

CREEKS AND CHEROKEES.

Copy of a letter from Thomas L. McKinney, of the Indian Department, to Jeremiah Everts, Esq.

DEPARTMENT OF WAR,
OFF. IND. AFFAIRS, May 1st, 1829.

Dear Sir,—Whatever relates to our Indians, will, I know, be interesting to you. Indeed, the subject is one which takes hold, not only of your feelings, and the feelings of your board, but of other associations similarly organized, and also of the feelings of the good citizens of our republic, generally. All unite in the wish to see those people rescued, and elevated into a participation of the blessings of the civilized, and Christian state.—The question is, how can this be best accomplished? Now, we know, men often agree in regard to various matters as to the end, but often differ as to the means of its accomplishment. This is precisely the case with this Indian subject. All desire to save the remains of this once mighty race, but the means have not, I humbly conceive, been as yet, exactly hit upon,—at least they have not been carried on fully. If I am not mistaken, I shall be able in the course of this letter, to lay bare to you the cause, to a great extent, of the present degraded state of these people. To make manifest the evil, will make manifest also, the remedy. I do not mean to be general in my remarks, but apply them chiefly to one great point—and that relates to their landed possessions, within our States, and organized Territories; and the necessary, but fatal connexion of Indians arising out of that relation.

For myself, I have always viewed the subject of our Indian landed possessions, and the relation which these bear to our states and territories, as full of interest, and pregnant with difficulty. All that I have felt of hope for the preservation and improvement of our Indians, has been clouded with fear that the time would arrive, when, between them and the states, and the general government, the issue would have, at least to be tried. It cannot have escaped the observation of those who have paid attention to this subject, that the right of the Indians to the lands held by them, is but a *possessory* right; and that whatever guarantees may exist, as they do in our Treaties, these cover no more than a right of this sort. *It could not have been otherwise.* To interpret these guarantees by any other rule, would be to decide, that Sovereignty should be set up against Sovereignty: the Sovereignty of the Indians against the Sovereignty of the States. It never was so meant.—Whenever, then, with a view to the cultivation of their local resources, or for an extension of power, the states should feel their Indian population to be burdensome, it was most clear that this feeling would, in some way, manifest itself. At first it was natural to suppose it would be disclosed in acts of the Legislatures, extending over the Indians, as one attribute of Sovereignty, their respective laws. This, in two of the states, Georgia and Alabama, has been actually done. The laws of the latter are now in full operation: those of the former are prospectively enacted, to take effect in 1830. In this state of things, it was natural to suppose the Indians would look, under their mistaken conception of the nature of the guarantee spoken of in Treaties with them, for protection from the operation of those laws, to the Federal Government; nor was it less natural that they should be, whenever the question should be raised, undecieved in regard to this—since it could never have been contemplated that the general government would bare its arm, and go forth with an array of power to contend against the exercise of any one attribute of Sovereignty, of any one of the States. The states having made no grant, expressed or implied, to the Federal Union, of the kind, it was not to be expected that the general government would assume the power.

I have never, before, I believe, attempted to place this subject before you in this light, but looking more to the issue of the question, I have, from time to time, urged upon you, and the friends of Indian improvements, generally, the importance of so enlightening the Indians as to show them clearly, the very delicate, nay hazardous relation in which they stand to the states within whose bosom they are. I never doubted, nor do I doubt, that if they were made to see the peril of this relation, they would seek to establish a better one upon a different basis than that which secures their lands to them as *possessory tenants only*; and this would lead them west of our states and territories, where every sort of guarantee could, and I doubt not, would be given to them; and every protection and blessing, within the power of the general government to confer, extended to their race. Upon such a basis only, can they expect to be preserved, and improve themselves, or be improved by others. Need I stop to demonstrate how utterly impracticable it is to re-model the Indian character, and fashion it after the civilized form, situated as are those tribes within our states? Where is the example of a single transformation, in a tribe, of this sort? I know of not one. But I know of many in which even amidst efforts the most untiring, the Indians have (although individuals have profited) disappeared, until now; many of our states that once swarmed with an Indian population, contain not a vestige of one! Whence comes this decay, and final disappearing of the Red, before the White man? It comes not of the color, nor of physical or moral malformation; nor of destiny—but from causes the most natural, which a change in our relations to each other would work, even upon us. The elements may all be found to lie in the intellectual, moral, political and social relations which exist between them and us. It would require a volume to discant upon these. I will merely touch each, and pass on.

Who does not see the effect of intellectual superiority, even among our citizens? And where we see one absolutely superior and another absolutely inferior, does not the consciousness of that inferiority in the person feeling it, depress his energies, and paralyze his efforts? Do we not see this daily? Now, why should a different result of the cause be looked for in the Indian? But the relations between the white man and the Indian stop not here. The latter finds himself, *always*, the victim of that intellectual superiority, and feels that he must always remain so. Bereaved in the past by superior tact, he feels that he is no less so in the present; and what he sees of the future, is even more hopeless still. The existence of this relation, alone, did it stop here, would in time work his overthrow. But there are others. The moral energies that will sustain, to a degree, even conscious inferiority, are not felt by the Indian. To these he is almost a stranger. And whence does he derive any thing but depression and despair, when he sees the political distinction enjoyed by the white man by his side—the high honors to which he is elevated—the privileges which these confer, and the freedom they entail? Is there any thing in this view calculated to inspire him with the spirit of emulation? To rouse him to action, and to the performance of deeds of virtue or renown? Far from it. If he be human—and that he is none will deny—what must he feel when even his oath is not deemed worthy to be taken! Can a human heart beat free when oppressed by such degradation? Must it not sink into despair? And what then? We all know. But the Indian has to endure one more thought. It is the total impracticability of his ever participating in those refinements of the social state, which are a necessary result of the white man's superiority over him in intellectual, moral and political advantages. If there had been any light left to shine, although but dimly, on his prospects, this would obstruct it, and shroud his prospects in the deepest gloom. Well, then, this is the relation in which the red man stands to his more cultivated white brother.

This, however, is but one side of the question. There is another: the action of the white man upon him. The first is the worm within, eating out his vitals; the last, the storm that prostrates the shell which the worm may not have devoured. This comes of the same elements. The Indian is seen to be degraded, and unfortunately for man, it is too true, that there is the despotism in his nature, to exercise upon such, cruelty, injustice and re-

venge. Will any one suppose it possible, that thus situated, the Indian can exist? Much less rise into that high state, so as to take a station alongside of our citizens? If they could, then would they demonstrate themselves to be more than human.

I assume it, then, that the Indians cannot be saved and elevated in their condition, without a change in existing relations. But to return.

I did certainly look to the period when the issue between the states and their Indian population would be tried. I have for some time past seen the elements forming, out of which the question would arise. I supposed it highly probable the next Congress would be applied to; and that it would have been then decided. The Cherokees, I supposed, would bring it up. They have presented it. It has been accelerated by the very efforts of some of their best informed, to improve their own condition, and that of the people, in the constitution and laws they have framed and adopted. Sovereignty was here sought after, and the states, it was to be expected, would meet the attempt at its exercise. Hence the state of Georgia extends her laws over them, as an intimation of where the sovereign power does lie. "If," as Georgia no doubt reasoned, "these people are competent to self-government, they can receive and act under our own laws." The Indians, alarmed at this act of Georgia, have appealed to the President of the United States to interfere, and save them from the consequence of the operation of those laws. The appeal has been promptly met and the matter decided. The Secretary of War, in the name of the President, tells them, what they wish cannot be done—the government of the United States will not resist Georgia in this exercise of her sovereignty. *The die, therefore, is cast!*

The grounds on which the question is met by the Secretary, are the following:

1. These people, the Cherokees, were arrayed against us, and in league with Great Britain in the war of the revolution.

2. With the fall of the British power fell their power, and with the extinguishment of the British rights were extinguished their rights.

3. By the treaty of peace with Great Britain, sovereignty was acknowledged to be in the United States over all the territory over which the British Crown had previously exercised it; no reservation is made in favour of those Indians, vesting in them any attribute of sovereignty; but,

4. The United States gave peace, three years after the pacification with Great Britain, to the Cherokees, and took them under the protection of the Union and in favor. Limits were allotted to them, within which (as *possessory occupants*) they were permitted to live and hunt, and a guarantee given.

5. Subsequently to the pacification, and between 1785 and 1791, those same Indians waged war upon our border population. This was succeeded by a treaty of peace and of limits, and in this treaty the Cherokees were again taken under the protection of the government of the Union, and their limits guaranteed to them, as *possessory occupants*, however, and of course, for the reasons which I have hastily glanced at.

6. Those limits embracing, in part, certain portions of the jurisdictional limits of Georgia, it became necessary for an understanding to be had between the United States and Georgia on the subject, which resulted in a compact (in 1802,) in which the United States pledged to possess Georgia of her territory, as soon as it could be done upon peaceable and reasonable terms. Thus it appears that so far back as 1802, it was fixed (as the compact fully implies) that not the Indians, but Georgia, held the right of sovereignty, and the Indians retained the soil, only, as *possessory occupants*.

Under these several heads the Secretary of War has with great force and clearness, and in a spirit of frankness surpassed only by its kindness, demonstrated the true state of the question. He tells the Cherokees that whilst the general government can never oppose Georgia in the exercise of her right of sovereignty, it will protect them in the full enjoyment of all their *possessory rights*.

He then presents to them two alternatives—one is to come under the laws of the state, the other to emigrate, and advises them to adopt the latter. He then adverts to the power of the general government, to establish them upon a different basis on lands west of our states and territories, west of the Mississippi, and expresses a readiness on the part of the general Government to protect them, and invest them with *such rights and privileges as will preserve and elevate them as a people*.

Now, this is precisely the end at which every friend to the Indians should aim. It is worse than useless to take other ground. It is unkind, nay unmerciful to the Indians to do it. That they cannot exist in their present relations to us, I think has been shewn; to flatter them with the belief to the contrary would be fatal. The past proves it—and the present teems with admonition. Nothing could be more kind to these people than the frank and firm answer which has been given to them. It requires, however, to make it effectual, that the bodies of citizens who have associated to meliorate and reform the condition of these people, as also all who really wish well to them, should heartily cooperate in convincing them of the destroying effects of their existing relation, and of their necessary and final and fatal issue, and of the vast benefits which would flow to them from a change.

I glanced rapidly, in a previous part of this letter, at the elements of those causes which are working the destruction of those Indians who reside within our states and organized territories. You may perhaps expect me to say something upon the subject of those preserving influences, which would operate to save them, were they to withdraw from within their present limits; and also of a plan of operations for their advancement and reformation and prosperity as a people.

Three of the four southern tribes, who are more immediately concerned in this question, to wit, the Choctaws, Cherokees, and Creeks, have now, west and north of Arkansas, and west of Missouri, a country, which on recent examination is represented to be, in soil, climate, and salubrity, unexceptionable. The Chickasaws and the Choctaws being neighbors in their present possessions, and the Chickasaws numbering only about four thousand souls, would, there is no doubt of it, be received gladly by their Choctaw brothers, and the government would doubtless compensate the latter for this accommodation. The Creeks have already expressed their willingness to receive the Seminoles of Florida. Here then is a home for all those southern Indians, unexceptionable in all respects, and even desirable.

In the occupancy of this country those Indians would be relieved from the direct action of those elements which, as I have shown, beat so destructively upon them in the states. This negative result would prepare them at once for an action of another sort; and what this ought to be I will now briefly state.

They should hold those possessions in the west by a tenure as durable as time, and the guarantee of the Union ought to secure them in such right. Their lands should be divided and parcelled out among all the families. The frame work, at least, of a government, ought to be immediately placed over them, for their protection and improvement. In the administration of this government they should participate. Their relation to the Union should be that of one of our territories; and the entire scheme should look to their elevation, to the enjoyment of all the privileges of American Citizens—civil, political, and religious. They should be assisted in their agriculture, and encouraged to cultivate the ground. Schools should be distributed over all their country. The children should be taken into these, and, instructed, in addition to the usual branches, reading, writing, and arithmetic, in mechanics, and the arts; and the girls in all the business of the domestic duties. They should have the Gospel; and be enlightened as they could bear its rays, at this great source of light and blessedness. In a word, the work of their preservation and improvement, and happiness, ought to be undertaken in earnest, persevered in, with diligence, and followed out in all those departments which govern us in our rights, and privileges, and advancements.

For their property here they should be justly paid. But in money to those only who would husband it to improve their western homes. Others, less enlightened, and less provident, should have it applied for them, in building their houses, fencing their fields, buying them cattle, hogs, poultry, &c. &c.; implements of husbandry, and articles for domestic use.

Now, can any one doubt, who knows the present unhappy and depressed condition of our Indians, that this removal, and this system, would not lift them, in a single generation, to a level with ourselves? But suppose any should doubt the happy issue of such experiment—

To such I would put the questions—does not the present wretched condition of these people, demand the adoption of some effort to save them? And if something is not attempted, is it not plain, that while we are reasoning in the forum, the enemy, having scaled the walls, is within the City, devastating and whelming it in ruins? My own opinion is, and I speak from a personal knowledge of the condition of most of our Indians, that the crisis has arrived in which they are to be saved or lost! The call of humanity is loud in their behalf. Justice also demands for them a last resting place for the soles of their feet, and the Union, in dread of the final and fatal issue, demands that the stain of permitting these people longer to suffer, and finally to perish, may be not found on its ermine, to be regretted and deplored by posterity.

But the questions may be asked, will all this be recognized by the government?—Will Congress sanction such a promise? And will the Indians accept it? To the first, I answer, *I have not a doubt of it.* To the second, it is my sincere belief it will; and to the third, all that can be done by their friends is to labor to induce them to do so. If they shall persist in refusing to accept terms like those I have glanced at, and which, perhaps, may be made still more inviting than the reproach of being idle, and letting the Aborigines of North America perish, will be wiped off; and posterity will recur with gratification to the honest efforts of their forefathers to arrest so great a calamity. All that can be required of any individual in a righteous cause, is to exert his best efforts—if those fail, then he is blameless. So with nations; and although history may often overlook the honest efforts of individuals, in the cause of humanity and injustice, her eye is wide open to national acts, and these she will be sure to record, and to convey to posterity. Our country is deeply concerned in the question of saving our Indians, or permitting their destruction. I believe it has the power to accomplish the one and avert the other. Dreadful will be the responsibility if it shall not act.

If the answer of the Secretary of War, to the Cherokees, which conveys to them the decision of the President, shall awaken these people to a sense of their real situation, and induce a wish in them to change it, much will have been done towards the accomplishment of the end which we all have in view, viz—the *preservation, improvement and happiness* of our Indians.

I am, dear sir, with great respect and regard, your friend,

THOMAS L. MCKINNEY.

To Jeremiah Everts, Esq. Corresponding }
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