>85</sup> Ibid., 130.

<sup>86</sup> James Mooney, "Cherokee," *Handbook of American Indians north of Mexico*, Bureau of American Ethnology Bulletin 30 (Washington, D.C.: GPO, 1907), pt. 1, 247. Unfortunately, the source for Mooney's knowledge of the steamboat accident is not known. A possible source is George E. Foster, *Se-quo-yah. The American Cadmus and Modern Moses* (Philadelphia and Tahlequah, Cherokee Nation: Office of Indian Rights Association, 1885), 144. Foster reported that 311 out of 600 Indians died on the last day of October, 1837 when the steamer *Monmouth* collided with another river boat on the Mississippi River. While Foster was not specific about tribal affiliation, with this statement in a book about Sequoyah, and with his preceding paragraph mentioning the death of Quatie Ross, it would be easy to assume he is reporting on Cherokee deaths. When the *Monmouth* sunk, newspapers reported 300 of 600 *Creek* Indians died (*New-Orleans True American*, quoted in *Arkansas Gazette*, November 28, 1837).

<sup>87</sup> Foreman, *Indian Removal*, 300, n 14.

<sup>88</sup> Moulton, *Papers of Chief John Ross*, 2: 140; Tyner, *Those Who Cried*, 34, 56.

<sup>89</sup> Burnett, "Cherokee Removal". Ehle, *Trail of Tears*, 393–394.

<sup>90</sup> Chief Seattle's famous "ecology" speech cannot be found in the documents. Since treaty negotiations were recorded, such a speech, if given, should appear at least in an abbreviated form. Records of treaty negotiations are available in the National Archives. See William S. Abruzzi, "The Real Chief Seattle Was Not a Spiritual Ecologist," *Skeptical Inquirer* 23 (March-April, 1999): 44–48.

<sup>91</sup> John G. Burnett's Personal Service Records, McClellan's Company, Second Tennessee Mounted Infantry, (Smith's) Cherokee War Military Records, Card nos. 8864342, 8864423, 8864502, 8864581, 8864657 8864733, 8864808, NA.

<sup>92</sup> James Corn, "Conscience or Duty: General John E. Wool's Dilemma with Cherokee Removal," *Journal of Cherokee Studies*, 3 (Winter, 1978): 35–39. McClellan, being a prominent man, was active in Tennessee state politics. He headed his Tennessee

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Volunteer company in 1836 and 1837 during the Seminole Wars. However, in the National Archives, his volunteer index lists him as in the "Cherokee War." McClellan was elected to the Twenty-fifth, Twenty-sixth, and Twenty-seventh Congresses serving from March 4, 1837 to March 3, 1843 ("Abraham McClellan," Biographical Directory of the United States Congress, 1774–Present, retrieved August 22, 2002, available from <http://bioguide.congress.gov/scripts/biodisplay> INTERNET).

<sup>93</sup> Capt. John Page, Muster Roll of Cherokees to Emigrate West of the Mississippi River, December 31, 1838, RG 75, Cherokee Removal Records, Emigration Rolls, 1817–1838, Entry 220, Item 46.

<sup>94</sup> Ehle, *Trail of Tears*, 362.

<sup>95</sup> Moulton, *Papers of Chief John Ross*, 2: 53.

<sup>96</sup> Mooney, *Historical Sketch*, 232; Foreman, *Indian Removal*, 310; *Arkansas Gazette*, February 6, 1839. A photograph of Quatie Ross's headstone, placed in 1935 in the early Mount Holly Cemetery at Twelfth and Broadway in Little Rock, is available at <http://www.findagrave.com/php/famous.php?mode=state&FSlastinitial=&Fsstateid=4&ctf-&FSstartrow=81>, INTERNET.

<sup>97</sup> Ehle, *Trail of Tears*, 361–362.

<sup>98</sup> Mooney, *Historical Sketch*, 126.

<sup>99</sup> Moulton, *Papers of Chief John Ross*, 2: 52.

<sup>100</sup> Foreman, *Indian Removal*, 296.

<sup>101</sup> Smithsonian Institution Research Information System (SIRIS), <http://www.siris.si.edu/webpac-bin/wgbroker> INTERNET.

<sup>102</sup> "Georgia to Pardon 2 in Indian Land," *New York Times National*, November 23, 1992, A13.