The Abortive Second Cherokee Removal, 1841-1844

By JOHN R. FINGER

ON DECEMBER 29, 1835, A SMALL MINORITY OF THE CHEROKEE Nation signed a treaty with the United States government at New Echota, Georgia, promising that within two years of its ratification the entire tribe would give up its homeland in the Southeast and migrate westward to present-day Oklahoma. Most of the Cherokees, under Principal Chief John Ross, bitterly denounced the treaty, but by the end of 1838 the U. S. Army had enforced removal of nearly 16,000 tribal members over the "Trail of Tears." Approximately fourteen hundred, however, avoided removal either by hiding out in the mountains or by taking advantage of a provision in the Treaty of New Echota (and two previous treaties) allowing qualified Cherokees to stay and become citizens of their home states.[1]

About eleven hundred of the remaining Indians (often referred to as the Cherokees East) resided in several settlements in western North Carolina.[2] Following the Treaty of New Echota the state

[1] Treaty of New Echota and Supplements in Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties* (5 vols., Washington, 1904-1941), II, 439-49. Article 12 allows qualified Cherokees to remain in the Southeast. See also Article 8 of 1817 treaty and Article 2 of 1819 treaty, *ibid.*, II, 143, 178. Standard accounts of Cherokee removal are in Grant Foreman, *Indian Removal: The Emigration of the Five Civilized Tribes of Indians* (Norman, 1953); Marion L. Starkey, *The Cherokee Nation* (New York, 1946); and Grace S. Woodward, *The Cherokees* (Norman, 1963). For the "nonviolent action" adopted by Ross and the Cherokees to resist removal see Walter H. Conser, Jr., "John Ross and the Cherokee Resistance Campaigns, 1833-1838," *Journal of Southern History,* XLIV (May 1978), 191-212. In September 1839 William Holland Thomas reported there were 1,046 Cherokees east of the Mississippi, but this figure was too low. Thomas to Commissioner of Indian Affairs T. Hartley Crawford, September 9, 1839, Thomas Letterbook, 1839-40, pp. 69-71, William Holland Thomas Papers (Western Carolina University, Cullowhee, N. C.; hereinafter cited as Thomas Papers, WCU). Two years later David Taylor, a Cherokee, estimated the number at 1,500. David Taylor to President John Tyler, September 1, 1841, Letters Received by the Office of Indian Affairs, 1824-81, Records of the Bureau of Indian Affairs, Record Group 75 (National Archives, Washington, D. C.), Microfilm Publication M-234, Roll 85, frame 492 (hereinafter cited as RG 75, M-234). Other estimates fall between the two figures, and 1,400 seems closest to the actual number.

[2] Before the removal of 1838 Cherokees East denoted the main body of Cherokees under John Ross, distinguishing them from the tribal minority who had already moved West. In

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disposed of most of their former lands to white farmers and speculators. Although a few Indians retained their own property, the majority were unacculturated full-bloods who were forced onto less desirable lands owned by friendly whites or the state. The rest of the Cherokees East lived in nearby areas of Georgia, Tennessee, and Alabama and included a number of mixed-bloods and whites who were Cherokees only by marriage. They often owned their own land, sometimes a few slaves, and in general were more acculturated than their North Carolina brethren.[3]

During the next few years the Cherokees remaining in North Carolina maintained a precarious physical and legal existence. State officials were either indifferent to them or skeptical about their claims to citizenship and did not even formally acknowledge their right to stay. To end the prevailing uncertainty the federal government in 1841 proposed the emigration of these Indians to the West so they could rejoin the Cherokee Nation—a suggestion reflecting both the government's self-interest and a genuine, though misguided, concern for the Indians. The ensuing attempt at removal, heretofore ignored by scholars, finally ended in 1844 with the Indians still ensconced in their homeland. This failure resulted both from the Cherokees' stubborn resistance to removal and from the many weaknesses undermining the Office of Indian Affairs during the Jacksonian era, including basic misconceptions, inconsistent or conflicting policies, inept execution, vacillation, bureaucratic back-

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this article the term always refers to those Cherokees remaining East after 1838. The figures of William Holland Thomas indicate there were at least 1,087 North Carolina Cherokees in 1840. "Census of North Carolina Cherokees, 1840," in William Holland Thomas Papers (Duke University, Durham, N. C.; hereinafter cited as Thomas Papers, Duke); "Supplementary Report of Cherokee Indians Remaining in N. C., 1835–1840," compiled by William Holland Thomas (microfilm at Museum of the Cherokee Indian, Cherokee, N. C.); and "Present State of Civilization Among the Cherokees of Qualla Town," accompanying the letter of Thomas to Secretary of War William Wilkins, March 3, 1845, RG 75, M-234, 89: 542–43 (citations to rolls and frames will be in this form).

[3] Kenneth B. Pomeroy and James G. Yoho, *North Carolina Lands: Ownership, Use, and Management of Forest and Related Lands* (Washington, 1964), 94; Nathaniel C. Browder, *The Cherokee Indians and Those Who Came After: Notes for a History of Cherokee County, North Carolina, 1835–1860* (Hayesville, N. C., 1973), 73–87; Mattie U. Russell, "William Holland Thomas, White Chief of the North Carolina Cherokees" (unpublished Ph.D. dissertation, Duke University, 1956), 107; George H. Smathers, *The History of Land Titles in Western North Carolina* (Asheville, N. C., 1938), 85; William Eaton, Jr., attorney general of North Carolina, to Governor David S. Reid, August 28, 1851, Governors Papers 127 (North Carolina Division of Archives and History, Raleigh, N. C.; hereinafter cited as NCDAH). Many letters in RG 75, M-234 attest to the presence of relatively acculturated Cherokees in Georgia, Tennessee, and Alabama. For comment on the degree of acculturation among the North Carolina Indians see James Mooney, "Myths of the Cherokee," Bureau of American Ethnology, *Nineteenth Annual Report . . . 1897–98* (2 pts., Washington, 1900), Pt. 1, p. 160; William G. McLoughlin and Walter H. Conser, Jr., "The Cherokees in Transition: A Statistical Analysis of the Federal Cherokee Census of 1835," *Journal of American History,* LXIV (December 1977), 686–87, 689; and Russell, "William Holland Thomas," 32–33, 67.

stabbing, and an overriding parsimony that prevented implementation of policy.[4]

The attempt at a second Cherokee removal did not emanate from any ground swell of white public demand in the Southeast. Except for an occasional letter or petition to the governor, there was little evidence of strong sentiment in North Carolina for removal. In November 1839 Governor Edward Bishop Dudley forwarded one such petition to the secretary of war with a covering letter that was more an inquiry about removal than a request (the Office of Indian Affairs was at that time within the War Department). Congressman James Graham, who represented western North Carolina, favored emigration but was content to inquire periodically what the federal government planned to do about the Indians. The replies always came from Commissioner of Indian Affairs Thomas Hartley Crawford, who maintained the Cherokees had a right to remain in the Southeast if they chose. In his annual report of 1839 he expressed a willingness to help them move West if they so desired, but he did not believe the government had an obligation to persuade them. By July 1841 Congressman Graham seemed resigned to the probability the Cherokees would remain in his district.[5]

Nor did the new removal program reflect the desires of the Cherokees East. Between 1839 and 1841 they pondered rejoining the Cherokee Nation, but most favored remaining in their mountain homeland. Intratribal factionalism and murders involving Ross and his rivals made them uneasy about moving West, and they believed the climate of Indian Territory was unhealthful. They were suspicious, too, that removal might interfere with their efforts to secure federal money due them under various treaties. Their chief legal adviser, William Holland Thomas, was entitled to a percentage of such money and understandably insisted the government should

[4] A comprehensive account of Indian policy during this period is Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln, 1975). See also Francis P. Prucha, *American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts, 1790–1834* (Cambridge, Mass., 1962).

[5] Dudley to Secretary of War Joel R. Poinsett, November 16, 1839, Governors Book 32, pp. 319–20, NCDAH. In January 1839 Congressman Graham introduced a resolution asking how many Cherokees remained and why they had not been removed. *Congressional Globe,* 25 Cong., 3 Sess., 129 (January 21, 1839). See also Graham to President Van Buren, April 29, 1840, RG 75, M-234, 84: 365–68; Graham to Secretary of War John Bell, July 6, 1841, *ibid.,* 85: 165–67; Crawford to John Kennedy *et al.,* February 11, 1839, Governors Papers 88, p. 2179, NCDAH; *House Documents,* 25 Cong., 3 Sess., No. 224: *Cherokee Indians in North Carolina* (Serial 348, Washington, 1839), 1–2; "Report of the Commissioner of Indian Affairs," November 25, 1839, *House Executive Documents,* 26 Cong., 1 Sess., No. 2: *Message from the President of the United States . . .* (Serial 363, Washington, 1839), 333; Crawford to Poinsett, February 7, 1840, Report Book of the Office of Indian Affairs, 1838–1885, RG 75, Microfilm Publication M-348, Roll 1, pp. 411–12 (hereinafter cited as RG 75, M-348; record book page numbers will be cited rather than frame numbers); and Crawford to Poinsett, May 28, 1840, *ibid.,* 2: 106–107.

pay the claims before the Cherokees seriously considered emigration.[6]

Thomas was a white merchant who lived near the Cherokee settlement of Qualla Town in Haywood County, North Carolina. He was an adopted member of that Cherokee band, the largest in the Southeast, and for many years was the most persistent advocate of their rights, both to remain in the state and to receive monies and privileges granted by Congress in treaties. Under the terms of these treaties many Cherokees filed claims against the federal government for per capita payments, spoliations, loss of improvements, individual allotments, and preemption rights. John Ross and other tribal officials made frequent trips to Washington to argue the claims of the majority who had emigrated, while Thomas represented most who remained in the Southeast.[7] Thomas's persistence was rewarded in July 1840 when the Indian Office appointed him to take a census of the Cherokees remaining east of the Mississippi River and to serve as disbursing agent to pay part of the money due them.[8]

Many claims remained unsettled, however, and the legal tangle was extraordinarily complex. This situation provided the catalyst for the renewed efforts at removal. By September 1841 both the Cherokee Nation and the Indian Office preferred to settle all remaining claims at the same time in the traditional way, by negotiating a new treaty.[9] But this was impossible as long as some claimants remained apart from the Cherokee Nation as supposed citizens of the states. The obvious solution was for all Cherokees to come together in the West as members of the nation and then conclude a new treaty. For John Ross such a treaty would also be a correction to the Treaty of New Echota and a reaffirmation of Indian sovereignty (or semisovereignty).[10]

[6] See for example Thomas to Dudley, September 22, 1839, Governors Papers 89, NC-DAH; Wilson Lumpkin to Thomas, September 25, 1839, Thomas Papers, Duke; Thomas to Crawford, June 30, 1841, RG 75, M-234, 85: 474–75; Russell, "William Holland Thomas," 103; Richard W. Iobst, "William Holland Thomas and the Cherokee Claims," in Duane H. King, ed., *The Cherokee Nation: A Troubled History* (Knoxville, 1979), 188–90. For an assessment of the troubles in the West see Gerard Reed, "Postremoval Factionalism in the Cherokee Nation," *ibid.*, 148–63; and Gary E. Moulton, *John Ross: Cherokee Chief* (Athens, Ga., 1978).

[7] The site of Qualla Town is in present-day Jackson County. For Thomas's entire career see Russell, "William Holland Thomas." His work in behalf of the Cherokees is discussed in Mattie U. Russell, "Devil in the Smokies: The White Man's Nature and the Indian's Fate," *South Atlantic Quarterly,* LXXIII (Winter 1974), 53–69; and Iobst, "William Holland Thomas and the Cherokee Claims," 181–201.

[8] Office of Indian Affairs (hereinafter cited as OIA) to Thomas, July 8, 1840, Letters Sent by the Office of Indian Affairs, 1824–81, RG 75, Microfilm Publication M-21, Roll 29, pp. 13–14 (hereinafter cited as RG 75, M-21).

[9] Moulton, *John Ross,* 127–30; Iobst, "William Holland Thomas and the Cherokee Claims," 192; Reed, "Postremoval Factionalism," 156–57.

[10] Perhaps the most explicit statement of the government's view is in Albert M. Lea to

Hindman also told Lea that as long as the Cherokees remained in North Carolina they would lack even a shadow of title to the poor lands they occupied. According to him, "designing" whites had used the Cherokees' money ostensibly to purchase lands in the Indians' behalf, while actually retaining title in their own names. This was a thinly veiled attack on William Thomas, who had purchased some 50,000 acres in scattered tracts as a kind of restored homeland for his Indian clients. Hindman said that Thomas's influence was blinding the Indians to their own interests, and he implied the merchant had been dishonest in serving as disbursing agent. Therefore, Hindman told Lea that the special Cherokee agent should not only encourage removal but also replace Thomas, collect his accounts and unspent monies, and investigate any charges of misconduct against him.[13]

Hindman's insinuations about Thomas found a ready audience in the Indian Office, where Commissioner Crawford was already exasperated by Thomas's failure, after repeated warnings, to send his accounts and census. Consequently, on September 29 the office appointed Hindman special agent to replace Thomas as disbursing agent. More important, he was to collect information relating to the remaining claims of the Cherokees East, encourage those people to migrate West, and promise that "the government will take immediate measures for their removal if they desire it." His remuneration was to be six dollars a day plus expenses.[14]

Hindman was armed with a message from President Tyler to the Cherokees, explaining the agent's mission and informing them that their "continuing as residents of a state, necessarily embarrasses, if indeed it does not render ineffectual . . ." the President's desire to extend his "paternal care and protection" over them. Counseling them "as a father, who would discountenance even the appearance of compulsion," he advised them to consider joining their brethren in the West. If they wished, they could send a small delegation to the Cherokee Nation to report back on the desirability of such a move.[15]

Thomas was dismayed by his dismissal and even more so by

[13] Moulton, *John Ross*, 37, 105; Russell, "William Holland Thomas," 107, 226. Although it appears that Thomas acquired about 50,000 acres for the Indians, he claimed it was 55,000 acres in a letter to Crawford of July 30, 1842, RG 75, M-234, 86: 713–14.

[14] Crawford to Thomas, May 27, 1841, RG 75, M-21, 30: 311; Crawford to Thomas, August 21, 1841, *ibid.*, 31: 42; OIA to Hindman, September 29, 1841 (3 letters), *ibid.*, 31: 148–51 (quotation on p. 150); Acting Commissioner of Indian Affairs Daniel Kurtz to Acting Secretary of War Lea, September 22, 1841, RG 75, M-234, 85: 536–37. Gideon F. Morris was appointed Hindman's assistant but was too preoccupied with personal matters in Washington to proceed to North Carolina. In December his appointment was revoked, and Hindman continued with the assistance of a single interpreter.

[15] Acting Secretary of War Lea [in behalf of President Tyler], "To the Cherokee People East of the Mississippi," October 1, 1841, RG 75, M-21, 31: 160–61.

Hindman's appointment, though in a letter to the Indian Office he said "I have no objections to his investigating what I have done." But he suggested that Hindman and the Ross family were conspiring against him because he had opposed some allegedly fraudulent claims they had submitted to the government. Many other North Carolina Cherokees also believed in the corruption of the Ross faction. And Thomas could not resist a melodramatic reference to the murders in the Cherokee Nation by implying that the hands of Ross and his supporters were dripping with blood and that, just possibly, he might be the next victim.[16]

Hindman meanwhile found himself under attack both from Thomas and from an unexpected quarter. While preparing to assume his new responsibilities he fell victim to the machinations of Colonel John Henry Sherburne, a supposed friend. Sherburne had already served the Indian Office in various capacities and now coveted Hindman's new job for himself. He charged Hindman with planning to prolong his mission for "months" rather than completing it with dispatch, intimating that the agent hoped to collect additional per diem allowances.[17] Acting Secretary of War Lea was distressed, as much from his obsession with economy as his concern for another's reputation. He relayed the substance of the charges to Hindman, expressing confidence in him but emphasizing the importance of a quick conclusion to the mission. The agent's "future standing" with the Indian Office would "greatly depend" on his success in his present task. Hindman, while angrily denouncing Sherburne's "base false-hood and calumny," understood the message well enough. The Indian Office would brook no unnecessary delays or expense. He assured the office he would try to conclude his task speedily.[18]

On December 5 Hindman arrived at his base of operations in Murphy, Cherokee County, North Carolina. By then the magnitude of his task had become apparent, and he was no longer so sanguine. He wrote the office that he would try to finish his mission as soon as possible but the natural disposition of the Indians was to act slowly. They were scattered over miles of mountainous country, were under the influence of "designing" whites, and had a natural

[16] OIA to Thomas, September 29, 1841, *ibid.*, 31: 148; Thomas to Crawford, October 17, 1841, RG 75, M-234, 85: 499-501; Thomas to Acting Commissioner of Indian Affairs Kurtz, November 13, 1841, *ibid.*, 85: 509–10 (quotation on frame 509).

[17] Sherburne [to President Tyler], October 14, 1841, RG 75, M-234, 85: 445 (quotation); Moulton, *John Ross*, 87–89. Sherburne later claimed that President Tyler had offered him the position as special agent before Hindman received the appointment.

[18] OIA to Hindman, October 16, 1841, RG 75, M-21, 31: 185 (first two quotations); Hindman to Acting Commissioner of Indian Affairs Kurtz, October 27-28, November 27, 1841, RG 75, M-234, 85: 194–96 (third quotation on frame 194), 198–99, 204–205; Hindman to Lea, December 6, 1841, *ibid.*, 85: 226–27.

aversion to removal that required time to overcome.[19] Perhaps he was aware that less than two months before 618 North Carolina Cherokees, upset by news of his appointment, had sent a memorial to President Tyler opposing removal and expressing their distrust of both Ross and Hindman.[20] In any case, the agent was obviously sensitive to the office's concern for promptness and economy.

Hindman's first efforts proved fruitless. After hiring a mixed-blood interpreter, John Timson, he visited the Cherokee community at Valley River, not far from Murphy. On December 15 he met with about forty-five of these Indians at the home of John Welch, another mixed-blood, and found them adamantly opposed to emigration. When the agent requested an opportunity to address the entire community before the Indians made their decision, the group said such a meeting was unnecessary. No one wanted to move West, and sending a delegation would serve no purpose. Hindman attributed this rebuff to the influence of Mrs. Welch, a white woman supposedly in collusion with Thomas.[21]

Two days later Hindman met with Thomas, and though they remained civil with one another, the agent remained suspicious of Thomas and his motives. Nonetheless, he found it necessary to seek his assistance in arranging councils at the other Indian communities. For the rest of December and well into January 1842 Thomas obligingly accompanied the agent through the snows and cold rains as he visited various Cherokee towns. He probably did this to retain such favor as he still possessed within the Indian Office, where he had a number of claims under review. Hindman believed that Thomas's only real service occurred when he helped locate a number of Indians who had fled to the mountains in a deep snow. But the agent claimed they had done so only because Thomas had told them Hindman intended to round them up and send the whole group West. Mostly, the agent charged, Thomas used his influence indirectly "and I might say almost directly against the wishes of the Govt." He suggested the merchant wanted the Indians to remain because they owed him a large amount of money for the poor, mountainous land he had acquired in their behalf.[22]

The council at Qualla Town typified Hindman's futile efforts.

[19] Hindman to Lea, December 6, 1841, RG 75, M-234, 85: 226–28; quotation on frame 227.

[20] Council of North Carolina Cherokees to Tyler, October 22, 1841, *ibid.*, 85: 95–100.

[21] Hindman to Acting Commissioner of Indian Affairs Kurtz, December 13, 1841, *ibid.*, 85: 219–22; Hindman to Crawford, December 20, 1841, *ibid.*, 86: 582–84.

[22] Hindman to Crawford, December 20, 1841, *ibid.*, 86: 584–87; William Holland Thomas Diary, 1840–41 [*sic*: actually December 1841–January 1842], 63–65, Thomas Papers, WCU; Hindman to Crawford, February 3, 1842, RG 75, M-234, 116: 115–17 (quotation on frame 115); and Thomas to Hindman, January 19, 1842, *ibid.*, 116: 118–19.

About 150 chiefs and warriors listened attentively as he explained the advantages of removal and assured them his purpose was not to turn them against Thomas, who, he was certain, was an honest man (obviously, the agent felt it unwise to express his true feelings). But what would become of the Cherokees when Thomas died? They would have no one to look after their interests. It was only logical for the Indians to send a delegation to the Cherokee Nation to assess the situation there. After deliberating a short time, the Indians declined the offer; they would remain where they were.[23]

Despite this unequivocal rejection, Hindman expressed some optimism in his report to the Indian Office. Although he planned to return home, he thought it would be worthwhile for his interpreter, Timson, to pay periodic visits to the Cherokee communities to encourage removal. By such efforts, Hindman believed, some two to three hundred Indians might be ready to emigrate by fall. But he in effect conceded his failure by suggesting that the Indian Office cease further payment of claims until the Cherokees emigrated, a proposal that clearly conflicted with the President's disavowal of any hint of coercion. Even in the face of Cherokee refusal to send a delegation, the agent again recommended the government organize such a visit. He returned to Alabama at the end of January.[24]

The Indian Office, however, no longer favored sending a delegation West or even encouraging Cherokee removal. Hindman's own reports made it apparent the Indians did not want to emigrate, and organizing a delegation or keeping Timson in the field seemed unlikely to improve the situation. Besides, it would be expensive, and the office, indeed, the entire Tyler administration, remained preoccupied with economy. On February 1 Commissioner Crawford notified the agent that his employment, and Timson's, had been terminated. Albert Lea regarded Hindman's failure as evidence of the Indians' unwillingness to believe the government's promises and professions of goodwill, for which, he conceded, they had ample justification in past experience.[25]

During the next few months several new developments persuaded the Indian Office to revise its Cherokee policy once again. In May Timson assured Congressman Graham that many North Carolina Cherokees had finally confronted reality and now wished to move West. He advocated opening an office in Cherokee County to enroll them for emigration and to assist in paying their debts before leaving.[26] Meanwhile many people, including the Cherokees East, their

[23] Thomas Diary, 1840–41 [*sic*], 63–65, Thomas Papers, WCU.

[24] Hindman to Crawford, December 20, 1841, RG 75, M-234, 86: 586–87; Hindman to Crawford, February 3, 1842, *ibid.*, 116: 114–17.

[25] OIA to Hindman, January 12, February 1, 1842, RG 75, M-21, 31: 364–65, 418–19; Lea to Secretary of War John C. Spencer, March 14, 1842, RG 75, M-234, 87: 711–13.

[26] Timson to Graham, May 18, 1842, RG 75, M-234, 86: 569–70.

creditors, Congressman Graham, and other legislators, were pressuring the Indian Office to organize a new board of commissioners to adjudicate the multitude of claims arising from the Treaty of New Echota. This, the second such board, was necessary as long as the Cherokees East claimed to be citizens of the states. The 1835 treaty was the last one affecting them, and new treaties could not be negotiated with supposed citizens. Reacting to the pressures, the Indian Office now seemed to prefer a new board to a new treaty, though Ross and the Cherokee Nation continued to favor the latter.[27]

Another possible stimulus to Indian Office action was the increasing interest of Congress in Cherokee matters. There had been widespread allegations about corruption and mismanagement during the 1838 removal, and legislators were determined to learn the financial details. During the summer of 1842 Congress passed several resolutions calling for complete information about the expenditures and alleged frauds during removal.[28] This may well have reminded Indian Office officials that the original goal of Cherokee emigration remained unfulfilled.

What emerged, then, in the summer of 1842 was a new approach by the Indian Office to its Cherokee business. The President would appoint a new board of commissioners, which would examine the claims of the Cherokees East, and the office would again encourage those Indians to emigrate West. If reports were correct, there was growing interest among them for such a move. The processing of their claims would restore Indian faith in the intentions and promises of the government. Removing them peaceably and on honorable terms would also meet with the approbation of many white citizens and their representatives in Congress. The board of commissioners would then attend to the claims of the Cherokee Nation, or, if necessary, the Indian Office could negotiate a new treaty. A major concern in all these undertakings, of course, was to maintain strict economy so as to avoid further trouble from an inquisitive Congress.

It seems more than mere coincidence that on July 9, the day the House passed a resolution asking for information about the costs of the 1838 removal, Secretary of War John Canfield Spencer told

[27] Graham to President Tyler, December 16, 1841, *ibid.*, 85: 271–74; Graham to Secretary of War Spencer, May 13, 1842, *ibid.*, 87: 621; Spencer to John Ross *et al.*, May 26, June 3, 1842, RG 75, M-21, 32: 206, 222; Crawford to Secretary of War James M. Porter, January 13, 1844, RG 75, M-348, 4: 90; Ross *et al.* to Spencer, June 6, 14, 1842, Special Files of the Office of Indian Affairs, 1807–1904, RG 75, Microfilm Publication M-574, File 75 (Cherokee Delegations, 1842–44), Roll 8, frames 275–76, 278–80 (hereinafter cited as RG 75, M-574); Moulton, *John Ross*, 133–34.

[28] *Cong. Globe*, 27 Cong., 2 Sess., 536, 737, 888–89 (May 25, July 9, August 13, 1842), and *passim*; *House Reports*, 27 Cong., 3 Sess., No. 288: *Removal of the Cherokees, &c.* (Serial 429, Washington, 1843); Satz, *American Indian Policy*, 192–95.

Ross and his visiting delegation that it was desirable the Cherokees East join the Cherokee Nation "as soon as circumstances may permit." When Spencer sought assurance that the nation would accept their brethren on equitable terms, the delegation promised that the Cherokees East would be welcomed "with much joy & satisfaction" and would have "the same rights and immunities" as other members of the nation.[29]

By late summer a new board of commissioners had been organized, and almost simultaneously James Robinson had been appointed special agent to convince the Cherokees East to enroll for emigration. Robinson, a prominent merchant of Franklin, North Carolina, had been strongly recommended by Congressman Graham. He was to be paid four dollars a day and expenses, two dollars a day less than Hindman. His assistant was to be the ubiquitous and faithful John Timson.[30]

Robinson's instructions from the Indian Office went well beyond those issued to Hindman, providing for enrollment and specifying the manner in which emigration was to take place. After enrolling, the Cherokees were to undertake removal on their own, preferably in groups of from fifty to one hundred. Observing the terms of the 1835 treaty, the government would pay each individual a total of $53.33, of which $20 was to cover the costs of transportation and $33.33 the cost of subsistence for one year in the West. But Commissioner Crawford carefully prescribed the manner of payment. He would not allow commutation, that is, payment in advance to the Indian. The first third of the $20 for transportation would be paid only when the emigrant was "fairly under way," the second third when he or she had crossed the Mississippi River, and the rest upon arrival in the Cherokee Nation. The emigrant would receive none of the subsistence payment until he had actually settled in the West.[31] In this way the government hoped to ensure that the Indians would actually move and at minimum cost and inconvenience to the United States.

Meanwhile other Cherokees besides John Timson were professing strong interest in making the move. Without doubt, the most

[29] Spencer to Ross *et al.*, July 9, 1842, RG 75, M-21, 32:314 (first quotation); Ross *et al.* to Spencer, July 11, 1842, RG 75, M-574, 8: 286 (last two quotations); *Cong. Globe*, 27 Cong., 2 Sess., 737 (July 9, 1842).

[30] James Graham to President Tyler, August 24, 1842, in J. G. de Roulhac Hamilton and Max R. Williams, eds., *The Papers of William Alexander Graham* (6 vols., Raleigh, 1957–1976), II, 372–73; Graham to Tyler, September 1, 1842, RG 75, M-234, 86: 567–68; OIA to Robinson, September 2, 1842, RG 75, M-21, 32: 425–28; Senate resolution approving appointment of James Iredell and John H. Eaton as commissioners, August 31, 1842, RG 75, M-234, 86: 673. Iredell declined his nomination and was eventually replaced with Edward B. Hubley.

[31] Crawford to Robinson, September 2, 1842, RG 75, M-21, 32: 425–28; quotation on p. 425.

articulate was William Rogers of Forsyth County, Georgia. At first he had been suspicious of the new removal policy, fearing it had been concocted by Ross simply to enrich himself and force negotiation of a new treaty. With the recent assurances of the Cherokee Nation, however, Rogers had come to support removal on the ground that his people would no longer have to eat crumbs from the white man's table. In the face of such pervasive prejudice against them, their own self-esteem dictated their removal. William Thomas was a good man, Rogers admitted, but someday he would die and those Indians who had been dependent on him would be helpless, left without title to the lands Thomas controlled in their behalf.[32]

Rogers and the other acculturated Cherokees, those of mixed blood or Cherokees by marriage, were not hesitant about specifying the conditions of their removal. Those who owned land wanted assurance of a fair price, a promise not easily secured during hard times. Others demanded payment of their claims by the new board of commissioners before emigrating. Still others insisted on advance payment of their transportation and subsistence, and a few were so bold as to ask for more than $53.33, claiming correctly that John Ross had received well above that figure for the thousands of Cherokees he had escorted West in 1838. Commissioner Crawford, however, viewed such demands as attempts to take advantage of the government and rejected them.[33]

While Robinson and Timson worked at enrollment the state of North Carolina took belated action on the Cherokees. On December 31, 1842, the General Assembly agreed to establish a joint select committee on Indian removal, which soon received petitions and memorials from whites and Indians alike. A petition from some citizens of Haywood County was quite sympathetic toward the Cherokees, conceding they had made considerable progress, asking that justice be done to them in their claims, and suggesting that after the elderly Indians had died the rest would wish to emigrate. A memorial from Cherokee County was likewise moderate, noting that emigration was in the Indians' own self-interest and that, if they remained, they should assume some of the less attractive responsibilities of the citizenship they claimed, such as working on

[32] Rogers's suspicion of Ross's connection with the government's removal program is apparent in his letters to William Thomas of September 23, December 28, 1841; and April 7, 1842, Thomas Papers, Duke. For his change of attitude see his letter to John Timson, December 7, 1842, RG 75, M-234, 116: 269–71.

[33] For examples see Alfred H. Hudson to John Timson, October 1, 1842, RG 75, M-234, 116: 263–65; Margaret Morgan to Timson, November 18, 1842, *ibid.*, 116: 267; Timson to Crawford, January 9, February 15, 1843, *ibid.*, 116: 260–61, 276; Johnson K. Rogers to Crawford, June 14, 1843, *ibid.*, 116: 247; "Memorial of Wm. Henson and Other Cherokees" to J. W. Deadrick [*sic*], [August] 1843, *ibid.*, 116: 152; Preston Starrett to Crawford, November 8, 1843, *ibid.*, 116: 256–57.

public roads.[34]

In a memorial addressed to the "Chiefs" of North Carolina the Cherokees of Qualla Town affirmed their intention of remaining under the protection of a state that had historically been kind to them. They claimed they had made significant advances in the mechanical arts, Christianity, temperance, and other aspects of civilized life. They were willing to assume all burdens of citizenship, including working on the public roads, and they emphasized their patriotism by pointing out that their people had helped Andrew Jackson achieve victory over the Creeks at the Battle of Horseshoe Bend in 1814.[35]

Late in January 1843 the joint select committee expressed a fear that western North Carolina might become a haven both for Indians with a legal right to live there (like those at Qualla Town) and also for the "refuse" of the Cherokee Nation, who were supposedly drifting back from the West. In the opinion of the committee "The mixing of these people with our white population must have a demoralizing influence which ought to be resisted by all the means within our power." It proposed a resolution asking the President to do all he could to remove the Cherokees from the state in conformity with the Treaty of New Echota. Though the House of Commons passed the resolution, the Senate tabled it after the second reading. Clearly, the state of North Carolina did not consider removal a momentous issue.[36]

By this time the newly organized board of commissioners was planning to convene in Murphy to begin hearings on the various Indian claims. The Indian Office instructed Robinson to provide subsistence for some of the Cherokees who had to appear in person before the board, but that was to be the limit of governmental largesse. Commissioner Crawford also established certain rules regarding the claims that favored would-be emigrants. Those Cherokees who planned to move could pay their debts and otherwise prepare for removal by receiving a portion of their approved claims.

[34] *Journal of House of Commons,* 696; and *Journal of Senate,* 211, in *Journals of the General Assembly of the State of North Carolina at Its Session in 1842-'43* (Raleigh, 1843); memorials from citizens of Cherokee and Haywood counties in Legislative Papers 583, "Cherokee Indians and Cherokee Lands" folder, NCDAH. See also the petition of citizens of Macon and Haywood counties, August 17, 1842, in *Senate Documents,* 29 Cong., 1 Sess., No. 408: *Memorial of the Cherokee Indians Residing in North Carolina* (Serial 477, Washington, 1846), 21-22.

[35] Cherokee memorial "To the Chiefs of the State of North Carolina," in Senate, January 13, 1843, Legislative Papers 583, "Cherokee Indians and Cherokee Lands" folder, NCDAH.

[36] *Journal of Senate,* 312-13, 373, 377; *Journal of House of Commons,* 918; "Report of the Joint Select Committee upon Indian Removals"; "Resolution in Relation to the Removal of the Cherokee Indians," January 25, 1843, Legislative Papers 583, "Cherokee Indians and Cherokee Lands" folder, NCDAH.

Then, following removal of all emigrants and payment of their transportation and subsistence, all successful claimants would receive their money, if not in its entirety then on a pro rata basis as long as the funds lasted.[37] William Thomas, however, insisted that favorable disposition of the claims should not depend on a Cherokee's willingness to move West. He and his clients wanted adjudication of claims and emigration to be kept separate.[38]

The work of enrolling Cherokees for emigration continued spasmodically during the winter of 1842–1843, and Robinson informed Crawford that at least one detachment would probably be ready to leave by spring. But little was accomplished between then and early June, when the agent fell ill with a fever. On June 12 he died.[39] Timson continued on his own, despite opposition from Thomas and others, until Robinson's successor, James W. Deaderick, arrived in August. A Tennessean and minor functionary in the Indian Office, Deaderick immediately succumbed to the unwarranted optimism that had infected his predecessors. He believed that removal might not be as difficult as had been supposed and estimated that some four or five hundred Cherokees might leave by fall, though a few insisted on selling their lands first.[40]

Deaderick asked the office if he should go to the expense of collecting and subsisting the Cherokees who were awaiting removal. He had already paid $3.67 to subsist a few such Indians who had drifted into Murphy, but he wanted official approval of this course. The idea sent shudders through parsimonious administrators. The two commissioners in Murphy advised him to adhere to his instructions and spend no money not specifically authorized. Commissioner Crawford was alarmed and immediately expressed his strong disapproval of the agent's actions to Secretary of War James Madison Porter. It was not Deaderick's responsibility, he said, to collect the Indians and feed them until they chose to remove; the Indians would have to maintain themselves until they were on the road West. Porter likewise believed the agent had exceeded his authority and threatened to replace him if he persisted in his aberrant behavior.[41]

[37] OIA to Robinson, September 2, 1842; January 30, February 25, 1843, RG 75, M-21, 32: 425–26; 33: 261–62, 323.

[38] Thomas to John H. Eaton and Edward B. Hubley, Cherokee commissioners, June 15, 1843, reel 4 of microfilm copies of Cherokee-related materials in National Archives (Newspapers and Microform Materials, Perkins Library, Duke University).

[39] Timson to Crawford, January 9, 1843, RG 75, M-234, 116: 260–61; Robinson to Crawford, January 10, February 11, March 18, April 11, 1843, *ibid.*, 116: 236, 238, 241, 245; J. R. Siler to secretary of war, June 16, 1843, *ibid.*, 116: 253–54.

[40] Timson to Crawford, June 17, 1843, *ibid.*, 116: 278–79; Johnson K. Rogers to Crawford, June 29, 1843, *ibid.*, 116: 250; Deaderick to Crawford, August 10, 17, 1843, *ibid.*, 116: 147, 149–50; OIA to Deaderick, July 6, 1843, RG 75, M-21, 34: 94–95.

[41] Deaderick to Crawford, August 17, 22, 1843, RG 75, M-234, 116: 149–50, 158–59; John

Properly chastened by this rebuke, Deaderick nonetheless remained optimistic about his mission despite resistance from the Cherokees of Qualla Town. According to the preliminary rolls he sent the Indian Office between three and four hundred Indians planned to move, and he predicted the number would soon double. He also offered suggestions as to the manner of making the first two payments to the emigrants for transportation.[42]

While Deaderick continued his efforts, critics were busy attacking the removal scheme. Among these was Felix Axley, a lawyer from Cherokee County, North Carolina, who, like Thomas, represented a number of Indian claimants. In a letter to Commissioner Crawford he insisted that only a few half-breeds and "worthless" whites with Cherokee families were interested in moving; the true Indians would never do so willingly. Perhaps anticipating the responsiveness of an economy-minded bureaucrat, he called the whole program a waste of time and money. The same point was made by J. W. King, a clerk in one of William Thomas's stores, who expressed amazement at the government's costly and fruitless course. And a council of Valley River Cherokees, in a memorial sent to Congressman Thomas Lanier Clingman, denounced the expense of keeping enrolling agents at work when the Indians steadfastly refused to leave. They would not emigrate, they vowed, even if the government tried to blackmail them by refusing to pay their claims.[43]

Axley's letter prompted Commissioner Crawford to ask Deaderick for a more complete list of the Cherokees intending to emigrate, designating those who were actually whites with Indian spouses and any who had received their transportation and subsistence money in 1838. The latter would not be eligible for additional federal assistance.[44] Deaderick's revised lists, dated December 18, 1843, shocked Crawford. One showed that 320 Cherokees or Cherokee-related whites hoped to emigrate, along with 140 slaves. Thirty-three of the seventy-five families had white heads of household, and most on the list lived in Georgia and Tennessee rather than the Cherokee heartland of western North Carolina. The other list indicated that fewer than two hundred of these people, including

H. Eaton and Edward B. Hubley to Deaderick, August 19, 1843, *ibid.*, 116: 161–62; Crawford to Porter, August 28, 1843, *ibid.*, 116: 287-90; Porter to Crawford, August 31, 1843, *ibid.*, 116: 284; Crawford to Deaderick, September 4, 1843, RG 75, M-21, 34: 230–31.

[42] Deaderick to Crawford, September 7, 18, October 23, December 4, 1843, RG 75, M-234, 116: 166–68, 170–71, 173 –74, 178–79.

[43] Axley to Crawford, November 30, 1843, *ibid.*, 87: 108–10; Proceedings of a Council of Valley River Cherokees, January 4, 1844, *ibid.*, 88: 273–78; J. W. King to Thomas, February 6, 1844, Thomas Papers, WCU.

[44] Crawford to Deaderick, December 5, 1843, RG 75, M-21, 34: 361–62; see also Crawford to Deaderick, September 16, 1843, *ibid.*, 34: 244.

slaves, were actually prepared to emigrate, assuming certain conditions were met.[45] If nothing else, these figures proved Axley's contention that most prospective emigrants were not the "real," relatively unacculturated Cherokees.

Though Deaderick continued to be sanguine, Crawford was disgusted that so little had been accomplished in over two years, and on January 30, 1844, he advised Secretary of War Porter it was no longer worth the expense to enroll Cherokees for emigration. The state of North Carolina seemed unconcerned about the matter, and the recent memorial from the Valley River Cherokees had requested they not be annoyed any more by federal agents. According to Crawford the Office of Indian Affairs had merely been trying to assist both North Carolina and the Cherokees by its emigration program. But if neither the state nor the Indians wanted removal, why should the federal government care? If any eligible Cherokees were seriously interested, they could move West on their own and be reimbursed by the government upon arrival in the Cherokee Nation. Porter agreed with Crawford's assessment, and on February 2 the commissioner notified both Deaderick and Timson that their services were "at once dispensed with."[46]

Deaderick attempted to persuade the Indian Office it was worthwhile to continue his work, noting that he had already promised those Cherokees on the lists that one-third of their transportation subsidy would be paid once they were under way. Forty or fifty had actually begun their trek West and would require the money before they could continue. Others would emigrate if the government would make the promised initial payments. Like his predecessor Thomas Hindman, he insisted the citizens of western North Carolina wanted the Indians to leave. According to him the Valley River Cherokees had signed the memorial sent to Clingman only because Felix Axley made them believe it would favorably influence their claims against the government.[47] Yet his protestations were to no avail. With his dismissal the second Cherokee removal officially ended.

News of the demise of the removal program must have circulated quickly, for on January 31, 1844, Senator Spencer Jarnagin of Tennessee introduced a resolution asking a number of questions about the Cherokees East, including the total cost of the efforts to remove them since 1841. The Senate passed the resolution the following

[45] Deaderick to Crawford, December 18, 1843, RG 75, M-234, 116: 324–30; Crawford to Secretary of War J. M. Porter, January 30, 1844, *ibid.*, 116: 388–89.

[46] Deaderick to Crawford, January 1, 23, 1844, *ibid.*, 116: 334, 338–39; Crawford to Porter, January 30, 1844, *ibid.*, 116: 388–92; Crawford to Deaderick, February 2, 1844, RG 75, M-21, 34: 460–61; Crawford to Timson, February 2, 1844, *ibid.*, 34: 461.

[47] Deaderick to Crawford, March 15, 1844, RG 75, M-234, 116: 347–50.

day, immediately before Deaderick's dismissal. In his response Crawford gave an account of the legal status of the Cherokees East as he understood it, and then launched into a brief history of the removal program. It must have given him great satisfaction to note that it had cost a trifle, less than $2,500; the subsistence for the Indians appearing before the board of commissioners amounted to another $215.[48] Whatever charges could be leveled against the Indian Office, extravagance was not one of them. Perhaps it never occurred to Crawford that such a miserly approach to emigration had doomed the program.

In the years immediately following collapse of the emigration program perhaps fifty or so Cherokees moved to the West on their own. It is quite likely that at least as many moved back from the Cherokee Nation. As one would expect, most of the Cherokees moving West were mixed-bloods or others acculturated enough to possess the skills necessary for such an undertaking; a few even took slaves. From time to time there was talk of the rest emigrating, and William Thomas himself once briefly considered a mass move to Texas or Mexico. But through the passing years the vast majority of the Cherokees East tenaciously clung to their homeland.[49]

Much to the disgust of the Cherokees, the board of commissioners appointed in 1842 did not resolve all the questions relating to the claims arising from the Treaty of New Echota. Two subsequent boards also failed, undermined by questionable instructions from the Indian Office, petty squabbling among the commissioners, and constant sniping by unhappy Indians and their attorneys. The

[48] *Cong. Globe*, 28 Cong., 1 Sess., 215, 222 (January 31, February 1, 1844); Crawford to Secretary of War William Wilkins, February 22, 1844, RG 75, M-348, 4: 132–36. Crawford's incomplete figures actually totaled only $1,487; Timson's later account added $367, and Deaderick's pay (which had not been calculated by Crawford) was estimated by this writer to have been from $500 to $600.

[49] Much later, during the 1870s and 1880s, several hundred North Carolina Indians emigrated to the Cherokee Nation but without an organized federal program. Some of them, however, did receive federal assistance when they were unable to continue the journey on their own. See Secretary of the Interior C. Delano to Acting Commissioner of Indian Affairs H. R. Clum, November 2, 1871, RG 75, M-234, 104: 1008–11. Morris L. Wardell, *A Political History of the Cherokee Nation, 1838–1907* (Norman, 1938), 241–49; and *House Executive Documents*, 47 Cong., 1 Sess., No. 96: *Removal of Eastern Cherokee Indians* (Serial 2028, Washington, 1882). For examples of emigrants during the 1840s and early 1850s see Alfred H. Hudson to P. M. Butler, March 4, 1844, RG 75, M-234, 116: 305; William Armstrong to William Medill, April 27, 1846, *ibid.*, 116: 498; Nelly Fallen to Medill, November 17, 1846, *ibid.*, 116: 541; "A Roll of Cherokees Who Have Lately Reported Themselves at the Cherokee Agency . . . ," [July 1847], *ibid.*, 116; 638–40; William A. Coleman statement, October 8, 1847, *ibid.*, 116: 681–82; George Butler to Luke Lea, January 9, 1851, *ibid.*, 116: 784; George Butler statement, June 9, 1851, *ibid.*, 116: 815; Andrew Taylor statement, June 17, 1851, *ibid.* 116: 796; Robertson Brown statement, August 13, 1851, *ibid.*, 116: 881. For mention of a possible larger emigration see John A. Powell to President James K. Polk, May 14, 1847, *ibid.*, 116: 648–49; and William Thomas to Duff Green, September 13, 1844, Duff Green Papers (Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.).

United States finally negotiated a new treaty in 1846 that resolved some of the internal problems of the Cherokee Nation and provided means for satisfying various claims. It also included a clause specifically allowing those Cherokees east of the Mississippi River to retain all their previous rights and claims under the earlier treaty.[50] In effect, it represented a tacit admission by the federal government that the Cherokees East would remain distinct from the nation, at least for that time.

In 1848 Congress stipulated that those Cherokees who had been living in North Carolina at the time the Treaty of New Echota was ratified, and who had not removed West or received money for such a move, were entitled to $53.33 each for any future emigration to the Cherokee Nation. In the meantime they were to receive interest on that sum dating from the treaty's ratification. Though the Cherokees East steadfastly refused to move, they insisted that they had a right under the treaty to full payment of both the principal and interest. After considerable haggling, the United States finally agreed to make a final settlement on condition that the state of North Carolina formally acknowledge the right of the Indians to remain permanently. Not until 1866 did the state comply, but in such a way as to avoid confirmation of citizenship for the Cherokees.[51] Two years later the Indians received federal recognition and protection as a distinct tribe, and in 1889 they were incorporated as the Eastern Band of Cherokee Indians.[52] Today the band's Qualla Boundary reservation encompasses much of the land occupied by their ancestors in the 1840s, and the influx of tourists into the adjoining Great Smoky Mountains National Park brings at least seasonal prosperity.

Several conclusions about the second Cherokee removal are inescapable. First, the program sprang from an amalgam of governmental self-interest and altruism. As Francis Paul Prucha has shown, humanitarianism was a persistent theme in Indian policy of the 1840s as it had been in previous decades. Commissioner Craw-

[50] Kappler, ed., *Indian Affairs: Laws and Treaties,* II, 561–65, especially Article 10. See also Iobst, "William Holland Thomas and the Cherokee Claims," 196–98. For information and criticisms pertaining to the commissioners see for example John F. Gillespy to President Polk, April 10, 1845, RG 75, M-234, 89: 444–52; Richard Fields *et al.* to President Polk, May 10, 1847, *ibid.,* 91: 470–78; and Preston Starrett to Edward Harden, September 20, 1847, *ibid.,* 92: 204–205.

[51] *The Statutes at Large . . . of the United States,* IX (1851), 264–65; X (1855), 700; Governor Jonathan Worth to General Assembly of North Carolina, February 15, 1866, Governors Letter Book 53, p. 47, NCDAH; *Public Laws of the State of North Carolina Passed by the General Assembly at the Session of 1865–'66 . . .* (Raleigh, 1866), 120. The question of Cherokee citizenship is discussed in John R. Finger, "The North Carolina Cherokees, 1838–1866: Traditionalism, Progressivism, and the Affirmation of State Citizenship," *Journal of Cherokee Studies,* V (Spring 1980), 17–29.

[52] *Statutes at Large,* XV (1869), 228; *Laws and Resolutions of the State of North Carolina Passed by the General Assembly at Its Session of 1889 . . .* (Raleigh, 1889), 889.

ford, a genuine humanitarian, sincerely believed removal would benefit the Indians, a conviction no doubt shared by President Tyler and Acting Secretary of War Albert Lea.[53] But self-interest appears to have been a more salient feature of the second Cherokee removal than concern for the Indians. In 1841 both the Indian Office and the Cherokee Nation viewed removal as a means of facilitating a new treaty that would resolve the myriad of issues between the two. After that, it required no great effort to argue, and believe, that removal would benefit the Cherokees East. To suggest that such ideas motivated government officials and John Ross is not to impugn their integrity or goodwill; it simply confirms their human dimensions. It is even possible that as early as 1842, when a new Cherokee treaty seemed uncertain, Crawford's main reason for supporting removal was a simple desire to help the Indians and oblige the state of North Carolina.

It was a misconception, of course, that the Cherokees East *wanted* to move or could be persuaded to do so. From the beginning the vast majority rejected the premise that removal was in their best interests, and they remained unmoved by the blandishments of three successive agents. Once the new policy was decided upon, moreover, the Indian Office was beset with vacillation in execution, bureaucratic infighting, and misleading information and advice from agents in the field. Hindman, Robinson, and Deaderick all remained stubbornly optimistic about their mission, a confidence probably derived from their association with the more acculturated Cherokee minority, but the "real" Cherokees always disappointed them.

If blame is to be apportioned, most lay with the officials in Washington. They had conceived a misguided policy and then made it even more unlikely of success by their obsession with economy. It was clearly naïve to expect impoverished and illiterate Indians to leave their beloved homeland and move, on their own, hundreds of miles across an alien, white-dominated territory on the mere promise of receiving $53.33. Even had the government convinced the Cherokees to move, it was necessary to spend the money to collect, transport, and subsist them under white supervision. But officials were too tightfisted even to hire the faithful John Timson at $2.50 a day to work a few extra months encouraging removal. This economic myopia typified government administration during the period, and no doubt the inquiries by Congress exacerbated the affliction.[54]

[53] Prucha, "American Indian Policy in the 1840s: Visions of Reform," in John G. Clark, ed., *The Frontier Challenge: Responses to the Trans-Mississippi West* (Lawrence, Manhattan, and Wichita, Kan., 1971), 81–110.

[54] For more on retrenchment in Indian policy see Satz, *American Indian Policy, passim.*

Another important reason the government's program failed was the opposition of prominent whites like William Thomas and Felix Axley. Thomas spent almost as much time in Washington as in North Carolina and was thoroughly familiar with the labyrinths of power, channeling various memorials and protests to appropriate officials and sympathetic legislators. His course of action was similar in many respects to John Ross's "nonviolent action" in opposing the first Cherokee removal (an irony, in view of the antipathy between the two men).[55] Thomas, however, was not against removal as such and even believed that under certain circumstances it might be advantageous to his Indian charges. What he resisted was the federal government's pressure on the Cherokees East for an immediate move, when the Indians obviously opposed the idea. Many whites in western North Carolina seemed to share his attitude.[56]

The lack of strong support in North Carolina for removal was probably more a reflection of the fact the Indians lived on generally poor lands in the most remote corner of the state than of any supposed Indian-white affinity. Had they occupied fertile soil in the path of white settlement the result might well have been different. It was this general indifference to the Indians that deprived the federal government of any real leverage in regard to removal. President Tyler, a states'-rights advocate, would never have dreamed of trying to enforce such a policy in a state where it was not popular. Besides, even a nominal Whig like himself preferred an Indian policy that would favorably contrast with the aggressive, coercive program of the Jacksonian Democrats. Ultimately, this was the main reason the policy failed: unlike the situation in 1838, no one in the 1840s was willing to enforce removal of the Cherokees.

[55] Conser, "John Ross," 191–212.

[56] A visitor to Haywood County, after noting that "the best understanding exists" between the whites and Indians, said that a treaty to "provide for the removal of the Cherokees West in a friendly way at some future day as they may desire to go, after the old & infirm are no more, would give Satisfaction Generally." J. Kerner to William A. Graham, May 31, 1842, Hamilton and Williams, eds., *Papers of William A. Graham*, II, 319.