Dissenting Voices in America's Rise to Power

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Not all Georgians were indifferent to Cherokee suffering. Onlookers from the university town of Athens signed a protest handed to the army officer in charge of Cherokee roundup in 1838. Citizens of Monroe and Blount counties also formally registered their disapproval. A number of ordinary soldiers disliked the expulsion policy. A Georgia volunteer, who afterward served in the Confederate army, recollected: "I fought through the Civil War and have seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruelest work I ever knew."[69] East Tennessee militiamen assigned to Georgia became so disillusioned that they withdrew in September 1836. Their commander, Brigadier General R. D. Dunlap, called the New Echota treaty spurious; he was unwilling to implicate Tennessee arms in "a servile service."[70] Even Lumpkin, employed from mid-1836 as federal commissioner to execute New Echota, enjoined the army to deal humanely with the Cherokees, if only to expedite removal with minimal friction.[71]

Detachments of Cherokee families moving west did at times meet decent churchmen and townsfolk. They donated palatable food and clean clothing. White volunteers were also known to intervene with needed medical help. Missionaries who accompanied the nation, such as Baptist preacher Evan Jones, did what they could to help and bolstered morale. The missionaries also interceded when possible with military authorities. Jones confronted Brigadier General John Wool, the senior officer detailed in 1836–1837 to effect Cherokee removal. Jones tried to persuade him of their physical distress and anguish at leaving the southeast.[72]

Wool was a stolid soldier. His army career dated to the War of 1812 wherein he won renown for bravery at the battles of Queenston and Plattsburg. Standing slightly above five feet, he was lissome, nimble, and strict (disinclined to suspend the military's reliance on corporal punishment). He was the army's inspector general from 1816 to 1841.

During those years he helped professionalize the small peacetime force. He traveled in his inspectorial capacity to France and Britain in 1832; he familiarized himself with European standards and ordnance. He was a close friend of Lewis Cass. Wool was also a politically engaged soldier. A Democrat, he openly supported Old Hickory in the 1828 presidential election.[73]

Nothing in his background suggested that Wool would object to an important national policy of Democratic origin. The only hint of dissident temper surfaced in 1819, when he urged that the curriculum of mathematics and engineering at West Point be leavened by attention to the humanities. He had ethics foremost in mind (plus history, foreign languages, geography). Mathematical study, he admitted, enhanced clarity of mind, but "like the blasts from the polar regions" froze imagination and "the heart [against] those generous qualities, which are always the result of energy and liberal investigation." Wool also possessed a streak of piety (Presbyterian) deeper than that found in contemporaneous officers.[74]

Released temporarily from inspector general duties and invigorated by field assignment, he at first relished his posting to Cherokee country. He luxuriated in the idea that his new assignment enjoyed approval among grateful citizens in Tennessee, Georgia, North Carolina, and Alabama (while Floridians skewered the army for not pacifying the Seminoles). Wary of Ross, Wool moved deftly to gather the Cherokees' firearms, mainly antique muskets used for hunting game but seen by him as hazardous to his men. He confiscated stores of spirits secreted on or near Cherokee land. He got white missionaries to cooperate with him, against their scruple but with threats of incarceration or banishment. He welcomed the aid of southern militias as his soldiers policed the peace between Indians and civilians. He had his men track Creek refugees in the Cherokee nation for delivery west.[75]

The removal job unnerved Wool after only three months. Unwholesome displays by eager whites offended his sense of fairness. They too obviously coveted Cherokee land upon which they trespassed with abandon. They sought profits at the expense of forlorn people and sold goods at inflated prices. Wool likened the swarming land speculators and merchants to vultures. He feared that their victims would arrive penniless in the west. He thought Lumpkin uncommonly ambitious, a mix of vulgarian and Jesuit.[76] Random violence by white civilians against Cherokees also alarmed Wool. It made his assignment complicated and personally objectionable. He wrote to the secretary of war: "With these people it really seems to be no crime to kill an Indian . . . [as when a man at home was] shot down and basely murdered by a party of white men, who had not the semblance of provocation."[77] Wool came to hate the situation, which he

labeled heart-wrenching. He intimated to War Department superiors that the New Echota treaty lacked legitimacy. He reported that the Cherokee majority thought it derisory; many preferred death to removal. He asked Washington to be recalled.

Recall was slow in coming. Wool did what he could in the interim to ameliorate Cherokee hardship. He sent to Washington petitions by Ross that asked for clemency: "How have we offended?"[78] Wool upbraided officers who failed to control their men in interactions with Cherokees. He disciplined soldiers who behaved lewdly toward Cherokee women.[79] He ordered all ranks to treat the Indians with courtesy. He made blankets, food rations, shoes, and sundry other items available to the nation's neediest upon application. He prosecuted white gamblers and purveyors of whiskey who plundered Cherokee wealth. He tried to administer impartial justice among the Cherokees, their own tribunals having been emasculated by southern legislatures. In Alabama, where white claimants had seized Cherokee farms and livestock, Wool had the properties restored to their rightful owners.[80]

The general's actions angered Washington officialdom while they incensed authorities in Alabama and Georgia. President Jackson rebuked him for forwarding petitions by Ross and other Cherokee chiefs. Lumpkin charged that Wool disobeyed Washington's orders. He was "a Ross man at heart."[81] Alabama's governor, C. C. Clay, charged that Wool exceeded his authority, usurped the supremacy of local courts, disturbed the domestic tranquillity, and violated citizens' rights. This cumulative criticism led a military court of inquiry to investigate Wool's behavior in Alabama's Cherokee country. The court met in September 1837 with General Scott presiding.

Military and civilian witnesses testified, the bulk in defense of Wool. He explained in his own statement to the court that persecution of the innocent was not his business. Protection of the defenseless was his duty: "If I had acted otherwise than I did, I should have considered myself recreant to the sacred trust reposed in me." He invited the court to consider his dilemma in Alabama:

> An Indian presents himself before me, and . . . details his complaint. He says: I have been dispossessed by the white man of the house which I built, and the fields which I have cultivated for years; my property has been taken from me, and my family turned out to the shelter of the forest; your government is pledged to protect me . . . I ask justice at your hands. I say to him, go to the civil tribunals of the States, they will redress your wrongs. What would be his answer, what would be your answer, or that of any other man in the community? It would be the voice of nature, universal as the human family. He would say, you insult me with such protection; it is a miserable mockery. Is this your justice? This your faith, so

often, so solemnly pledged to us? In the language of Scripture he might exclaim, I have asked you for bread, and you have given me a stone.[82]

Wool next confessed that during his Alabama errand he had not always been diligent in cooperating with municipal authorities. He also expressed a general gripe to brother officers against people in elected office. He accused those in Alabama of mixing sophistry with arrogance:

> My crime has been . . . in listening to [the Indian's] complaints and redressing his wrongs. I have endeavored to do him justice without inquiry into the particular provision of this or that State law. I have not perplexed myself with the subtle arguments of politicians about the indivisibility of sovereignty, or such like cobwebs of the brain.[83]

Justice alone was the sovereign to which Wool felt obedient. Self-seeking Alabamans were another story: "The path of justice being clear, I but obeyed the still small voice of conscience which frequently, in the advance of reasoning, overleaps those barriers with which subtlety and ingenuity sometimes successfully oppose its progress." Finally, with an eye to other dealings between the federal government and Native America, Wool told the court that fair practice was the only way to ensure peace. He had avoided the snare in Alabama of begetting violence by despotism:

> The course of justice and humanity are but the dictates of an enlarged and liberal policy. By such a course the Indians were taught that some remains of justice, some touches of feeling yet existed in the bosoms of white men for their unfortunate and peculiar situation. I trust that it softened in some degree the asperities of their feelings, and caused them to look with some confidence to the future. Suppose a different course had been pursued – that every . . . oppression and cruelty was practiced towards them, and they could find no redress. Might they not justly say: We can but die, let us first be revenged?[84]

History was replete with bloody-minded resolution rooted in despair, he concluded.

The court of inquiry exonerated Wool following his testimony. The impact of his words on General Scott's thinking cannot exactly be determined. Scott's decision to drop all charges rested on an evaluation of the evidence, not only Wool's apologia. Still, as the next officer placed in charge (April 1838) of Cherokee removal, Scott had reason to heed Wool's analysis. His decision to proceed with regard for the emigrants, in any case, dovetailed with Wool's admonition to treat humanely with them. Scott was also buttressed in this thinking by his dealings with Chief Ross. The articulate Cherokee and the soldier met in Washington just before Scott left for New Echota. They discussed the tribe's grievances and prospects in Oklahoma. Scott spoke reassuringly of his determinations to avoid bloodshed while alleviating Cherokee hardships.[85]

On arrival in the southeast, Scott ordered his command to behave with civility. He set this standard: "Every possible kindness, compatible with the necessity of removal, must . . . be shown by the troops; and if, in the ranks, a despicable individual should be found capable of inflicting a wanton injury or insult on any Cherokee man, woman, or child, it is hereby made the special duty of the nearest good officer or man instantly to interpose, and to seize the guilty wretch to the severest penalty of the laws."[86]

Years after the removals, Scott recorded unabashed admiration of the Cherokees. He also expressed this opinion: "The Georgians [seemed] to forget, or, at least, to deny that a Cherokee was a human being." Most remarkably, given his life-long quest for glory and self-vindication, Scott revealed regret for his role in the Cherokees' exile.[87]

Well he might. Contra his intentions, the removal program went wrong during his supervision. Under the best of circumstances having to evict people from their homes, to place families under guard, and escort them abroad cut against his conception of chivalry. Scott's troops in the event proved overly tough in dealing with an unarmed people. Threats, curses, and rifle butts were frequently employed. Shootings took place. One soldier recounted late in life: "Men working in the fields were arrested and driven to the stockade. Women were dragged from their homes by soldiers whose language they could not understand. Children were often separated from their parents and driven into the stockades with the sky for a blanket and the earth for a pillow."[88] Squalor in the camps and drought along the westward trails in summer 1838 intensified Cherokee misery. Scott became so startled by the high number of deaths that he agreed, without consulting President Van Buren, to Ross's suggestions: the remaining Cherokees should be allowed to postpone emigration until salubrious weather returned in early autumn; they could go west under their own responsibility relieved of military escort. Scott also approved the travel and cost schedules submitted by Ross for Cherokee removal, $65 per person. The budgets made provision for soap, originally not itemized in federal inventories. Removal from the southeast resumed in early October. Twelve thousand people divided into a dozen detachments decamped. Ross's wife, Quatie, numbered among the refugees who died during the thousand-mile tramp.