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Author(s): John P. Bowes

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JOHN P. BOWES

## American Indian Removal beyond the Removal Act

**THE INDIAN REMOVAL ACT** was not just enabling legislation passed by Congress in May 1830. It did more than grant authority to the President of the United States to arrange for the relocation of eastern Indians to lands west of the Mississippi River. The Indian Removal Act, as well as the debates and events connected to it, established a discourse that has continued to frame discussions of the historical era in which it occurred. That discourse is one layered in the language of constitutional authority, civilization versus savagery, property rights, states' rights, tribal sovereignty, and government jurisdiction. It provides the foundation for a broad conversation encompassing American imperialism during the Jacksonian Age, "a determination to expand geographically and economically, imposing an alien will upon subject peoples and commandeering their resources."<sup>1</sup> In addition, the process has created a powerful and tragic narrative concerned primarily with the experiences of the southeastern Indian tribes and their forced removal from the eastern half of the continent.<sup>2</sup>

The portrayal of the Indian Removal Act of 1830 as a watershed historical event has thus been influenced by the construction of the American national narrative as a whole. Whether it is seen as ending "the drift and indecision of previous administrations" or forcing "the recognition that attitudes that had been vaguely and randomly expressed before had now to be consolidated into a unified, practical, and defensible national policy," the legislation has left its mark as a significant moment for federal policy.<sup>3</sup> Teachers and scholars have long emphasized the well-known battle among the assembled forces of Andrew Jackson, Christian missionaries, Georgia politicians, and Cherokee Indians to illustrate the bill's place within a transformative era of American history. John A. Andrew III presents Indian removal as "Jacksonian Democracy's first great crusade," which "became a key to understanding a concomitant change in American culture." Similarly, Mary Hershberger has deftly illustrated the connections between women's involvement in the antiremoval petition campaign of 1830 and the early abolitionist movement. In an impressive study of political behavior, Fred Rolater has asserted that the debates over Indian removal contributed significantly to the emergence of

the second American party system. Rolater's argument was foreshadowed by Ronald Satz's foundational work on Jacksonian Indian policy that also highlighted the broader political implications of the congressional debates over the legislation. For Andrew, Hershberger, Rolater, Satz, and others, the battle over American Indian removal influenced vital elements of American society during a period of tremendous change.<sup>4</sup>

But removal was also an act of all-encompassing violence. This violence played out on a local level and did not simply happen in an abstract world of political debates and historical narratives. Literary scholar Scott Richard Lyons states in harsh terms that, "removal is to migration what rape is to sex." It was not antiseptic. It was not clean. In all cases it involved some manner of coercion. Removal forcefully renamed the physical and cultural landscape as it marginalized Native ways of living and being.<sup>5</sup> Lyons expands upon this idea, stating that, "while the original political policy was concerned with actual physical removals like the Trail of Tears, the underlying ideology of removal in its own way justified and encouraged the systematic losses of Indian life: the removal of livelihood and language, the removal of security and self-esteem, the removal of religion and respect."<sup>6</sup> In this light, federal removal policy should be viewed as a continuation of, rather than a transition from, the civilization policy begun in the late eighteenth century that attacked Indigenous religions, subsistence patterns, and landholding practices. And this wholesale dispossession continued in the histories written in the decades that followed. It is a trajectory shown quite clearly by James Buss, who describes the literary genocide committed by nineteenth-century historians of the lower Great Lakes who crafted stories that hinged on the "moment of Native dispossession and victimless settlement."<sup>7</sup>

The scholarship examining Cherokee removal is not devoid of this violence. Nor does it claim sole ownership of the history. As Theda Perdue and Michael Green note, "the history of the removal of the Cherokees can never substitute for the histories of the others, but it can exemplify a larger history that no one should forget." Nevertheless, the discourse grounding the narrative constructed primarily around the Indian Removal Act and the Cherokee experience at times hinders a more expansive picture of the wholesale cultural and physical dispossession in the early American republic. A focus on the 1830 legislation ties the conversation to the vocabulary used in opinion essays, congressional debates, petitions, and court cases, thus largely focusing on the history of the Cherokees and their southeastern neighbors. And the fact that the Cherokees were "masters of public relations" also provides scholars with countless documents with Cherokee voices speaking to the same issues.<sup>8</sup>

However, by disentangling our analysis from this prominent discourse, it is possible to better describe the full reach and impact of removal. The following article represents an attempt, then, to extricate the history from the specific context of the Indian Removal Act. I argue that to engage with the legislation itself as the critical element of the historical narrative is to become ensnared in the debates over the legislation. And while there is worth to analyzing intention when it comes to those conversations, occurring as they did during a heightened time of political change and social reform, that approach has at times obscured more than it has illuminated and consequently narrows the chronological scope of the discussion. Yet even as this article addresses a more expansive chronology, it can also be said that it reveals a smaller history. In the northern states and territories in particular, removal did not occur on the grand scale seen in the southeast. Because of that smaller scale, removal was fragmented and filtered through a diverse set of political, economic, and regional interests. Dislocation in the north was enmeshed in a very different local context, and context mattered.

The Indian Removal Act must remain integral to the national narrative of American history, and its influence should not be dismissed. However, the legislation's historical and historiographical influence must also be critically examined by looking beyond that legislation and the debates that surrounded it to consider the diverse Indian removals north of the Ohio River. In the histories of Delaware and Potawatomi bands from the late eighteenth to the early nineteenth century we find effective illustrations of experiences that provide alternatives to the dominant discourse shaped by the 1830 legislation. And ultimately, in the histories of smaller bands of northern Indians we see how the local contexts as well as the scale of removal mattered. These are removal histories that address an expansive chronology, the influence of Indigenous political structures, the impact of regionally specific events like the Black Hawk War, and the importance of local and state, more than federal, authority.

Stuart Banner writes that, if “the 1830s were an era of removal, so too were the previous two centuries.”<sup>9</sup> One strand of that history can be traced back to early English colonization on the Atlantic seaboard. As Jean O'Brien has illustrated, removal and other nineteenth-century policies like reservations and allotment “can all be found in one form or another in colonial Massachusetts.”<sup>10</sup> Nor was this idea foreign to contemporary observers, including the noted Pequot Indian and Methodist minister William Apess. In a public lecture in January 1836, later published under the title *Eulogy on King Phillip*, Apess drew a straight line between the actions of the past and the policies of the nineteenth century. “Yea, every charter that has been given, was given

with the view of driving the Indians out of the States," he declared, "and this is the course that has been pursued for nearly two hundred years; a fire, a canker, created by the pilgrims from across the Atlantic, to burn and destroy my poor unfortunate brethren, and it cannot be denied."<sup>11</sup> Even the words and actions of seventeenth-century English missionary John Eliot loomed over the national removal debates in the 1830s. Eliot's efforts in the mid-1600s to convert and control Indians in praying towns made him a clear symbol of New England's existence, "the benevolence of its Indian policy, the rightfulness of its claims to the country, and the sacredness of its ongoing mission."<sup>12</sup> The Puritan minister had done his best to bring Christianity and civilization to the Indians of New England. Their rejection of his gift and the subsequent demise of their societies bolstered arguments and soothed moral qualms held by many who promoted removal in the early 1800s.

The colonization on the Atlantic seaboard sent more than just ideological ripples into the nineteenth century, however. For the Delaware Indians of the late 1700s, whose ancestors had inhabited lands in the Delaware River valley, colonization also set in motion an even more powerful physical displacement. And that displacement only increased in the years during and after the American Revolution. The subsequent relocation of hundreds of Delawares to Spanish Louisiana in the 1780s and 1790s and the movement of other Delawares to Texas in the 1820s do a great deal to enhance the removal narrative. These examples illustrate well that removal was not by definition tied to any one policy, and also indicate the manner in which Delawares took advantage of contemporary geopolitical realities to mitigate American expansion. Dispossession led to relocation, but that did not necessarily mean relocation within the United States. Perhaps most importantly, the Delaware movements that began in the late eighteenth century were all inextricably connected to dispossession and pressure on Indian lands. They were relocations "made under conditions not of [their] making," and the decision to relocate was often captured in the x-mark made by a Delaware leader on a treaty. Such a mark "is a sign of consent in a context of coercion," as Richard Scott Lyons writes.<sup>13</sup>

In March 1782, several Delawares were part of a mixed delegation of forty eastern Indians who held talks with the lieutenant governor of Spanish Louisiana, Don Francesco Cruzat. The Delaware, Shawnee, Chickasaw, and Cherokee delegates were on a mission to negotiate for permission to live west of the Mississippi River under the protection of the Spanish government. For the Delaware Indians, this diplomatic venture arose in response to the violence that had consumed the Pennsylvania and Ohio backcountries during the previous three decades in particular. The years from the Seven Years' War to the American Revolution had been difficult ones for the Indians whose lives

had become inextricably linked to the imperial battles in the North American interior. And the notion of moving hundreds of miles to escape the possibility of increased hostilities fit well within the history of the Delawares, who over the course of the seventeenth and eighteenth centuries had made their way from the Atlantic seaboard to villages along the Allegheny, Muskingum, Scioto, and Sandusky Rivers. By the early 1790s approximately six hundred Delaware Indians lived in settlements between St. Louis and New Madrid.<sup>14</sup>

The move to Spanish Louisiana, born out of the violence and dispossession in the Ohio country, marked one route to escape the turbulent Ohio Valley. Other Delaware communities moved west in smaller geographical increments. On March 24, 1801, five canoes entered the Muskingum River at Goshen in the Ohio country, carrying fifteen Delaware Indians and six non-Indian Moravians. Their destination was the new home near the recently established Delaware settlements on the White River in the Wabash River drainage. It was a journey of more than four hundred miles by canoe that took more than two months to complete. Entries from the journal kept by Brother John Peter Kluge reference the landscape they passed and the people with whom he traveled. On the third day of the journey, the party paddled by “the former Indian town, Newcomera,” which had once been the home of a Delaware band under the leadership of the late Netawatwees. Later that day they passed “White Eyes Town,” and early the next morning the party reached the site of Goschachgunk, more familiarly known as Coshocton, a prominent Delaware town that had been destroyed by a military force under American Colonel Daniel Brodhead in the spring of 1781. Twenty years later the site was occupied by a white man named Buckingham. The waterborne caravan next passed the overgrown town of Gnadenhutten, site of the infamous massacre of ninety-six Indian men, women, and children in March 1782. It was a small group of Delaware converts and missionaries that made this journey to present-day Indiana. And on their way out of Ohio they paddled through a landscape that had been shattered by violence and renamed by its new inhabitants. One can imagine similar experiences being part of the journeys that had brought the Delawares to the Ohio country in the first place.<sup>15</sup>

These Delawares were not moving to the White River because they had just suffered an attack, but that did not mean violence was not a factor in their decision to leave the Muskingum. Once in Indiana they settled in the vicinity of the nine other Delaware villages on the White River, most of which had been established after the ratification of the Treaty of Greenville in 1795.<sup>16</sup> But the journey of this small Moravian party at the beginning of the nineteenth century also testified to the scattered nature of Delaware movements and the problems faced by those Delawares hoping to unify their community. In

the introduction to his piece in the *Handbook of North American Indians* Ives Goddard writes that Delaware history “involves the repeated divisions and consolidations of many villages and of local, political, and linguistic groups that overlapped in complicated and incompletely known ways.” Indeed, it does not take much familiarity with the historiography of the Delaware to recognize the difficulty of encapsulating the movements and locations of Delaware peoples from the seventeenth century forward in a cohesive narrative arc. Nevertheless, the shattering events of the 1770s and 1780s mark a critical turning point.<sup>17</sup>

For both the Delawares on the White River and those living on the waterways south of Saint Louis, their homes would be temporary. The Louisiana Purchase shifted international boundaries so that the Delawares living near Cape Girardeau and New Madrid were suddenly once again residents of an American-claimed territory. Then the conclusion of the War of 1812 unleashed a wave of American citizens that flooded the Ohio Valley and crested the banks of the Mississippi River. As a result, Delaware Indians living throughout the Wabash River drainage in Indiana Territory and along the Mississippi River in Missouri Territory struggled to hold onto land. The latter broke first and small bands of Delawares began moving west into the Ozarks in the late 1810s, with most gathering in the Jack’s Fork River Valley. By 1822 the Missouri Delaware settlements were increased by the arrival of more than one thousand men, women, and children who, following an 1818 treaty negotiation that ceded “all their [the Delaware Indians] claim to land in the state of Indiana,” crossed the Mississippi River and reunited with their relatives. The Delaware Chief Kikthawenund, also known by the name William Anderson, made the first x-mark on that treaty that came about, according to Indian agent John Johnston, after the Delawares were “pressed repeatedly and for years about the subject.” Anderson regretted the decision only months later, stating, “the white people now claim our country, and desire that we should leave it—and now we know not what to do!”<sup>18</sup> Per the terms of the treaty, they only had three years to prepare to move west of the Mississippi River. By 1822, approximately twenty-five hundred Delawares lived in multiple villages in southwestern Missouri.<sup>19</sup>

A combination of events made life in the Ozarks difficult. As early as February 1824 Anderson and other leading Delawares informed Superintendent of Indian Affairs William Clark that, “a number of our people died just for the want of something to live on.” Flooding the previous summer had destroyed their cornfields, and the hunting in the vicinity was poor. “We have got in a Country where we do not find as was stated to us when we was asked to swap lands with you,” the Delawares protested. In addition, the Delawares, along with their Shawnee and Cherokee neighbors, frequently fought the Osages

over hunting territories to which the latter continued to lay claim. Then the tendrils of American expansion began reaching into southwestern Missouri through the movements of traders and farmers. The Delaware settlements in southwestern Missouri did not last a decade.<sup>20</sup>

It is possible to follow the trail of the Delawares out of Missouri by tracking the movements of Anderson and his people, who left the state in 1829 under the auspices of the Treaty of Council Camp that granted them a reserve just west of the Missouri border and north of the Kansas River. But years before these Delaware headmen negotiated another exchange of land, other Delawares had already made another choice. Instead of working with the United States government, these Delawares relocated south and west into territory claimed by the newly independent Mexico. Their journey into Mexico displayed a number of continuities in Delaware history. The willingness of the Delawares to utilize international boundaries to promote their interests was not new, nor was the relationship with both Shawnee and Cherokee Indians who had also chosen to emigrate to Mexico. But the move revealed once more that the Delawares' constant search for refuge was haunted by the nonstop expansion of the United States and its citizens. Most notably, it was the American citizens that pressured the Delawares first, and not American policies.<sup>21</sup>

In October 1824, an unnamed Shawnee headman used a Mexican intermediary to petition the Alcalde of San Antonio. In that petition, the Shawnee leader made clear his people's desire "to place themselves under the protection of the Mexican Government." This was a request for land, but not just for Shawnees. "They pray the Government that the conditions of the grant may include all their allies and friends who may follow them," the petition explained. The Governor of Coahuila and Texas, Rafael Gonzalez, approved the request in December 1824, and by the end of 1825 two different Shawnee bands had established villages in eastern Texas, while a band of Delawares lived on a creek in present-day Red River County. A report of July 1827 indicates that within two years approximately 250 Delaware families had settled in the region.<sup>22</sup>

That 1827 report came from three American men living in Texas: David Burnet, Benjamin Milam, and Stephen F. Austin. Burnet had first entered Texas during the Mexican Revolution, and by 1827, three years after the Mexican government adopted its constitution, he was a powerful landowner. Milam was similarly positioned. He had led trade expeditions to the Comanches in the 1810s and then joined the revolutionaries in the latter stages of their uprising against Spain. Austin's name is perhaps best remembered among the three, for it was his father Moses who initiated negotiations in 1820 to arrange for some of the first land grants for American immigrants in Texas.



The report written by these three men in 1827 did not simply provide a brief census of the Indian population of Texas. It was a warning. They had “a deep and lively concern in all that relates to the welfare of their adopted country,” and because of this “regard for the future advancement and tranquility of Texas,” felt it necessary to oppose any Mexican policy that would allow Indians to continue to settle in the region. Those Indians in the process of being removed from the eastern United States should remain in American territory under the jurisdiction of the United States government. And the Indians, like the Delawares, who were already in Texas, should be encouraged to leave, so as “to save the peaceful Citizens of Coahuila and Texas . . . from the *tomahawk and scalping knife* of a ruthless, infuriated, and savage foe.”<sup>23</sup>

Burnet, Milam, and Austin painted a misleading picture of the Indian presence in order to promote their desire for land. Indeed, Mexican authorities had welcomed the eastern Indians in the hope that they could provide a buffer against the Comanche bands that had raided the Texan settlements for decades. The Delawares who had settled south of Saint Louis in the 1780s were asked by Spanish authorities to protect Saint Louis and its environs from attacks by the powerful Osages. Forty years later their descendants in Texas were requested to do the same against a different western Indian nation. In contrast to the sentiments expressed by Burnet and his colleagues, even some American immigrants to Texas hoped to benefit from the presence of the eastern Indians. A small number of men intending to lead a revolt against the Mexican authorities in the town of Nacogdoches in 1827 actively sought the favor of Cherokee, Shawnee, and Delaware warriors in the area. If nothing else, the Delawares who moved to Mexico hoping for a safe haven would get no respite from the battles over power and land. Instead, they faced yet another struggle to avoid relocation. And the situation worsened once Texas declared its independence in 1836.<sup>24</sup>

As of May 1830, Delaware Indians lived along the Red River in northern Mexico, along the Thames River in Upper Canada, and on the Kansas River just west of the Missouri border. In the 1850s in Texas and in the 1860s in Kansas, these disparate communities endured relocations under the auspices of federal policy. But if 1830 marked a particular turning point in the longer Delaware experience with dispossession and relocation, it was not a direct result of the Indian Removal Act.<sup>25</sup>

For the Potawatomi villagers living throughout the southern Great Lakes, however, the Indian Removal Act was a national statement that paralleled and affirmed the more influential local and state desires for Indian dispossession and relocation. Indeed, the Potawatomi Trail of Death occurred at almost the same time the Cherokees left Georgia at gunpoint and encompassed approximately eight hundred Potawatomis then living along the Yellow River

in the Twin Lakes region north of Rochester, Indiana. Like the Cherokee leadership, the Potawatomi headmen, Menominee, Black Wolf, Peepinohwaw, and Notawkah, had resisted relocation under an 1836 treaty that, with good reason, they deemed fraudulent. Just months after similar events in Georgia, armed men rounded up Potawatomi families in August 1838 following outbreaks of violence and arson between Indians and the American citizens who had begun to encroach on territory ceded by the 1836 agreement. The journey began on September 4. An unnamed child who died on the evening of September 5 became the first casualty. Before the Yellow River Band of Potawatomis reached their destination in eastern Kansas on November 4, 1838, more than forty more people died, including twenty-seven children.<sup>26</sup>

There is a structural similarity between the Potawatomi Trail of Death and the Cherokee Trail of Tears that goes beyond chronology. Both removals were, in the end, ultimately about land. In each instance that struggle was fought on a local level as Indians tried to find ways to prevent American citizens from overrunning their territory. Those citizens, on the other hand, knew that they had the support of state officials and that knowledge provided an impetus for their activities. In Indiana, Senator John C. Tipton and Governor David Wallace led the charge to remove the Yellow River Potawatomis when they deemed the situation had dragged on long enough. Indeed, it was Wallace, and not anyone else, who authorized Tipton to create a militia with the specific purpose of rounding up and removing the Potawatomis.<sup>27</sup>

Yet a comparable structure and chronology are not enough to make the Potawatomi and Cherokee experiences equivalent. Nor do other details support the notion that the Trail of Death was connected to the Indian Removal Act in the same fashion as was the Trail of Tears. In fact the comparison falters on a number of levels, from the authorizing statutes to the process of the removal itself. On a technical note, the treaty negotiated in 1836 and the encroachment by Indiana citizens occurred under the auspices of different authorizing policies. Congress had to pass “An Act to Enable the President to Extinguish Indian Land Title within the State of Indiana, Illinois, and Territory of Michigan” in the summer of 1832. And the men who overran the Yellow River villages in August 1838 did so with the protection of “An Act to Grant Pre-Emption Rights to Settlers on the Public Lands” enacted just over one month before. On a practical note, the roundup and removal of the Yellow River Band of Potawatomis occurred at the charge of the Indiana state government. Commissioner of Indian Affairs T. Hartley Crawford later informed Secretary of War J. R. Poinsett that the removal occurred “without any previous knowledge or concurrence with the [War] Department.” This certainly differed from the use of federal soldiers under General Winfield Scott to intern the Cherokees that same summer.<sup>28</sup>

But focusing on these differences, especially those dealing with authorizing policies, is to engage once again with the discourse created by the Indian Removal Act. And while it is familiar, it is worthwhile to review briefly the construction of that discourse to understand better how to break free from it. Theda Perdue and Michael Green write that what gave the debate of the late 1820s and early 1830s its drama was that “it was less about Indian removal than it was about Cherokee removal.”<sup>29</sup> Both the subject and terms of that debate had three interconnected origins. The federal government’s development of and deliberation over removal policy composed one strand. The public sphere provided the second part of the conversation, with Christian missionaries in particular serving as a dominant voice. Legal ideologies and judicial rulings provided the final element. Together, the intertwined dialogue of these three spheres created a common language by the 1830s that bounded the debate over Cherokee removal in particular and Indian removal in general.

President Andrew Jackson and his administration established rhetorical boundaries before Congress convened to discuss the proposed legislation in the spring of 1830. The debate would focus on sovereignty. Both Secretary of War John Eaton and Jackson advised the Cherokee that the federal government viewed state sovereignty with great importance. “The arms of this country can never be employed,” Eaton explained in an April 1829 letter, “to stay any state of this union from the exercise of those legitimate powers which attach, and belong to their sovereign character.” The Indians were merely occupants, the states were sovereign, and the federal government would not interfere. Only eight months later Jackson delivered the same message in remarks prepared for Congress. The congressmen assembled for his first annual address learned that the president had already advised the Cherokees in Georgia and the Creeks in Alabama “to emigrate beyond the Mississippi or submit to the laws of those States.”<sup>30</sup>

American citizens formed battle lines on either side of the issue, and when the formal debates over the Indian Removal Act finally began in April 1830, congressmen on both sides had numerous speeches, letters, essays, and other publications from which they could draw. Yet the national debate had a limited focus. The antiremoval petition campaign led by Reverend Jeremiah Evarts of the American Board of Commissioners of Foreign Missions (ABCFM), for example, resulted in a flood of missives from northern states, most of them petitioning for the protection of Cherokee natural and treaty rights.<sup>31</sup> Proremoval supporters like the Baptist missionary Reverend Isaac McCoy published treatises on the issue. And in the midst of familiar remarks about the degradation of the Indians caused by their contact with white civilization, McCoy emphasized that the Cherokees, as “Men capable of forming themselves into an independent government, can easily enough perceive the

incongruity of the supposition, that an independent state can exist within the acknowledged boundaries of another independent state!”<sup>32</sup>

Congress consented to the terms of this discussion, and the speeches made in the spring of 1830 reviewed the concepts of sovereignty and power. Speaker after speaker lectured on the autonomy of Indian tribes and their claims to the land. Others placed state sovereignty at odds with federal authority in Indian affairs as outlined first by the Articles of Confederation and then by the Constitution. Historical events and the precedents set by British rule and colonial land policies also came under consideration. All of these issues emphasized the colonial and recent history of the European and American authority as well as the specific actions of Cherokee Indians, Georgia state officials, President Jackson, and Congress.<sup>33</sup>

The ideologies and ideas of these debates referenced a specific legal context as well. Representative Thomas Foster of Georgia quoted extensively from the Supreme Court decision in *Johnson v. McIntosh* to assert the dominion and jurisdiction of the federal government over Indian lands.<sup>34</sup> That pivotal 1823 ruling was one of several decisions made in federal and state courts in the 1820s and 1830s that sought to establish “the place of the Native American and the Indian tribe in the American constitutional system.”<sup>35</sup> The two other prominent Supreme Court cases connected to removal came in the two years after the Indian Removal Act was passed. In *Cherokee Nation v. Georgia* the Supreme Court ruled that the Cherokee did not have legal standing due to their status as a “domestic, dependent nation.” And though the *Worcester v. Georgia* decision in 1832 asserted that “Indian nations had always been considered as distinct, independent political communities” and that Georgia did not have jurisdiction on Cherokee lands, the nonenforcement of the *Worcester* ruling strengthened the influence of *McIntosh*.<sup>36</sup> Southern courts in particular “filled the legal vacuum created by the general disavowal of *Worcester* and provided legal legitimacy to the state legislative assault on Indian rights.” Southern judges proved more than capable of promoting the interests of southern white citizens.<sup>37</sup>

The Cherokee decision to participate in this discourse is just as critical. The constitution adopted in 1827 was the culmination of political transformations that occurred over the course of decades, and it reflected the significant effort to protect the Cherokee nation and its lands. Yet while the Cherokee nation had always been sovereign, the new constitution expressed that sovereignty in terms and structures more familiar to Americans. And by turning to the American court system to battle Georgia’s jurisdictional assaults, Cherokee resistance more intricately tied the removal debate to a dialogue built around sovereignty, state’s rights, and constitutional authority. So even as Elias Boudinot wrote often in the pages of the *Cherokee Phoenix*

about the advancement of the Cherokees in matters of civilization, he also emphasized that in the matter of jurisdictional battles, the “integrity of the Union is at stake” because the Cherokees were “surrounded with guarantees which this Republic has voluntarily made for their protection and which once formed a sufficient security against oppression.”<sup>38</sup>

Beyond that debate’s rhetorical and geographical boundaries, however, remains the larger history of removal, and an effective way to break from that established narrative is to utilize a concept explored by Kevin Bruyneel. Bruyneel writes about “the institutional dynamics of colonial ambivalence” within the context of Cherokee negotiations with the U.S. government after the Civil War, as the Indian leaders sought to capitalize on “the fact that the American state was not a unitary actor with a single voice.”<sup>39</sup> The disconnect and differing attitudes between the various branches of the federal government allowed room for the Cherokees to maneuver in what Bruyneel has termed a “third space of sovereignty.” In the Potawatomi experience, however, we can see the “institutional dynamics of colonial ambivalence” writ larger, particularly once we expand our notion of institution beyond the bureaucracy of federal agents and agencies. Not only did the relocation of Potawatomi Indians occur in smaller numbers than the Cherokees on the Trail of Tears, but also each removal occurred within a more fragmented framework of external and internal interests. As a result, the fractured nature of Potawatomi removals from the 1830s to the 1850s, as well as the experiences of those Potawatomis who avoided removal altogether, provided more opportunities for the illumination and exploitation of colonial ambivalence.

Out of all the Indian residents of the lower Great Lakes, the Potawatomis may have had their history examined most comprehensively by historians, anthropologists, and archaeologists. Monographs by David Edmunds and James Clifton provide substantive overviews of Potawatomi histories from the 1600s to the 1900s, while some of the most recent scholarship has appeared in the field of archaeology.<sup>40</sup> Archaeologists have focused especially on what material evidence suggests about the adaptation and resistance of the Potawatomis to assimilation and removal policies in the early nineteenth century. Mark Schurr, for example, proposes that “the ability to forge useful social ties with the colonizers was the single-most important determinant of successful resistance.”<sup>41</sup> It is an idea that, when placed in concert with Bruyneel’s concepts, exposes the importance of examining the Potawatomi experiences with removal. Relationships mattered, and in the political, economic, and cultural context of the Great Lakes region, the Potawatomis had to cultivate and manage numerous relationships.

One of the most fundamental differences between the Cherokee and Potawatomi experiences rests in political structures. When John Ross pro-

moted Cherokee sovereignty, he served as the elected principal chief of a Cherokee Nation formalized by the 1827 constitution. In contrast, no single Potawatomi Nation existed in the 1830s or at any other previous time in history. By the 1830s, Potawatomi bands encompassing approximately six thousand individuals lived along the rivers and lakes of present-day Michigan, Indiana, Wisconsin, and Illinois. Overlapping band affiliations as well as general mobility made it difficult for government agents to count and label the disparate bands. Despite the attempts made by the federal government to consolidate the Indians into a single tribal community over the course of the nineteenth century, the Potawatomi people resisted and thus maintained their decentralized political structure.<sup>42</sup>

At a council held in November 1845, American treaty commissioners General George Gibson and Major T. P. Andrews strived to find the best analogy to describe the relationships and political connections among the bands of Potawatomis then residing throughout the trans-Mississippi West. Gibson and Andrews started with the statement that “all the Pottawattomies are Brothers” and then compared the separate bands to the states in the Union. The Potawatomi band then living in six different villages in the vicinity of Council Bluffs “is like his [the Great Father’s] large States. The Pottawattomies have Smaller Bands like his smaller States. But all ought to be consulted in treating with your Great Father.” It was a less-than-perfect comparison. Potawatomi bands and villages had long operated autonomously in a manner consistent with the actions of states in the Union. But the similarities ended there. In discussing the political structures of the Potawatomis in the seventeenth and eighteenth centuries, anthropologist and ethnohistorian James Clifton used the descriptive phrase “segmentary tribal organization.” In other words, what others have termed the Potawatomi “tribe” was not a “single, standing, sovereign political entity. It had no centralized governing authority.” Rather than an organized alliance of villages under the rule of an overarching hierarchy, the Potawatomi tribe was a confederation of autonomous bands held together by the bonds of kinship, language, and culture. It was the very flexible nature of this Potawatomi confederation that allowed them to flourish and expand their territorial domain in the seventeenth and eighteenth centuries. It also created an environment in which band membership and formation was fluid throughout the colonial era and into the nineteenth century. Potawatomi bands were “politically contingent,” Benjamin Secunda states, for individuals and communities decided who to follow and what to do based on their perspective on the proper approach to the challenges they faced.<sup>43</sup>

Over the course of the early nineteenth century, the Potawatomis confronted the War of 1812, American expansion, federally supported civilization

programs, and the Black Hawk War. It is not surprising, then, that in the 1830s at least thirty different Potawatomi villages dotted the landscape from the mouth of the St. Joseph River on the eastern side of Lake Michigan to the mouth of the Root River on the opposite shore. Significant populations of Potawatomis dwelled in southern Michigan along the Kalamazoo River and its tributaries as well as in northern Indiana along the Tippecanoe and Wabash Rivers. What was once a loose political confederation prior to the nineteenth century appeared even more fractured during the treaty negotiations of the 1820s and 1830s. The circumstances may have been best described by the delegation of Council Bluff Potawatomis at the 1845 treaty council: "It used to be that we had but one fire," they declared in their opening statement, "but he [the Great Father] disturbed us. He put out that fire and scattered the ashes."<sup>44</sup>

Potawatomi decentralization and geographic dispersal placed these Indians in a number of different states and territories, and each band had its respective leaders and interests. Because of both internal and external circumstances, then, Potawatomi removals would not mirror the familiar Cherokee narrative. The Potawatomis did not adapt to American interests by altering their governance and adopting a constitution that united dispersed villages. In short, the Potawatomis maintained sovereign governments but consistently refused to alter their political structures to conform to American desires. At the same time, those individuals and entities promoting removal could not and did not address the Potawatomis as they did the Cherokees. The history involved more treaties and more actors. Though no less decisive than the Cherokee experience, removal among the Potawatomis is difficult to capture in one comprehensive account.

Potawatomi decentralization also highlights the diverse contexts of pressures and actors in the Great Lakes region. Because their villages stretched from Michigan to Wisconsin, different Potawatomi bands lived in changing political and economic environments. From the 1810s to the 1840s, territories became states while local and national economies weathered crises like the Panic of 1837. So even as specific events like the Black Hawk War sparked strong regional support for removal, the prevailing influence of traders, Christian missionaries, and other actors shaped the dissemination and implementation of removal in substantial ways.

The pursuit of the Sauk warrior Black Hawk and a band of Sauks and Mesquakies in the summer of 1832 sparked widespread calls for removal in the 1830s. Both location and recent history shaped Potawatomi attitudes toward the conflict. A Potawatomi *wkama* (leader) named Shabonee did his best to warn non-Indian residents of northern Illinois when it seemed danger might be near in the early weeks of the conflict, and the famed *wkama* named Wau-

bansee, whose village was located about forty miles west of Chicago, led a band of Potawatomi men who served as scouts for General Henry Dodge during his pursuit of the Sauks.<sup>45</sup> Yet even Potawatomi neutrality and friendliness could not weaken the growing anti-Indian sentiment in the western Great Lakes region built on not only the pursuit of Black Hawk but also the brief Ho Chunk uprising in the lead-mining region in southern Wisconsin five years earlier. Consequently, only a few weeks before Black Hawk's capture in early August 1832, Congress took action to initiate negotiations for removal. In early July the Senate considered and passed a bill authorizing three commissioners to purchase Indian lands in Indiana, Illinois, and Michigan Territory. Lewis Cass stated that the overall intention was to "extinguish entirely" Indian land titles, specifically those of the Potawatomis, in each of those three states or territories and "to procure the removal of the tribes now occupying them west of the Mississippi." This commission mirrored the principles of the Indian Removal Act but was specific to the lands in question. Despite the intentions, however, the three agreements that came out of this commission created small reservations spread throughout Illinois, Indiana, and Michigan that allowed for the continual residence of hundreds of Potawatomis.<sup>46</sup>

Governor John Reynolds connected the recent conflict to removal in his address to the Illinois General Assembly in December 1832. After summarizing the efforts taken against the Sauks, Reynolds advocated the removal of the Potawatomi Indians from Illinois. "When they are permitted to remain intermixed with the white population," Reynolds concluded, "it is almost certain that contests, and collisions will arise, and thereby, both parties be injured." Reynolds and the local Indian agents agreed that removal would benefit both Indians and Americans. Agent Thomas Owen told his superiors in early March 1833 that "there would be but little difficulty in effecting an exchange of lands on fair and reasonable terms" with the Potawatomis of northern Illinois. Michigan Territorial Governor George Porter affirmed Owen's opinion and proclaimed that an exchange of lands would remove the Indians "from the country in which they caused so much trouble during the past year." And in the fall of 1833, Owen and Porter were two of the three commissioners appointed by the federal government to follow through on this notion.<sup>47</sup>

This treaty council held at Chicago in 1833 set the terms for land cession and removal that many government officials and local citizens desired. The accord finalized the cession of remaining Potawatomi lands in northern Illinois and the smaller reservations in southwestern Michigan. But the treaty and its consequences also illustrated the competing interests at work. The treaty preface states that it is an agreement made between the three American commissioners and the proper representatives of "United Nation of



Chippewa, Ottawa and Potawatamie Indians.” The reality was much more complicated, as evidenced in part by the multiple payment schedules and appended agreements. Potawatomi delegates had also made it clear that the negotiations would not be straightforward. Leopold Pokagon, a *wkama* from southwestern Michigan, reminded the commissioners that not all the Potawatomis in attendance were the same. “Some of us are called ‘wood Indians’ altho we are Potawattomies, and others are called ‘Prairie Indians.’” Each group of Potawatomis had subsequently chosen different individuals to act as mediators. According to Pokagon, “the Prairie Indians have appointed Joseph Laframboise to assist Caldwell and Robinson.” Billy Caldwell and Alexander Robinson, both men of Euro-Indian descent, had intricate familial and economic connections to the United Band and their imprint was all over the Chicago negotiations. Perhaps most importantly, under the authority granted them in council, the marks of Sawkanosh (Caldwell) and Cheecheepin Quay (Robinson) appeared on several amendments attached to the final treaty, which was not actually ratified until February 21, 1835.<sup>48</sup> That significant gap between the initial negotiation and the final ratification had several causes. Not surprisingly, a primary point of contestation revolved around land. Missouri politicians protested the proposed settlement of the Potawatomis on fertile land along the Platte River that the state desired for its own. It was not until October 1834 that the leaders of the United Band agreed to alter the treaty. But the removal process that followed was both a human tragedy and a bureaucratic mess, as the Potawatomis, Missouri politicians, military officers, and federal agents battled over where the relocated Indians should finally reside.<sup>49</sup>

The interested parties in Chicago also included scores of traders who capitalized on the opportunity to claim payment for debts and even reparations for damages allegedly incurred during the War of 1812. “These traders seem to have had very little to do with the actual terms of the treaty,” Anselm Gerwing observed, “but their work is evident enough in the long list of claims they presented.” All told, the treaty called for the distribution of \$175,000 to creditors in payments that ranged from as little as \$25 to as large as \$17,000. This vast schedule of claims and connected stories of fraud prompted the Senate to launch an investigation, which caused unrest among some of the traders.<sup>50</sup> John P. Bourie, who was to receive \$3,000, and Francis Comparet, set to receive \$5,000, warned Secretary of War Lewis Cass about the consequences of such action. “Should the Senate reject the Treaty in part on a/c of the Schedule of claims,” the two men asserted, “it will very much injure the future prospects of the Government in this the anticipated treaty with Indians in this State which can be brought about by the Traders alone.” Bourie expressed similar concerns to John Tipton in a letter written the very same day.

The trader involvement in the Chicago treaty was not unique, nor was the stance taken by Bourie and Comparet. In the 1830s and beyond, removal in the Great Lakes was a business as much as it was a policy and the finances involved became increasingly important to those who wanted to make money off the process.<sup>51</sup>

But even as various elements of the Chicago treaty came under criticism or underwent revision, one of the adjustments endured to ratification. Pokagon's band did not have to remove west of the Mississippi. Instead, they successfully requested, "on account of their religious creed, permission to remove to the northern part of the peninsula of Michigan."<sup>52</sup> The amendment's importance went far beyond avoiding removal, because that evasion reflected not only contemporary circumstances but also a particular approach taken over time by this Potawatomi community. Pokagon had welcomed Baptist missionaries and their civilization efforts, but discarded Isaac McCoy when he became a strong proponent of removal. The *wkama* then requested to have a Catholic priest come among his people, one who would rescue them from the "American minister [who] wished to draw us to his religion."<sup>53</sup> But it was not only the religious affiliations that defined this community. As Secunda articulates well, the coalescence and maintenance of Pokagon's band also originated out of an ongoing approach to external pressures and included their adaptation to the construction of the Michigan Road and their relationships with their non-Indian neighbors. Overall, it was an illustration of how, "depending on the quality of their relationship with state and local officials, entire Native communities managed to survive intact and unremoved."<sup>54</sup> For the Pokagon band, it was also one more step in a long journey to secure their home in Michigan.

American expansion on the local, regional, and national levels has always been about the removal of American Indians from the landscape, and the migrations and forced relocations of eastern Indians from the late 1700s to the early 1800s shaped the arc of both the nineteenth and twentieth centuries in ways that scholars have not fully pursued. But efforts to address that history may very well depend first and foremost on a willingness to look beyond a single piece of legislation. The debates over the Indian Removal Act reveal how Americans in the early 1800s viewed the moral, legal, and political treatment of the American Indians and provide Americans of the present day an opportunity to evaluate the beliefs, intentions, and humanity of their nineteenth century compatriots. But the debates do not encompass the diverse experiences of American Indians throughout the eastern half of the continent. Nor can or should a bill passed in 1830 represent alone the brutality of dispossession and displacement that spanned centuries instead of decades. The Indian Removal Act marks a significant chapter in the history of removal

south of the Ohio River, especially for the Cherokee Nation. It remains in many ways, however, an obstacle to seeing and crafting a more effective narrative of Indian removal overall.<sup>55</sup>

**JOHN P. BOWES** is an associate professor in the Department of History at Eastern Kentucky University.

## Notes

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4. John A. Andrew III, *From Revivals to Removal: Jeremiah Evarts, the Cherokee Nation, and the Search for the Soul of America* (Athens: University of Georgia Press, 1992), 176; Mary Hershberger, “Mobilizing Women, Anticipating Abolition: The Struggle against Indian Removal in the 1830s,” *The Journal of American History* 86 (June 1999): 14–40; Fred Rolater, “The American Indian and the Origin of the Second American Party System,” *Wisconsin Magazine of History* 76 (Spring 1993): 180–203; Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Norman: University of Oklahoma Press 2002), 39–63.

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7. James Joseph Buss, *Winning the West with Words: Language and Conquest in the Lower Great Lakes* (Norman: University of Oklahoma Press, 2011), 6.

8. Theda Perdue and Michael D. Green, *The Cherokee Nation and the Trail of Tears* (New York: Penguin Books, 2007), xiv–xv.

9. Stuart Banner, *How the Indians Lost Their Land: Law and Power on the Frontier* (Cambridge, Mass.: Harvard University Press, 2005), 192.

10. Jean O'Brien, *Dispossession by Degrees: Indian Land and Identity in Natick, Massachusetts, 1650–1790* (New York: Cambridge University Press, 1997), 214.
11. William Apess, *Eulogy on King Phillip, As Pronounced at the Odeon, in Federal Street, Boston, By the Rev. William Apess, an Indian* (Boston: Published by the author, 1837), 45.
12. Joshua David Bellin, "Apostle of Removal: John Eliot in the Nineteenth Century," *The New England Quarterly* 69 (March 1996): 7.
13. Lyons, *X-Marks*, 2–3.
14. Francesco Cruzat to Estevan Miro, March 19, 1782, in Louis Houck, ed., *The Spanish Regime in Missouri*, 2 vols. (Chicago: R. R. Donnelly and Sons, 1909), 1: 209–10; Louis Houck, *A History of Missouri from the Earliest Explorations and Settlements until the Admission of the State into the Union*, 3 vols. (New York: Ayer Co. Publishers, 1971), 1:208; Calloway, *The American Revolution in Indian Country*; C. A. Weslager, *The Delaware Indians: A History* (New Brunswick, N.J.: Rutgers University Press, 1972); Lynn Morrow, "New Madrid and Its Hinterland: 1783–1826," *Missouri Historical Society Bulletin* 36 (July 1980): 241–50.
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24. Affidavit of John C. Morrison, in Barker, *Austin Papers*, 2:1574–75; Stephen F. Austin to the Cherokees, April 24, 1826, in *ibid.*, 2:1307–9; Burnet et al. to Bustamente, in *ibid.*, 2:1667–71; Anderson, *The Conquest of Texas*, 62–65.

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27. Bowes, *Exiles and Pioneers*, 72–82.

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29. Perdue and Green, *The Cherokee Nation and the Trail of Tears*, 66.

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36. *Worcester v. Georgia* decision as published in Jill Norgren, *The Cherokee Cases: Two Landmark Federal Decisions in the Fight for Sovereignty* (Norman: University of Oklahoma Press, 2004), 183.

37. Garrison, *The Legal Ideology of Removal*, 5.

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39. Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.–Indigenous Relations* (Minneapolis: University of Minnesota Press, 2007), 50.

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46. Bowes, *Exiles and Pioneers*, 63–72; Edmunds, *The Potawatomis*, 240–47; Clifton, *The Prairie People*, 234–38; Lucy Eldersveld Murphy, *A Gathering of Rivers: Indians, Metis, and Mining in the Western Great Lakes, 1737–1832* (Lincoln: University of Nebraska Press, 2000); for consideration of land title bill in Senate, see Journal of the Senate, 22 Cong., 1 sess., p. 432; Lewis Cass to Jonathan Jennings, John Davis, and Mearks Crume, July 14, 1832, in Ratified treaty no. 172, roll 2, OIA-TR; Kappler, *Indian Affairs*, 2:353–55, 367–70, 372–75.

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50. Anselm J. Gerwing, "The Chicago Indian Treaty of 1833," *Journal of the Illinois State Historical Society* 57 (Spring 1964): 117–42; Edmunds, *The Potawatomi*, 247–50. One example of the charges of fraud found in Milo M. Quaife, ed., "The Chicago Treaty of 1833," *Wisconsin Magazine of History* 1 (March 1918): 287–303.

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52. Kappler, *Indian Affairs*, 2:413.

53. *Annales de la Propagation de la Foi* (Paris: La Librairie Ecclesiastique de Rusand, 1830), 4:546.

54. Secunda, "In the Shadow of the Eagle's Wings," 444–67, quote from 540.

55. One recent article addresses the enduring impact of removal upon the broader history. In this case it is the legacy of Indian removal in the context of racial relations in the American South. See Theda Perdue, "The Legacy of Indian Removal," *The Journal of Southern History* 78 (February 2012): 3–36.