Centuries ago, the people who inhabited the region we know today as the American South encountered for the first time a different people who had come from Europe to take gold, slaves, and other commodities from their land and deliver to them the one faith that would, to the newcomers’ minds, save their souls. The men who represented the clans, towns, and confederacies that encountered them, however, saw those outsiders who hoveled by the sea as useful if uncouth people. Nonetheless, they often, but not always, spoke to them graciously in a language rich with hospitality, welcome, and belonging. Such words were invariably accompanied by bowls of food to share and by displays of sacred items to open the straight white paths that had always carried good intentions between one people and another. On one occasion, for example, a Yamacraw leader’s wife presented the founders of Georgia two bottles, one containing milk and one containing honey, to welcome them to their promised land. Two delegates from the Creek town of Coweta likewise told Georgia’s founders a vivid story that began in the hole in the ground from which they had crawled and the red rivers they had crossed on their long walk before they found the smooth and clear white paths that had brought them to their homeland and that now promised to open before James Oglethorpe and his fellow trustees as well. In talks with the governor of South Carolina, Cherokee diplomats passed around a white wing as a token of their new peace with their Creek neighbors, while Chickasaw diplomats beseeched the English in Charles Town to assuage their needs and to protect their women and children as would be expected of any close friend. Choctaws meanwhile invoked the powers of white earth, white wings, and sacred fire to bind them to their new neighbors.1

If, however, the invaders denied the offers of food and welcome or turned their backs on the good feelings that white objects promised, then sharp words, or worse, hatchets would follow and open crooked red paths that bespoke enmity and perhaps even war. In either the white or the red case, however, the expectations and rules of engagement in the colonial South were
rooted in indigenous symbols and forms of knowledge where memory, agreement, and wholeness challenged European assumptions about literacy, hierarchy, and separation. Those people who had come with such high aspirations and imperial convictions had little choice but to comply with their hosts until such time as their press of numbers and control of trade enabled them to attempt to turn the tables.²

In 1793, when Eli Whitney invented the cotton gin that made upland cotton a viable cash crop for the thousands of small farmers who populated the hills, Georgia and the territory that became the states of Mississippi and Alabama were home to 32,800 “Indians,” 53,400 “whites,” and 30,000 “blacks.” By 1840 the same region was home to 922,000 “whites” and 737,000 “blacks.” The census takers failed to note the presence of any remaining Cherokees, Creeks, Choctaws, and Chickasaws, though some remained, hiding and waiting until they could safely reassert their public identities once more. Something more, however, than the providential unfolding of America had happened in the South in the first half of the nineteenth century. Between 1830 and 1840 the federal and state governments expelled from their homes an indigenous population of nearly 50,000 people and appropriated for commercial sale their land and improvements. It is tempting to simply say those people were “Indians” and that is what happened when “civilization” met “Indians.” That story, after all, has been told and retold for generations, but let’s see if we can agree for a few moments that they were not “Indians.” That they had names. That they were mothers, fathers, children, Baptists, Methodists, Catholics, slaveowners, cotton farmers, basket weavers, market vendors, cowboys, and dreamers. And that they were southerners whose ancestors had inhabited the land for millennia.³

Against an invasion that had begun almost three centuries before, they had first struggled mightily to defend their families and fields from brutal Spanish conquistadors and the diseases that had followed in their wake. By the early nineteenth century, however, they faced state and federal governments who sought to pressure them to abandon their land. In response, the South’s first peoples undertook to change their leadership structures and notions of law in order to more effectively protect their lives and their land, but before we go any further, make no mistake about it—their struggle will result in the deaths of thousands of people. So while much of the discussion that follows focuses on the process of learning and using the power of
words to defend oneself and one’s people, lives were on the line.

This story, however, begins before the deaths, in the creation of a new kind of language and a new way of being that saw the people and their leaders adopt to varying degrees the language of liberty and slavery that structured life in the Anglo- and African-American slave society of the early nineteenth-century South. Notions of liberty and enslavement had fired the colonists’ early struggles against their imperial oppressors and then informed political rhetoric in the new republic even though such ideas embodied an irreconcilable tension between freedom and its absence. As Native slaveholders began to speak about liberty and slavery, they pushed their way into larger political and cultural debates in the United States, discussions that without their participation contemplated their destruction or removal. Oddly enough, their practice of slavery and their adoption of the language of liberty and slavery gave them the voice they needed to fight, albeit at great cost to their descendants, who struggle to this day to cope with the many shadows slavery has cast over their lives.

On July 4, 1827, a group of twelve men, eleven of whom owned slaves, met to discuss the formation of a union designed to protect personal liberty and defend national sovereignty. But the men who met, discussed, debated, and in the end signed the document were Cherokees. Not Americans. Or were they? For the historian who wrote the most extensive study of the 1827 Cherokee Constitution, the document was “a Cherokee version of the American Constitution to suit Cherokee needs.” Indeed, it is reasonable to argue that the 1827 Cherokee Constitution was modeled after the American one because it clearly was. The resulting constitution recognized three branches of government, created a bicameral legislature, instituted a bill of rights, and established a judicial system of district courts overseen by a supreme court. Also like its counterpart, the document addressed only obliquely the ownership of enslaved people. Unlike the slave codes of the states that surrounded them, however, Cherokee law sought to curtail the behavior of the owners more than the enslaved. But if the Cherokee founders took some of their inspiration from their neighbors’ founding document, they intended to use it to defend themselves against the self-same model. In their document’s first article the authors declared that “the Sovereignty and Jurisdiction of this Government shall extend over the Country within the boundaries above described, and the lands therein are, and shall remain, the common property of the Nation.” Never mind the fact that Cherokees swore also to defend
their land as a common treasury for all who belonged to the nation. No such clause appeared in the United States’ constitution, and no such words were to be found in the American Revolution’s republican legacy except for perhaps on its most radical fringes.

Around the same time, ideas of race and color as markers of social status and innate capacity were on the rise. Scientific breakthroughs in Europe and Anglo-America crystallized ideas that had been floating around for centuries and supported arguments that some men were inherently inferior to others and that skin color was a reliable index for such difference. First peoples in the South had told stories for centuries about the prototypical “red,” “black,” and “white” men, but it was not until the early nineteenth century that racism was apparently making inroads in their societies. And as with their neighbors, it was the people Creeks called luste, Chickasaws called lusau, Choctaws lausau, and Cherokees termed enecka—“black people”—who bore the most powerful stigma of all. Ownership of enslaved people varied widely. A federal census of the Choctaws in 1830 counted 17,963 Choctaws but only 512 enslaved people. Their Chickasaw neighbors to the north, however, who numbered between five thousand and six thousand individuals, held 1,156 people in bondage, a huge proportion of the nation’s overall population, a statistic that probably owes something to the eighteenth-century Chickasaws’ notoriety as the region’s most prolific slavers, only then they were trading in Native, not African, people. Cherokee slave ownership resembled that of the Choctaws more than the Chickasaws, with sixteen hundred slaves living among sixteen thousand Cherokees. Creek slave ownership figures were probably comparable.6

Still, traditions of adoption, kinship, and marriage remained powerful, and such conventions could at times cut across the hardening lines of race that citizens across the country were drawing and redrawing every day. For such reasons, first peoples either practiced or accepted a kind of slavery that looked very much like that of their neighbors. But historians have found here and there in slavery’s daily operation examples of Cherokees or Creeks or Choctaws who acted not in reference to prevailing notions of race but instead drew from deeper cultural reserves to fashion unique approaches to the complications and opportunities that came with human bondage. Nevertheless, enslaved people in the nations were owned as property and fundamentally construed as “black” as opposed to “red” or “white.” Whether “black” men, women, and children were held in South Carolina or in the Cherokee Nation, rights in property
and beliefs in blackness stood as a fundamental consensus that bound Native and non-Native slaveholders no matter what other particularities might divide them.⁷

The mastery of, in effect, a new kind of language and knowledge by Creek, Cherokee, Chickasaw, and Choctaw leaders to buttress their values, concerns, and claims enabled a new kind of resistance to American encroachment at a time when, nearly to a man, they agreed that gunfire would get them nowhere. Instead they used language to back federal and state governments into practical and rhetorical corners from which there were few escapes. If their use of language, however, ultimately failed to thwart the land cessions and the comprehensive expulsion of their people, it nonetheless signaled a new form of engagement between first peoples and American imperialism that had long-lasting consequences for each side.

Such questions and concerns have been studied before. The new forms of information, knowledge, and rhetoric that arose out of colonial contact situations constitute a central problem in what are often called postcolonial studies. Scholars disagree, however, about the nature and depth of indigenous resistance to the power of the invader or the diasporic societies that confronted them and the adoption of new forms of knowledge, such as writing, and the forms of communication that follow from it. Any change in communication causes other changes, some intentional, some unwitting. Writing, in particular, gnaws at the power and propriety of memory as embodied by either individuals or community mores and puts in its place a kind of disembodied knowledge that exists independently of the people who value it. It uproots what was implicit in a culture, what informed people’s most basic assumptions, and sets such implications outside culture so that they become subject to the kind of disembodied dissection and deconstruction that was unknown before literacy stalked the land. Once knowledge leaves the body for the page, the relational nature of oral narration and memory falls away to be usurped by the static and discrete powers of alphabetical organization and permanent records. Written words detach everything they touch, but at the same time, they lay the groundwork for the kind of abstract and universal thought that, according to the children of the Enlightenment in the early nineteenth-century American South, transcended cultural boundaries and justified the dispossession of cultural beings.⁸

Speaking broadly, it is fair to say that some scholars have concluded that indigenous appropriations of European literacy signified acceptance of Europeans on European terms, and
therefore, an implicit accommodation of the larger colonial enterprise. Other scholars, however, have emphasized the originality of indigenous appropriations of the colonizers’ discourses, literacies, and languages and are reluctant to cast such counterdiscourses as pale imitations of the conquerors’ agendas. Each perspective has its merits, but literacy reflected not so much a scale that slides between resistance and surrender but a tool for empowering particular leaders’ novel ideas. Cherokees, for example, saw literacy as an effective tool they could use to resist their forced expulsion while at the same time accommodating the vision of “civilization” put before them by early federal policy makers. In a different way, the Creek leader Alexander McGillivray used letters to conjure for the benefit of his Spanish and American correspondents a Creek Nation that he presumed to lead, when on the ground no such thing existed. But the nation first promised in letters took shape over time, and the rise of literacy allowed for the centralization of power and recalibration of Creek values that made McGillivray’s dream possible.

Can we still say, not quite two centuries after the ratification of the Cherokee Constitution, that the document was modeled after the U.S. Constitution? At what point could such a document be inherently Cherokee, Choctaw, or Creek as well, or even American in the hemispheric rather than in the United States sense? When can they own who they were and are, and not be considered as part this or part that? We do not have a word in English to articulate the full extent of the blended world Cherokees, Creeks, Choctaws, and Chickasaws, and even Anglo-Americans and African Americans, inhabited in those days. Our inability today to imagine social forms that can, as anthropologist Bernard Cohn put it, unite “the European colonialist and the indigene . . . in one analytic field” leaves us nothing but short.

When cotton prices began to rise in the early 1800s, men on the make knew that slaves and land were safe bets, and some of the best land to be had lay in the belts of black soil that undulated across present-day Georgia, Alabama, and Mississippi and were under the government and occupation of the South’s first peoples. If that land was going to be opened to U.S. citizens and the enslaved people they owned, it had to be taken. In one case, Mississippi governor Thomas Holmes put to the state assembly that because the state depended on land tax revenues to fund the roads and bridges necessary to carry the invaders on their way, the vast stretch of untaxed land under Choctaw and Chickasaw occupation and jurisdiction had to be
acquired, emptied, opened for sale, repopulated, assessed, and taxed. Without a new parcel of taxable land, he concluded, the state would be forced to levy oppressive taxes on citizens residing within its current bounds, which would both stifle the state’s growth and turn away subsequent waves of invaders. Holmes’s successor, George Poindexter, added that further land cessions would open interstate commerce with Tennessee and Alabama. With the free and easy movement of cotton, Poindexter predicted that the state’s population not only would increase but also would become more prosperous, more industrious, and in the end, more virtuous. By establishing a close relationship between land cessions, expulsion, taxation, and the invaders’ moral and economic prosperity, the two governors articulated a cogent and powerful set of conditions that required federal action.13

Such action came in 1825. The Treaty of Indian Springs ceded to the United States all Creek land in Georgia and some in Alabama. But it was a fraud negotiated by interested federal officers and a bought rump of Creek men. After the rightful Creek leaders raced as much as one could in those days of stagecoaches to Washington to denounce the Senate’s ratification of the treaty, President John Quincy Adams abrogated it and called for another, more honest, agreement. The new 1826 Treaty of Washington, negotiated with official representatives of the Creek national council, replaced the old treaty and outraged the governor of Georgia.14 George M. Troup warned secretary of war John C. Calhoun that if those people remained in Georgia “public opinion would . . . fix them in a middle status between the negro and the white man, and that as long as they survive this degradation, without the possibility of attaining the elevation of the latter, they would gradually sink to the conditions of the former.” Troup thereafter dedicated himself to driving Creeks and Cherokees out of the state, but the inability of the Adams administration to keep pace with his social engineering project frustrated him. “There is such a radical difference of opinion between the authorities of Georgia and of the United States,” Troup lamented, “that the harmony and tranquility of the two Governments . . . can never be maintained . . . until those Indians have been removed.”15 Joining the governor, the editor of the Augusta Constitutionalist asked, “Are we the slaves of the United States Government, and therefore bound to close our lips against her taunts?”16 No one who lives in a slave society wants to be a slave, and in a way, the Treaty of Washington controversy made Georgians frame their world as an enslaved one and then place the Creeks on the dark side of
that balance. Political society in Georgia argued more or less to a man that the state
government should not “brook the insolence” of those who had dared to challenge the Treaty of
Indian Springs.17

Like his Georgia and Mississippi counterparts, Alabama governor John Murphy deplored
the abrogation of the Indian Springs treaty because he had counted on it to leverage the
complete expulsion of the Creeks from his state and to attract slaveholders who, he believed,
would increase the state’s productivity, revenue, and what he called “respectability.” He
regretted the “crisis” that had arisen and argued that the Creeks ought to be sent across the
Mississippi River in order to save them from the inevitable extinction that awaited them at the
bottom of the South’s racial pile. Indeed, to leave them where they were, he admitted, “would
neither comport with the justice, generosity, or humanity, of a liberal and Christian people.”
But charity only went so far. “We have a claim,” he threatened, “which will not be denied.”18

One year after the debacle of the Treaty of Indian Springs and in anticipation of similar
pressures being brought to bear on them, the Cherokees wrote their constitution. Almost to the
day, the Georgia senate condemned it.19 A state senate resolution offered an elaborate reading
of colonial and federal law to argue that “Indians” had only a “possessory” right to land that
could not take precedence over Georgia’s constitutional rights.20 Cherokees of course resented
the implications of the Georgia senate report and asked how the relatively new constitutional
rights that Georgians enjoyed could trump their own human rights when they had been there
first and had in fact welcomed those first invaders who had stumbled into the mountains almost
three centuries before. The nation’s principal chiefs, John Ross and George Hicks, described
as “preposterous” the senate resolution denouncing their constitution. “Our ancestors,” they
wrote, “from time immemorial possessed this country.”21

Notwithstanding their protests that their constitution was a threat to neither Georgia nor the
United States, Cherokees asked why no one had ever before informed them that they could not
set up their own government when they had ably adopted other facets of Anglo-American
culture presented to them by “the illustrious Washington, Jefferson, Madison and Monroe.”22
They viewed the first treaties they had signed with the United States as a “gigantic silver pipe
which Gen. Washington placed in the hands of the Cherokees” and as a “golden chain which
Mr. Jefferson attached to the charter of our rights.” By juxtaposing silver pipes, golden chains, and the language of liberty, Cherokee chiefs fashioned a discourse to underpin the defense of their property and persons. At the same time, they refused to adopt wholesale Anglo notions of natural or contractual rights and instead maintained what historian Cynthia Cumfer has described as “a specifically Cherokee kind of mutuality” that acknowledged the antiquity of their possession of the land, the precariousness of their claims to liberty, and the strength of relationships built around a silver pipe that each side could smoke and a golden chain that each side could grasp and polish from time to time.23

Cherokee republicanism, if we may call it that, meant that men like John Ross and Elijah Hicks could engage American politicians and policy makers in English on terms with which their counterparts were intimately familiar but which at the same time could be deployed on behalf of Cherokees. Unless Andrew Jackson upheld the promises of Washington and Jefferson, one Cherokee newspaper reader wrote, the “sun of liberty” would sink forever behind “the appalling cloud of despotism.”24 Another contributor to the Cherokee Phoenix bragged about the Cherokees’ nascent nationalism, claiming that he and his countrymen were more patriotic and devoted to constitutional government than either Henry Clay or John Randolph, two leading politicians of the day. To the supporters of the new constitution, natural law and republican rule meant that communities had the right to govern themselves as they saw fit and that such government secured their claims to land and property even if, in some cases, that right extended to people held as property as well.25 Because citizenship hinged on participation in the new constitutional experiment, voting emerged as a right and duty “of great importance,” one commentator remarked to his fellow Cherokees, “to yourselves and to your country.”26

American citizens upset with the Adams administration’s abrogation of the Treaty of Indian Springs and concerned about the Cherokees’ national claims helped vote Andrew Jackson into the White House in 1828.27 Jackson had advocated for the first peoples’ expulsion from their homes for several years, and his election emboldened Georgia, Alabama, and Mississippi to take matters into their own hands. In 1828, for example, the government of Georgia extended state law over land occupied by the Cherokees, and after June 1, 1830, over the Cherokees themselves in order to nullify their “laws, usages, and customs.” The governments of Alabama
and Mississippi followed suit and extended their legal systems over land owned by the Creeks, Choctaws, and Chickasaws. Jackson’s administration supported the passage of such measures in spite of their contravention of federal laws and treaties. To smooth over any jurisdictional difficulties, secretary of war John Eaton cautioned the Cherokees that the Declaration of Independence granted the states inviolable sovereignty and that the Constitution also mandated complete state sovereignty. No amount of protest by indigenous leaders, the secretary promised, could overcome their peoples’ lack of sovereignty and their irredeemable possession of so-called savage habits. As Andrew Jackson, calling himself the “Great Father,” put it to the Creeks, “My children listen, my white children in Alabama, have extended their law over your country. If you remain in it, you must be subject to that law.”

Creeks quickly invoked a federalist conception of both their treaty rights and Alabama’s sovereignty as a state to argue against the legislation. In a letter sent to the editor of the Montgomery Journal, one group of Creek leaders relied upon the security of their treaties with the United States to guarantee their possession of their land. They also admonished their audience. “You understand how to appreciate free principles,” they hoped, “and according to your honest conception of such laws, you will deal out to us all the rights and privileges that we are entitled to.” Leaders like Opothle Yoholo and Tukabatchee Mico, who sought their own changes to Creek government to safeguard their land, further petitioned Congress to uphold the promises that the federal government had made to them in the treaties and to not leave them, the chiefs implored, “to the rigorous management of any State disposed to fatten on the ruins of our natural and civil rights.” Drawing further on American political rhetoric and the touchy politics of the South’s “peculiar institution,” the leaders contrasted their birthright in freedom with the “slavery” to which the Alabama government had condemned them.

With their expulsion from Alabama imminent, Creek leaders moved from a general consideration of their treaty rights to a more pointed assertion of federal supremacy over the state that threatened their lives. Surrounded by enemies, they turned to their archives. Their only recourse outside of a suicidal rebellion was to claim federal protection as stipulated by treaties reaching back to what they called the “Old British War.” On the basis of their reading of American political history, Creek leaders argued, in opposition to Alabama’s leading men,
that Alabama derived its sovereignty from the federal government and the Constitution, and that
the state’s rights were therefore subordinate to federal laws and treaties. They were also
aware of the more visceral sensibilities that informed the hearts and minds of those voters who
coveted their land. “We have never been slaves; we have been born free,” the chiefs argued,
“for what of our services to you are we condemned to slavery?” Rarely did anyone within
southern society force its citizens to own up in a self-conscious way to their culpability in
reproducing daily a system that enslaved and wrecked millions of peoples’ lives, but these
Creek leaders did and in ways that had nothing to do with abolitionism.

In Mississippi, the Colberts, who as owners of cotton plantations, stores, inns, and large
numbers of slaves were by far the most powerful Chickasaw family— juggled respect for older
traditions with a centralizing imperative in government. They tried to defend their peoples’
claim to the northern part of the state, but at the same time, they had to face off staunch
Chickasaw opposition to their power as well as the many federal agents who sought constantly
to lure them into land cessions. Choctaw leaders Greenwood LeFlore, whose thirty-two
slaves worked his vast cotton fields and staffed his other entrepreneurial endeavors, and David
Folsom, whose ten slaves worked his more modest holdings, went one step further than the
Creeks and the Chickasaws, and, like the Cherokee government with which LeFlore had
previously corresponded, committed to paper a series of laws that transformed the loose
confederacy of chiefs, clans, towns, and districts that Europeans and Euro-Americans had for
two centuries called the “Choctaw Nation” into a more unified polity under the guidance of an
elected council and chief. After the drafting of the Choctaw constitution, a federal agent
remarked to the head of the Office of Indian Affairs: “This nation are so completely governed
or under the influence of three men who have a purty good knowledge of the Laws of
nations.” That “purty good knowledge” was dangerous, the agent knew, because it gave the
lie to the government’s constant talk of first peoples being nothing more than wandering
savages. Even the primary opponent of LeFlore and Folsom’s reforms, an aged war leader
named Mushulatubbee, whose ten slaves worked his thirty acres of corn and cotton, drew on
American political rhetoric to buttress his opposition to their new government. Proudly
displaying a portrait of Andrew Jackson in his home, the chief went Old Hickory one better
and denounced the “despotic” opponents who imperiled his “Republican party.”
Such uses of the language of liberty and slavery supplanted the language of savagery as the dominant discourse around which first and second peoples engaged and debated the former’s political rights and occupancy of the land and the latter’s treaty obligations and conflicting state and federal jurisdictions. Rather than concede the ground, however, Georgia, Alabama, and Mississippi struck back in an effort to erase such presumptuous challenges. Emboldened by Jackson’s support for the state law extension measures and by the passage of the federal Indian Removal Act in May 1830, which provided funds for the negotiation of the treaties that would enable the United States to expel the people from their homelands, the governments of Georgia, Alabama, and Mississippi initiated another round of state laws to harass the nations out of existence. “All experience has shown,” a Georgia statehouse report concluded, “that the association of the white man with the red has generally, if not uniformly, proved injurious to both.”

To this end the state assembly passed a broader state law extension act. While Cherokees would still come under Georgia law on June 1, 1830, the new act nullified all Cherokee laws, prevented Cherokees from citing their own laws in cases before Georgia courts, and prohibited anyone from either hindering Cherokees from leaving Georgia or from preventing leaders from ceding land. The Georgia assembly thus drew closer together the politics of states’ rights and “Indian” removal and took active steps to expel the people Governor Troup had considered a few years before to be caught hopelessly between “whites” and “blacks.” “The common conceived opinion,” one Cherokee replied, “that mankind throughout the world in similar circumstances are alike, is true.”

Alabama followed Georgia’s lead. In the face of assertions of sovereignty by Cherokees and Creeks, Congressman Samuel Mardis declared that “the novel spectacle of two sovereigns making law for the government of the same people” had to come to an end. A house committee concluded that “the State of Alabama has an undoubted right, as a sovereign State, to enact laws for the government of all her citizens, no matter whether they be white, red or black.” Another law extension measure over Creek and Cherokee land followed which abolished indigenous laws and customs, and at the urging of Governor Gabriel Moore, also extended to Creeks and Cherokees the rights to offer testimony in court cases and record wills and bills of sale just like “white persons.” Moore hoped such concessions would forestall hostilities. Indeed, one Creek delegation that visited secretary of war Lewis Cass in Washington requested...
that such provisions be inserted in a recent treaty “placing us on an equal footing with our white brethren” to secure federal protection in the face of state laws passed without their consent.\textsuperscript{45} Such talk of enfranchisement, however, flew in the face of the larger question over who would prevail, and for the citizens of Alabama, that was never an open question. “That any exercise of jurisdiction on the part of the United States . . . over any portion of the territory aforesaid, in the possession of any Indian tribe,” the authors of one resolution asserted, “is an usurpation of power on the part of the United States.”\textsuperscript{46}

Like Georgia and Alabama, the Mississippi state assembly revisited the issue of state law extension after the passage of the Indian Removal Act. Not only did the Choctaws’ and Chickasaws’ possession of land inhibit the state’s economy, most politicians agreed, but their efforts to organize politically in response to state law extension meant that Mississippi would be caught in a complex jurisdictional conflict between the federal government and a Choctaw government that claimed to be sovereign. Such a state of things was, Governor Gerard Brandon believed, not to be tolerated. “The present time,” he proclaimed, “is a most favorable epoch to press the subject, and claim from the government of the United States a speedy extinguishment of their title within our boundary.”\textsuperscript{47}

Choctaws spoke forcibly against President Jackson, his supporters, and their efforts to end the Choctaws’ political experiment. One Choctaw, for example, wrote to Elias Boudinot, the editor of the \textit{Cherokee Phoenix}, that “it seems to me the most goading piece of injustice that ever was implicated on any \textit{free} people.”\textsuperscript{48} Another claimed that the state could not extend its laws without the Choctaws’ consent, just as Americans had once claimed against the British Crown that there could be “no taxation without representation.” “He is always talking about his red children,” another man wrote of President Jackson, “and how he loved them, and wished to see them prosper and become a great people, [but] at the very same time he is trying to cheat us out of our lands.”\textsuperscript{49} Others went further. James McDonald, a Choctaw who had studied law under Supreme Court justice John McLean, ran for the state legislature in the hopes of salvaging something for his people. Mushulatubbee also stumped for the state congress in an attempt to exert some influence on the dismantling of the nation. He pledged to the crowds of voters who gathered to hear him speak, “If you vote for me I will serve you.” Neither McDonald nor Mushulatubbee, however, polled a majority, and while McDonald took his own
life in despair, old Mushulatubbee initiated secret correspondence with the government to seek the most lucrative deal he could before leaving the state.\textsuperscript{50}

In an effort to find broader support, such leaders also turned north, where at the very least, predictions of their own enslavement would find a more receptive audience, no matter their own implication in slavery’s dark tangle. Cherokee planters John Ross, who owned nineteen slaves, and John Ridge, who held twenty-one, composed letters for northern newspapers to assert across the free states “that all men are by nature equal.” Playing his hand even more boldly, Ridge assured citizens of Pennsylvania that Cherokees “have only practiced the lessons of [President] Washington.”\textsuperscript{51} Ridge did not write idly. Pennsylvania was an important state in Jackson’s Democratic coalition, and one party man wrote to Jackson’s friend Felix Grundy that agitation over the Cherokee question in the Keystone State was undermining Jackson’s support.\textsuperscript{52}

Taken together, the multiple uses to which leaders put the language of liberty and slavery constituted a powerful tool for the organization of new kinds of Native societies, a tool every bit as important as either the gun, the loom, or the plow. Moreover, the language of liberty and slavery gave such leaders a means to articulate and defend their national interests that was at the same time consonant with and a part of broader currents of American political discourse. By the early 1830s, however, it had in some ways run its course. When confronted with Native leaders like John Ross and Greenwood LeFlore, who were conversant in the politics of “civilization,” not to mention adept at market economics, slave ownership, and Christian piety, federal and state leaders simply could not countenance the extension of political rights to people they increasingly understood to be racially, as opposed to culturally, inferior. Accepting Cherokee assertions that they were indeed a hardworking, sturdy, and respectable people, for example, Georgia governor George Gilmer nevertheless stated to one Cherokee correspondent that Native people would never “associate upon an equality with our own people.”\textsuperscript{53}

Conversations run in as many directions as there are speakers. Creeks, Cherokees, Choctaws, and Chickasaws appropriated Anglo-American concepts that informed their own consideration of Native government and sovereignty. By the same token, they engaged American political discourse in ways that forced citizens to confront the substantial gap between their own rhetoric and practice and to change the terms by which they defined
American society and citizenship. In so doing, they also forced them to change their conception of first peoples, from one premised on the belief that they were malleable beings who could change their ways to comport with “civilization,” to one that presupposed that, by dint of their essential human condition, they were racially and therefore permanently inferior. In the end, the first peoples lost the debate and the battle, and their expulsion from their homes, along with the enslaved men, women, and children they owned, caused them all great sadness and terrible loss of life.

The federal government expelled the Choctaws from Mississippi in the three years following the conclusion of the 1830 Treaty of Dancing Rabbit Creek. Subsequent treaties with the Creeks and Chickasaws in 1832 and with the Cherokees in 1835 secured their expulsions as well. Federal agents kept no systematic records of the horrors, so it is difficult to ascertain how many people died during the expulsions owing to hard winter weather, disease, and substandard supplies of food and clothing. Historian Donna Akers has proposed that nearly a third of removed Choctaws, a total of perhaps five thousand people, perished. Demographer Russell Thornton has accepted the tally of four thousand Cherokee deaths, one-quarter of the total number of Cherokees expelled. Thornton also posed two other important questions. First, how many people might have lived had removal not happened? And second, how many babies were not born because their potential parents had either perished during the expulsions or were never born because of their own parents’ deaths? In terms of this total Cherokee population loss, Thornton arrived at a figure of ten thousand men and women who would have lived or been born in the first generation had removal not occurred. One can imagine how many thousands of Cherokees are not standing today because of those dark days and awful events. Such death tolls, Akers has argued, must also be understood in the context of the loss of land. Indeed, Akers has demonstrated that for Choctaws, separation from their homeland “meant death,” and Choctaw conceptions of the West as a place “where spirits unable to reach the afterworld roamed forever” only compounded their misery, sense of loss, and despair for the future.

For the non-Native slaveholders of Georgia, Alabama, and Mississippi, however, the expulsions, the deaths, and the despair augured a new beginning for them and the society they sought to build, “the dawn of an era . . . when . . . this state would emerge from obscurity, and
justifiably assume an equal character with her sister states of the Union,” as the authors of one Mississippi House of Representatives memorial put it.\(^{56}\) In addition to the hard fight for equality with the older states won by young states like Alabama and Mississippi and the full possession of their chartered limits that they now enjoyed, the expulsions had also ensured that freedom and slavery were, at least in principle, contiguous with whiteness and blackness. No longer would “Indians” challenge the racial verities that were so dear to Jackson, Troup, Murphy, and most southern politicians and citizens and so essential to constructing the society that they and the voters who had put them in office had all chosen to imagine and enact. Such achievements, however, had come at a steep human price, and the challenge for those who had benefited from the expulsions was to invent a past that could comport with the future they were making for themselves and the people they enslaved.\(^{57}\) “What good man,” President Jackson asked in the address that opened his second term as president, two years after the expulsions had begun, “would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns, and prosperous farms, embellished with all the improvements which art can devise or industry execute, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization, and religion?”\(^{58}\)

But for the people who attempted to resist their destruction, with language rather than with lead and steel, there was no glory. No blessings. Just hunger and cold, the bloody hack of tuberculosis, the gutting incontinence of dysentery, and the deaths of generations untold. Such horrors left their scars on the nation that had undertaken the expulsions as well, and in ways that become clearer as time passes. By resisting the invasion of their homes and the dispossession of their lands, while at the same time defining more sharply their difference from the “black people” they owned, leaders like John Ross and Greenwood LeFlore forced, in their own way, the U.S. government and the governments of Georgia, Alabama, and Mississippi to shift their idea of the possibilities of humanity from the mutability of culture to the indelibility of race. Washington’s and Jefferson’s calls for first peoples to change their ways and adopt the practices characteristic of Anglo-American life in order to enter the new republic’s body politic ended because such men could no longer be called “untutored savages.” As several state politicians, and by extension their voters, indicated, it no longer
mattered if Cherokees became what policy makers called “civilized,” because they had become in the minds of such men permanently and unalterably inferior to those who claimed to be “white.” Such a situation left first peoples with no way out but to leave their homes and land and ancestors, sometimes at gunpoint, for uncertain futures in the “Indian Territory” that the federal government had reserved for them on the other side of the Mississippi River.

What they proved in their defeat, however, was that the empire of liberty had no room for the people who had been here all along, and who had welcomed their forebears to these shores, no matter the earlier promises made by Washington, Jefferson, and Monroe to respect if not accept them. In the bigger picture, both sides lost, just in different ways and over different scales of time. The South’s first peoples’ uses of the language of liberty and slavery helped to harden American political thought, to encourage the valorization of “whiteness,” and to justify the defense of a biracial slave society. The unwillingness of the state and federal governments to hear and to consider the nations’ pleas and to accord them their due humanity blocked the old clear and white paths that had for so long bound the people to one another, and set in motion the opening of those crooked red paths that would take the nation to Fort Sumter, Gettysburg, Birmingham, and Wounded Knee, twice. Even Vietnam.59 Maybe even Iraq and Afghanistan, too, because the story seems to continue to unfold wherever the United States encounter others whom they name tribal, wandering, and savage but who, in response, ably adapt the language of liberty and slavery to resist what they too perceive to be their subjugation and dispossession.