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CHEROKEE WOMEN AND THE TRAIL OF TEARS

Theda Perdue

Sesquicentennial
Commemoration
of Cherokee Removal
1839-1989

One hundred and fifty years ago, in 1839, the United States forced the Cherokee Nation west of the Mississippi River to what later would become the state of Oklahoma. The Cherokees primarily occupied territory in the Southeast that included north Georgia, northeastern Alabama, southeastern Tennessee, and southwestern North Carolina. In the three decades preceding removal, they experienced a cultural transformation. Relinquishing ancient beliefs and customs, the leaders of the Nation sought to make their people culturally indistinguishable from their white neighbors in the hope that through assimilation they could retain their ancestral homeland. White land hunger and racism proved too powerful, however, and the states in which the Cherokees lived, particularly Georgia, demanded that the federal government extinguish the Indians' title and eject them from the chartered boundaries of the states. The election of Andrew Jackson in 1828 strengthened the states' cause.

While President Jackson promoted the policy of removing eastern Indians to the west, he did not originate the idea. Thomas Jefferson first suggested that removal beyond the evils of "civilization" would benefit the Indians and provide a justification for his purchase of Louisiana. In 1808-10 and again in 1817-19, members of the Cherokee Nation migrated to the west as the Cherokee land base shrank. But the major impetus for total removal came in 1830 when Congress, at the urging of President Jackson, passed the Indian Removal Act which authorized the President to negotiate cessions of Indian land in the east and transportation of native peoples west of the Mississippi. Although other Indian Nations such as the Choctaws signed removal treaties right away, the Cherokees refused. The Nation's leaders retained legal counsel and took its case against repressive state legislation to the United States Supreme Court (*Cherokee Nation v. Georgia*, 5 Peters 1). The Cherokee Nation won, however, on the grounds that the Cherokees constituted a "domestic dependent" nation—not a foreign state under the U.S. Constitution. The state's failure to respond to the decision and the federal government's refusal to enforce it prompted an unauthorized Cherokee faction to negotiate removal. In December 1835, these disaffected men signed the Treaty of New Echota by which they exchanged the Cherokee Nation's territory in the southeast for land in the west. The United States Senate ratified the treaty, and in the summer of 1838, soldiers began to round up Cherokees for deportation. Ultimately, the Cherokees were permitted to delay until fall and to manage their own removal, but this leniency did little to ameliorate the experience the Cherokees called the "trail of tears." The weather was unusually harsh that winter; cold, disease, hunger, and exhaustion claimed the lives of at

least 4,000 of the 15,000 people who travelled the thousand miles to the west.¹

The details of Cherokee removal have been recounted many times by scholars and popular writers. The focus of these accounts has tended to be political: they have dealt primarily with the United States' removal policy, the negotiation of removal treaties, and the political factionalism which the removal issue created within Cherokee society. In other words, the role of men in this event has dominated historical analysis. Yet women also were involved. In the sesquicentennial year of the Cherokees' arrival in the West and on the occasion of the inaugural issue of the *JOURNAL OF WOMEN'S HISTORY*, it seems appropriate to reexamine the "trail of tears" using gender as a category of analysis. In particular, what role did women play in removal? How did they regard the policy? Did their views differ from those of men? How did the removal affect women? What were their experiences along the "trail of tears"? How did they go about reestablishing their lives in their new homes in the West? How does this kind of analysis amplify or alter our understanding of the event?

The Treaty of New Echota by which the Cherokee Nation relinquished its territory in the Southeast was signed by men.² Women were present at the rump council that negotiated the treaty, but they did not participate in the proceedings. They may have met in their own council—precedents for women's councils exist—but if they did, no record remains. Instead, they probably cooked meals and cared for children while their husbands discussed treaty terms with the United States commissioner. The failure of women to join in the negotiation and signing of the Treaty of New Echota does not necessarily mean that women were not interested in the disposition of tribal land, but it does indicate that the role of women had changed dramatically in the preceding century.

Traditionally, women had a voice in Cherokee government.³ They spoke freely in council, and the War Woman (or Beloved Woman) decided the fate of captives. As late as 1787, a Cherokee woman wrote Benjamin Franklin that she had delivered an address to her people urging them to maintain peace with the new American nation. She had filled the peace pipe for the warriors, and she enclosed some of the same tobacco for the United States Congress in order to unite symbolically her people and his in peace. She continued:

¹ I am in hopes that if you Rightly consider that woman is the mother of All—and the Woman does not pull Children out of Trees or Stumps nor out of old Logs, but out of their Bodies, so that they ought to mind what a woman says.⁴

The political influence of women, therefore, rested at least in part on their maternal biological role in procreation and their maternal role in Cherokee society, which assumed particular importance in the Cherokee's matrilineal kinship system. In this way of reckoning kin, children belonged to the clan of their mother and their only relatives were those who could be traced through her.⁵

The Cherokees were not only matrilineal, they also were matrilocal. That is, a man lived with his wife in a house which belonged to her, or perhaps more accurately, to her family. According to the naturalist William Bartram, "Marriage gives no right to the husband over the property of his wife; and when they part she keeps the children and property belonging to them."⁶ The "property" that women kept included agricultural produce—corn, squash, beans, sunflowers, and pumpkins—stored in the household's crib. Produce belonged to women because they were the principal farmers. This economic role was ritualized at the Green Corn Ceremony every summer when an old woman presented the new corn crop. Furthermore, eighteenth-century travelers and traders normally purchased corn from women instead of men, and in the 1750s the garrison at Fort Loudoun, in present-day eastern Tennessee, actually employed a female purchasing agent to procure corn.⁷ Similarly, the fields belonged to the women who tended them, or rather to the women's lineages. Bartram observed that "their fields are divided by proper marks and their harvest is gathered separately."⁸ While the Cherokees technically held land in common and anyone could use unoccupied land, improved fields belonged to specific matrilineal households.

Perhaps this explains why women signed early deeds conveying land titles to the Proprietors of Carolina. Agents who made these transactions offered little explanation for the signatures of women on these documents. In the early twentieth century, a historian speculated that they represented a "renunciation of dower," but it may have been that the women were simply parting with what was recognized as theirs, or they may have been representing their lineages in the negotiations.⁹

As late as 1785, women still played some role in the negotiation of land transactions. Nancy Ward, the Beloved Woman of Chota, spoke to the treaty conference held at Hopewell, South Carolina to clarify and extend land cessions stemming from Cherokee support of the British in the American Revolution. She addressed the assembly as the "mother of warriors" and promoted a peaceful resolution to land disputes between the Cherokees and the United States. Under the terms of the Treaty of Hopewell, the Cherokees ceded large tracts of land south of the Cumberland River in Tennessee and Kentucky and west of the Blue Ridge Mountains in North Carolina. Nancy Ward and the other Cherokee delegates to the conference

agreed to the cession not because they believed it to be just but because the United States dictated the terms of the treaty.¹⁰

The conference at Hopewell was the last treaty negotiation in which women played an official role, and Nancy Ward's participation in that conference was somewhat anachronistic. In the eighteenth century, the English as well as other Europeans had dealt politically and commercially with men since men were the hunters and warriors in Cherokee society and Europeans were interested primarily in military alliances and deerskins. As relations with the English grew increasingly important to tribal welfare, women became less significant in the Cherokee economy and government. Conditions in the Cherokee Nation following the American Revolution accelerated the trend. In their defeat, the Cherokees had to cope with the destruction of villages, fields, corn cribs, and orchards which had occurred during the war and the cession of hunting grounds which accompanied the peace. In desperation, they turned to the United States government, which proposed to convert the Cherokees into replicas of white pioneer farmers in the anticipation that they would then cede additional territory (presumably hunting grounds they no longer needed).¹¹ While the government's so-called "civilization" program brought some economic relief, it also helped produce a transformation of gender roles and social organization. The society envisioned for the Cherokees, one which government agents and Protestant missionaries zealously tried to implement, was one in which a man farmed and headed a household composed only of his wife and children. The men who gained power in eighteenth-century Cherokee society—hunters, warriors, and descendants of traders—took immediate advantage of this program in order to maintain their status in the face of a declining deerskin trade and pacification, and then diverted their energy, ambition, and aggression into economic channels. As agriculture became more commercially viable, these men began to farm or to acquire African slaves to cultivate their fields for them. They also began to dominate Cherokee society, and by example and legislation, they altered fundamental relationships.¹²

In 1808, a Council of headmen (there is no evidence of women participating) from Cherokee towns established a national police force to safeguard a person's holdings during life and "to give protection to children as heirs to their father's property, and to the widow's share," thereby changing inheritance patterns and officially recognizing the patriarchal family as the norm. Two years later, a council representing all seven matrilineal clans, but once again apparently including no women, abolished the practice of blood vengeance. This action ended one of the major functions of clans and shifted the responsibility for punishing wrongdoers to the national police force and tribal courts. Matrilineal kinship clearly did not have a place in the new Cherokee order.¹³

We have no record of women objecting to such legislation. In fact, we know very little about most Cherokee women because written documents reflect the attitudes and concerns of a male Indian elite or of government agents and missionaries. The only women about whom we know very much are those who conformed to expectations. Nancy Ward, the Beloved Woman who favored peace with the United States, appears in the historical records while other less cooperative Beloved Women are merely unnamed, shadowy figures. Women such as Catherine Brown, a model of Christian virtue, gained the admiration of missionaries, and we have a memoir of Brown's life; other women who removed their children from mission schools incurred the missionaries' wrath, and they merit only brief mention in mission diaries. The comments of government agents usually focused on those native women who demonstrated considerable industry by raising cotton and producing cloth (in this case, Indian men suffered by comparison), not those who grew corn in the matrilineage's fields.¹⁴ In addition to being biased and reflecting only one segment of the female population, the information from these sources is second-hand; rarely did Indian women, particularly traditionalists, speak for themselves.

The one subject on which women did speak on two occasions was land. In 1817 the United States sought a large cession of Cherokee territory and removal of those who lived on the land in question. A group of Indian women met in their own council, and thirteen of them signed a message which was delivered to the National Council. They advised the Council:

The Cherokee ladys now being present at the meeting of the Chiefs and warriors in council have thought it their duties as mothers to address their beloved Chiefs and warriors now assembled.

Our beloved children and head men of the Cherokee nation we address you warriors in council [W]e have raised all of you on the land which we now have, which God gave us to inhabit and raise provisions [W]e know that our country has once been extensive but by repeated sales has become circumscribed to a small tract and never have thought it our duty to interfere in the disposition of it till now, if a father or mother was to sell all their lands which they had to depend on[,] which their children had to raise their living on[,] which would be bad indeed and to be removed to another country [W]e do not wish to go to an unknown country which we have understood some of our children wish to go over the Mississippi but this act of our children would be like destroying your mothers. Your mother and sisters ask and beg of you not to part with any more of our lands.¹⁵

The next year, the National Council met again to discuss the possibility of allotting Cherokee land to individuals, an action the United States

government encouraged as a preliminary step to removal. Once again, Cherokee women reacted:

We have heard with painful feelings that the bounds of the land we now possess are to be drawn into very narrow limits. The land was given to us by the Great Spirit above as our common right, to raise our children upon, & to make support for our rising generations. We therefore humbly petition our beloved children, the head men and warriors, to hold out to the last in support of our common rights, as the Cherokee nation have been the first settlers of this land; we therefore claim the right of the soil We therefore unanimously join in our meeting to hold our country in common as hitherto.¹⁶

Common ownership of land meant in theory that the United States government had to obtain cessions from recognized, elected Cherokee officials who represented the wishes of the people. Many whites favored allotment because private citizens then could obtain individually owned tracts of land through purchase, fraud, or seizure. Most Cherokees recognized this danger and objected to allotment for that reason. The women, however, had an additional incentive for opposing allotment. Under the laws of the states in which the Cherokees lived and of which they would become citizens if land were allotted, married women had few property rights. A married woman's property, even property she held prior to her marriage, belonged legally to her husband.¹⁷ Cherokee women and matrilineal households would have ceased to be property owners.

The implications for women became apparent in the 1830s, when Georgia claimed its law was in effect in the Cherokee country. Conflicts over property arose because of uncertainty over which legal system prevailed. For example, a white man, James Vaught, married the Cherokee, Catherine Gunter. She inherited several slaves from her father, and Vaught sold two of them to General Isaac Wellborn. His wife had not consented to the sale and so she reclaimed her property and took them with her when the family moved west. General Wellborn tried to seize the slaves just as they were about to embark, but a soldier, apparently recognizing her claim under Cherokee law, prevented him from doing so. After removal, the General appealed to Principal Chief John Ross for aid in recovering the slaves, but Ross refused. He informed Wellborn: "By the laws of the Cherokee Nation, the property of husband and wife remain separate and apart and neither of these can sell or dispose of the property of the other." Had the Cherokees accepted allotment and come under Georgia law, Wellborn would have won.¹⁸

The effects of the women's protests in 1817 and 1818 are difficult to determine. In 1817 the Cherokees ceded tracts of land in Georgia, Alabama,

and Tennessee, and in 1819 they made an even larger cession. Nevertheless, they rejected individual allotments and strengthened restrictions on alienation of improvements. Furthermore, the Cherokee Nation gave notice that they would negotiate no additional cessions—a resolution so strongly supported that the United States ultimately had to turn to a small unauthorized faction in order to obtain the minority treaty of 1835.¹⁹

The political organization which existed in the Cherokee Nation in 1817-18 had made it possible for women to voice their opinion. Traditionally, Cherokee towns were politically independent of one another, and each town governed itself through a council in which all adults could speak. In the eighteenth century, however, the Cherokees began centralizing their government in order to restrain bellicose warriors whose raids jeopardized the entire nation and to negotiate as a single unit with whites. Nevertheless, town councils remained important, and representatives of traditional towns formed the early National Council. This National Council resembled the town councils in that anyone could address the body. Although legislation passed in 1817 created an Executive Committee, power still rested with the Council which reviewed all Committee acts.²⁰

The protests of the women to the National Council in 1817 and 1818 were, however, the last time women presented a collective position to the Cherokee governing body. Structural changes in Cherokee government more narrowly defined participation in the National Council. In 1820 the Council provided that representatives be chosen from eight districts rather than from traditional towns, and in 1823 the Committee acquired a right of review over acts of the Council. The more formalized political organization made it less likely that a group could make its views known to the national government.²¹

As the Cherokee government became more centralized, political and economic power rested increasingly in the hands of a few elite men who adopted the planter lifestyle of the white antebellum South. A significant part of the ideological basis for this lifestyle was the cult of domesticity in which the ideal woman confined herself to home and hearth while men contended with the corrupt world of government and business.²² The elite adopted the tenets of the cult of domesticity, particularly after 1817 when the number of Protestant missionaries, major proponents of this feminine ideal, increased significantly and their influence on Cherokee society broadened.

The extent to which a man's wife and daughters conformed to the idea quickly came to be one measure of his status. In 1818 Charles Hicks, who later served as Principal Chief, described the most prominent men in the Nation as "those who have for the last 10 or 20 years been pursuing agriculture & kept their women & children at home & in comfortable

circumstances." Eight years later, John Ridge, one of the first generation of Cherokees to have been educated from childhood in mission schools, discussed a Cherokee law which protected the property rights of a married woman and observed that "in many respects she has exclusive & distinct control over her own, particularly among the less civilized." The more "civilized" presumably left such matters to men. Then Ridge described suitable activities for women: "They sew, they weave, they spin, they cook our meals and act well the duties assigned them by Nature as mothers." Proper women did not enter business or politics.²³

Despite the attitudes of men such as Hicks and Ridge, women did in fact continue as heads of households and as businesswomen. In 1828 the *Cherokee Phoenix* published the obituary of Oo-dah-less who had accumulated a sizeable estate through agriculture and commerce. She was "the support of a large family," and she bequeathed her property "to an only daughter and three grandchildren." Oo-dah-less was not unique. At least one-third of the heads of household listed on the removal roll of 1835 were women. Most of these were not as prosperous as Oo-dah-less, but some were even more successful economically. Nineteen owned slaves (190 men were slaveholders), and two held over twenty slaves and operated substantial farms.²⁴

Nevertheless, these women had ceased to have a direct voice in Cherokee government. In 1826 the Council called a constitutional convention to draw up a governing document for the Nation. According to legislation which provided for election of delegates to the convention, "No person but a free male citizen who is full grown shall be entitled to vote." The convention met and drafted a constitution patterned after that of the United States. Not surprisingly, the constitution which male Cherokees ratified in 1827 restricted the franchise to "free male citizens" and stipulated that "no person shall be eligible to a seat in the General Council, but a free Cherokee male, who shall have attained the age of twenty-five." Unlike the United States Constitution, the Cherokee document clearly excluded women, perhaps as a precaution against women who might assert their traditional right to participate in politics instead of remaining in the domestic sphere.²⁵

The exclusion of women from politics certainly did not produce the removal crisis, but it did mean that a group traditionally opposed to land cession could no longer be heard on the issue. How women would have voted is also unclear. Certainly by 1835, many Cherokee women, particularly those educated in mission schools, believed that men were better suited to deal with political issues than women, and a number of women voluntarily enrolled their households to go west before the forcible removal of 1838-39. Even if women had united in active opposition to removal, it is unlikely that the United States and aggressive state governments would have paid any more attention to them than they did to the elected officials of

the nation who opposed removal or the 15,000 Cherokees, including women (and perhaps children), who petitioned the United States Senate to reject the Treaty of New Echota. While Cherokee legislation may have made women powerless, federal authority rendered the whole Nation impotent.

In 1828 Georgia had extended state law over the Cherokee Nation, and white intruders who invaded its territory. Georgia law prohibited Indians, both men and women, from testifying in court against white assailants, and so they simply had to endure attacks on person and property. Delegates from the Nation complained to Secretary of war John H. Eaton about the lawless behavior of white intruders:

Too many there are who think it an act of trifling consequence to oust an Indian family from the quiet enjoyment of all the comforts of their own firesides, and to drive off before their faces the stock that gave nourishment to the children and support to the aged, and appropriate it to the satisfaction to avarice.²⁶

Elias Boudinot, editor of the bilingual *Cherokee Phoenix*, even accused the government of encouraging the intruders in order to force the Indians off their lands, and he published the following account:

A few days since two of these white men came to a Cherokee house, for the purpose, they pretended, of buying provisions. There was no person about the house but one old woman of whom they inquired for some corn, beans &c. The woman told them she had nothing to sell. They then went off in the direction of the field belonging to this Cherokee family. They had not gone but a few minutes when the woman of the house saw a heavy smoke rising from that direction. She immediately hastened to the field and found the villains had set the woods on fire but a few rods from the fences, which she found already in a full blaze. There being a very heavy wind that day, the fire spread so fast, that her efforts to extinguish it proved utterly useless. The entire fence was therefore consumed in a short time. It is said that during her efforts to save the fence the men who had done the mischief were within sight, and were laughing heartily at her!

The Georgia Guard, established by the state to enforce its law in the Cherokee country, offered no protection and, in fact, contributed to the lawlessness. The *Phoenix* printed the following notice under the title "Cherokee Women, Beware.":

It is said that the Georgia Guard have received orders, from the Governor we suppose, to inflict corporeal punishment on such females as shall hereafter be guilty of insulting them. We presume they are to be the judges of what constitutes *insult*.²⁷

Despite harassment from intruders and the Guard, most Cherokees had no intention of going west, and in the spring of 1838 they began to plant their crops as usual. Then United States soldiers arrived, began to round up the Cherokees, and imprisoned them in stockades in preparation for deportation. In 1932 Rebecca Neugin, who was nearly one hundred years old, shared her childhood memory and family tradition about removal with historian Grant Foreman:

When the soldier came to our house my father wanted to fight, but my mother told him that the soldiers would kill him if he did and we surrendered without a fight. They drove us out of our house to join other prisoners in a stockade. After they took us away, my mother begged them to let her go back and get some bedding. So they let her go back and she brought what bedding and a few cooking utensils she could carry and had to leave behind all of our other household possessions.²⁶

Rebecca Neugin's family was relatively fortunate. In the process of capture, families were sometimes separated and sufficient food and clothing were often left behind. Over fifty years after removal, John G. Burnett, a soldier who served as an interpreter, reminisced:

Men working in the fields were arrested and driven to stockades. Women were dragged from their homes by soldiers whose language they could not understand. Children were often separated from their parents and driven into the stockades with the sky for a blanket and the earth for a pillow.

Burnett recalled how one family was forced to leave the body of a child who had just died and how a distraught mother collapsed of heart failure as soldiers evicted her and her three children from their homes.²⁹ After their capture, many Cherokees had to march miles over rugged mountain terrain to the stockades. Captain L. B. Webster wrote his wife about moving eight hundred Cherokees from North Carolina to the central depot in Tennessee: "We were eight days in making the journey (80 miles), and it was pitiful to behold the women & children, who suffered exceedingly—as they were all obliged to walk, with the exception of the sick."³⁰

Originally the government planned to deport all the Cherokees in the summer of 1838, but the mortality rate of the three parties that departed that summer led the commanding officer, General Winfield Scott, to agree to delay the major removal until fall. In the interval, the Cherokees remained in the stockades where conditions were abysmal. Women in particular, often became individual victims of their captors. The missionary Daniel Butrick recorded the following episode in his journal:

The poor Cherokees are not only exposed to temporal evils, but also to every species of moral desolation. The other day a gentleman informed me that he saw six soldiers about two Cherokee women. The women stood by a tree, and the soldiers with a bottle of liquor were endeavoring to entice them to drink, though the women, as yet were resisting them. He made this known to the commanding officer but we presume no notice was taken of it, as it was reported that those soldiers had those women with them the whole night afterwards. A young married woman, a member of the Methodist society was at the camp with her friends, though her husband was not there at the time. The soldiers, it is said, caught her, dragged her about, and at length, either through fear, or otherwise, induced her to drink; and then seduced her away, so that she is now an outcast even among her own relatives. How many of the poor captive women are thus debauched, through terror and seduction, that eye which never sleeps, alone can determine.³¹

When removal finally got underway in October, the Cherokees were in a debilitated and demoralized state. A white minister who saw them as they prepared to embark noted: "The women did not appear to as good advantage as did the men. All, young and old, wore blankets which almost hid them from view."³² The Cherokees had received permission to manage their own removal, and they divided the people into thirteen detachments of approximately one thousand each. While some had wagons, most walked. Neugin rode in a wagon with other children and some elderly women, but her older brother, mother, and father "walked all the way."³³ One observer reported that "even aged females, apparently nearly ready to drop in the grave, were traveling with heavy burdens attached to the back." Proper conveyance did not spare well-to-do Cherokees the agony of removal, the same observer noted:

One lady passed on in her hack in company with her husband, apparently with as much refinement and equipage as any of the mothers of New England; and she was a mother too and her youngest child, about three years old, was sick in her arms, and all she could do was to make it comfortable as circumstances would permit . . . She could only carry her dying child in her arms a few miles farther, and then she must stop in a stranger-land and consign her much loved babe to the cold ground, and that without pomp and ceremony, and pass on with the multitude.³⁴

This woman was not alone. Journals of the removal are largely a litany of the burial of children, some born "untimely."³⁵

Many women gave birth alongside the trail: at least sixty-nine newborns arrived in the West.³⁶ The Cherokees' military escort was often

less than sympathetic. Daniel Butrick wrote in his journal that troops frequently forced women in labor to continue until they collapsed and delivered "in the midst of the company of soldiers." One man even stabbed an expectant mother with a bayonet.³⁷ Obviously, many pregnant women did not survive such treatment. The oral tradition of a family from southern Illinois, through which the Cherokees passed, for example, includes an account of an adopted Cherokee infant whose mother died in childbirth near the family's pioneer cabin. While this story may be apocryphal, the circumstances of Cherokee removal make such traditions believable.³⁸

The stress and tension produced by the removal crisis probably accounts for a post-removal increase in domestic violence of which women usually were the victims. Missionaries reported that men, helpless to prevent seizure of their property and assaults on themselves and their families, vented their frustrations by beating wives and children. Some women were treated so badly by their husbands that they left them, and this dislocation contributed to the chaos in the Cherokee Nation in the late 1830s.³⁹

Removal divided the Cherokee Nation in a fundamental way, and the Civil War magnified that division. Because most signers of the removal treaty were highly acculturated, many traditionalists resisted more strongly the white man's way of life and distrusted more openly those Cherokees who imitated whites. This split between "conservatives," those who sought to preserve the old ways, and "progressives," those committed to change, extended to women. We know far more, of course, about "progressive" Cherokee women who left letters and diaries which in some ways are quite similar to those of upper-class women in the antebellum South. In letters, they recounted local news such as "they had Elick Cockrel up for steeling horses" and "they have Charles Reese in chains about burning Harnages house" and discussed economic concerns: "I find I cannot get any corn in this neighborhood, so of course I shall be greatly pressed in providing provision for my family." Nevertheless, family life was the focus of most letters: "Major is well and tryes hard to stand alone he will walk soon. I would write more but the baby is crying."⁴⁰

Occasionally we even catch a glimpse of conservative women who seem to have retained at least some of their original authority over domestic matters. Red Bird Smith, who led a revitalization movement at the end of the nineteenth century, had considerable difficulty with his first mother-in-law. She "influenced" her adopted daughter to marry Smith through witchcraft and, as head of the household, meddled rather seriously in the couple's lives. Interestingly, however, the Kee-Too-Wah society which Red Bird Smith headed had little room for women. Although the society had political objectives, women enjoyed no greater participation in this "conservative"

organization than they did in the "progressive" republican government of the Cherokee Nation.⁴¹

Following removal, the emphasis of legislation involving women was on protection rather than participation. In some ways, this legislation did offer women greater opportunities than the law codes of the states. In 1845 the editor of the *Cherokee Advocate* expressed pride that "in this respect the Cherokees have been considerably in advance of many of their white brethren, the rights of their women having been amply secured almost ever since they had written laws." The Nation also established the Cherokee Female Seminary to provide higher education for women, but like the education women received before removal, students studied only those subjects considered to be appropriate for their sex.⁴²

Removal, therefore, changed little in terms of the status of Cherokee women. They had lost political power before the crisis of the 1830s, and events which followed relocation merely confirmed new roles and divisions. Cherokee women originally had been subsistence-level farmers and mothers, and the importance of these roles in traditional society had made it possible for them to exercise political power. Women, however, lacked the economic resources and military might on which political power in the Anglo-American system rested. When the Cherokees adopted the Anglo-American concept of power in the eighteenth and nineteenth centuries, men became dominant. But in the 1830s the chickens came home to roost. Men, who had welcomed the Anglo-American basis for power, now found themselves without power. Nevertheless, they did not question the changes they had fostered. Therefore, the tragedy of the trail of tears lies not only in the suffering and death which the Cherokees experienced but also in the failure of many Cherokees to look critically at the political system which they had adopted—a political system dominated by wealthy, highly acculturated men and supported by an ideology that made women (as well as others defined as "weak" or "inferior") subordinate. In the removal crisis of the 1830s, men learned an important lesson about power; it was a lesson women had learned well before the "trail of tears."

NOTES

¹ The standard account of Cherokee removal is Grant Foreman, *Indian Removal: The Emigration of the Five Civilized Tribes of Indians* (Norman, Okla., 1932), 229-312. Also see Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln, Neb., 1975); Dale Van Every, *Disinherited: The Lost Birthright of the American Indian* (New York, 1966); William G. McLoughlin, "Thomas Jefferson and the Beginning of Cherokee Nationalism, 1806 to 1809," *William and Mary Quarterly*, 3d ser., 32 (1975): 547-80; Thurman Wilkins, *Cherokee Tragedy: The Story of the Ridge Family and the*

Decimation of a People (New York, 1970); Gary E. Moulton, *John Ross: Cherokee Chief* (Athens, Geo., 1978); Russell Thornton, "Cherokee Population Losses during the Trail of Tears: A New Perspective and a New Estimate," *Ethnohistory* 31 (1984): 289-300. Other works on the topic include Gloria Jahoda, *The Trail of Tears* (New York, 1975); Samuel Carter, *Cherokee Sunset: A Nation Betrayed* (Garden City, N.Y., 1976); John Ehle, *The Trail of Tears: The Rise and Fall of the Cherokee Nation* (New York, 1988). A good collection of primary documents can be found in the *Journal of Cherokee Studies* 3 (1978). For the context in which the removal policy developed, see Francis Paul Prucha, *American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts, 1790-1834* (Cambridge, Mass., 1962). Not all Cherokees went west; see John R. Finger, *The Eastern Band of Cherokees, 1819-1900* (Knoxville, Tenn., 1984).

² Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, 5 vols. (Washington, 1904-1941), 2: 439-49.

³ While some similarities to the role of women among the Iroquois exist, the differences are significant. Both had matrilineal kinship systems and practiced the same fundamentally sexual division of labor, but the Cherokees had no clan mothers who selected headmen, an important position among the Iroquois of the Five Nations. The Cherokees were an Iroquoian people, but linguists believe that they separated from the northern Iroquois thousands of years ago. Certainly, the Cherokees had been in the Southeast long enough to be a part of the southeastern cultural complex described by Charles Hudson in *The Southeastern Indians* (Knoxville, 1976). Yet where women were concerned, the Cherokees differed from other southeastern peoples. James Adair, an eighteenth-century trader, gave the following analysis: "The Cherokees are an exception to all civilized or savage nations in having no laws against adultery; they have been a considerable while under a petticoat-government, and allow their women full liberty to plant their brows with horns as oft as they please, without fear of punishment" (James Adair, *Adair's History of the American Indian*, ed. Samuel Cole Williams [Johnson City, Tenn., 1930], 152-53). Indeed, Adair was correct that Cherokee women enjoyed considerable sexual autonomy. Furthermore, they seem to have exercised more political power than other eighteenth-century native women in the Southeast. Earlier sources, however, describe "queens" who ruled southeastern peoples other than the Cherokee. See Edward Gaylord Bourne, ed., *Narratives of the Career of Hernando de Soto* (2 vols.) (New York, 1922), 1: 65-72. Consequently, the unusual role of women in Cherokee society cannot be attributed definitively to either Iroquoian or southeastern antecedents.

⁴ Samuel Hazard, ed., *Pennsylvania Archives 1787*, 12 vols., (Philadelphia, 1852-56), 11: 181-82. See also Theda Perdue, "The Traditional Status of Cherokee Women," *Furman Studies* (1980): 19-25.

⁵ The best study of the aboriginal Cherokee kinship system is John Phillip Reid, *A Law of Blood: The Primitive Law of the Cherokee Nation* (New York, 1970). Also see William H. Gilbert, *The Eastern Cherokees* (Washington, 1943) and Alexander Spoehr, *Changing Kinship Systems: A Study in the Acculturation of the Creeks, Cherokee, and Choctaw* (Chicago, 1947).

⁶ William Bartram, "Observations on the Creek and Cherokee Indians, 1789," *Transactions of the American Ethnological Society* 3, pt. 1 (1954): 66.

⁷ William L. McDowell, ed., *Documents Relating to Indian Affairs, 1754-1765* (Columbia, S.C., 1970), 303; Henry Timberlake, *Lieut. Henry Timberlake's Memoirs, 1756-1765*, ed. Samuel Cole Williams (Johnson City, Tenn., 1927), 89-90; Benjamin Hawkins, *Letters of Benjamin Hawkins, 1796-1806*, vol. 9 of *Georgia Historical Society Collections* (Savannah, Geo., 1916), 110; Adair, *Adair's History*, 105-17.

⁸ William Bartram, ed., *The Travels of William Bartram*, ed. Mark Van Doren (New York, 1940), 90.

⁹ Alexander S. Salley, ed., *Narratives of Early Carolina, 1650-1708* (New York, 1911), 90.

¹⁰ *American State Papers, Class 2: Indian Affairs*, 2 vols. (Washington, 1832), 1: 41. For Nancy Ward, see Ben Harris McClary, "Nancy Ward: Last Beloved Woman of the Cherokees," *Tennessee Historical Quarterly* 21 (1962): 336-52; Theda Perdue, "Nancy Ward" in *Portraits of American Women*, ed. Catherine Clinton and Ben Barker-Benfield (forthcoming).

¹¹ Prucha, *American Indian*, 213-49; Bernard W. Sheehan, *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian* (Chapel Hill, N.C., 1973); Robert F. Berkhofer, Jr., *Salvation and the Savage: An Analysis of Protestant Missions and American Indian Response* (Lexington, Ken., 1965).

¹² William G. McLoughlin, *Cherokee Renascence in the New Republic* (Princeton, 1986); William G. McLoughlin, *Cherokees and Missionaries, 1789-1839* (New Haven, Conn., 1984); Henry T. Malone, *Cherokees of the Old South: A People in Transition* (Athens, Geo., 1956); Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540-1866* (Knoxville, Tenn., 1979).

¹³ *Laws of the Cherokee Nation: Adopted by the Council at Various Times, Printed for the Benefit of the Nation* (Tahlequah, Cherokee Nation, 1852), 3-4.

¹⁴ Rufus Anderson, *Memoir of Catherine Brown, A Christian Indian of the Cherokee Nation* (Philadelphia, 1832); Hawkins, 20.

¹⁵ Presidential Papers Microfilm: Andrew Jackson (Washington, 1961), Series 1, Reel 22; also mentioned in *Journal of Cyrus Kingsbury*, 13 February 1817, Papers of the American Board of Commissioners for Foreign Missions, Houghton Library, Harvard University, Cambridge, Mass. (hereafter cited as American Board Papers).

¹⁶ Brainerd Journal, 30 June 1818, American Board Papers.

¹⁷ For women's property rights in the United States, see Mary Beard, *Woman as a Force in History: A Study in Traditions and Realities* (New York, 1946); Marylynn Salmon, "Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730-1830," *William and Mary Quarterly*, 3d ser., 39 (1982): 655-85; Marylynn Salmon, "Equality or Submersion? Feme Covert Status in Early Pennsylvania," in *Women of America*, ed. Carol Berkin and Mary Beth

Norton (Boston, 1979); Marylynn Salmon, "'Life Liberty and Dower': The Legal Status of Women after the Revolution," in *Women, War, and Revolution*, ed. Carol Berkin and Clara Lovett (New York, 1980); Norma Basch, "Invisible Women: The Legal Fiction of Marital Unity in Nineteenth-Century America," *Feminist Studies* 5 (1979): 346-66; Norma Basch, *In the Eyes of the Law: Women, Marriage, and Property in Nineteenth-Century New York* (Ithaca, N.Y., 1982); Albie Sachs and Joan Hoff-Wilson, *Sexism and the Law: A Study of Male Beliefs and Legal Bias in Britain and the United States* (New York, 1979); Suzanne Lebsock, *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860* (New York, 1984).

¹⁸ Louis Wyeth to R. Chapman and C. C. Clay, 16 May 1838, Memorial of Isaac Wellborn to Martin Van Buren, n.d., Writ of the Morgan County (Alabama) Court, 9 June 1838 (Letters Received by the Office of Indian Affairs, 1824-1881, RG 75, National Archives, Washington); Joel R. Poinsett to Mathew Arbuckle, 17 Dec. 1838, John Ross to Joel R. Poinsett, 18 July 1839 (John Ross Papers, Thomas Gilcrease Institute, Tulsa, Okla.).

¹⁹ Charles C. Royce, *Indian Land Cessions in the United States* (Washington, 1900), 684-85, 696-97.

²⁰ V. Richard Persico, Jr., "Early Nineteenth-Century Cherokee Political Organization," in *The Cherokee Indian Nation: A Troubled History*, ed. Duane H. King (Knoxville, Tenn., 1979), 92-109.

²¹ *Laws of the Cherokee Nation*, 14-18, 31-32.

²² The classic article is Barbara Welter, "The Cult of True Womanhood, 1820-1860," *American Quarterly* 18 (1966): 151-74. Also see Glenda Matthews, "Just a Housewife": *The Rise and Fall of Domesticity in America* (New York, 1987). In *The Plantation Mistress: Woman's World in the Old South* (New York, 1982), Catherine Clinton points out that southern women, particularly from the planter class, did not exactly fit the model for northern women. Yet Cherokee women may have conformed more closely to that model than many other southern women because of the influence of northern missionaries. See Theda Perdue, "Southern Indians and the Cult of True Womanhood," in *The Web of Southern Social Relations: Essays on Family Life, Education and Women*, ed. Walter J. Fraser, Jr., R. Frank Saunders, Jr., and Jon L. Wakelyn, Jr. (Athens, Ga., 1985), 35-51. Also see Anne Firor Scott, *The Southern Lady: From Pedestal to Politics, 1830-1930* (Chicago, 1970), 3-21; Mary E. Young, "Women, Civilization, and the Indian Question," in *Clio Was a Woman: Studies in the History of American Women*, ed. Mabel E. Deutrich and Virginia C. Purdy (Washington, 1980).

²³ Ard Hoyt, Moody Hall, William Chamberlain, and D. S. Butrick to Samuel Worcester, 25 July 1818 (American Board Papers); John Ridge to Albert Gallatin, 27 February 1826 (John Howard Payne Papers, Newberry Library, Chicago, Ill. [hereafter cited as Payne Papers]).

²⁴ Cherokee Phoenix, 2 July 1828; Census of 1835 (Henderson Roll), RG 75, Office of Indian Affairs, National Archives, Washington; R. Halliburton, Jr., *Red*

over Black: *Black Slavery among the Cherokee Indians* (Westport, Conn., 1977), 181-92. Robert Bushyhead, a native Cherokee speaker from Cherokee, North Carolina, identified the gender of names on the Henderson Roll.

²⁵ *Laws of the Cherokee Nation*, 79, 120-21.

²⁶ George Lowrey, Lewis Ross, William Hicks, R. Taylor, Joseph Vann, and W. S. Shorey to John H. Eaton, 11 February 1830, Letters received, Office of Indian Affairs, 1824-1881, National Archives, Washington.

²⁷ *Cherokee Phoenix*, 26 March 1831, 16 July 1831.

²⁸ Foreman, *Indian Removal*, 302-303.

²⁹ John G. Burnett, "The Cherokee Removal through the Eyes of a Private Soldier," *Journal of Cherokee Studies* 3 (1978): 183.

³⁰ Capt L. B. Webster, "Letters from a Lonely Soldier," *Journal of Cherokee Studies* 3 (1978): 154.

³¹ Journal of Daniel S. Butrick, n.d. (Payne Papers. There is another Butrick journal in the American Board Papers. The one in the Payne Papers is as much a commentary as a personal narrative).

³² J. D. Anthony, *Life and Times of Rev. J. D. Anthony* (Atlanta, 1896).

³³ Foreman, *Indian Removal*, 302-303.

³⁴ "A Native of Maine, Traveling in the Western Country," *New York Observer*, 26 January 1839.

³⁵ A good example is B. B. Cannon, "An Overland Journey to the West (October-December 1837)," *Journal of Cherokee Studies* 3 (1978): 166-173.

³⁶ "Emigration Detachments," *Journal of Cherokee Studies* 3 (1978): 186-87.

³⁷ Butrick Journal (Payne Papers).

³⁸ Story related by unidentified member of an audience at Warren Wilson College, Black Mountain, N.C., January 1983.

³⁹ Butrick Journal, 30 April 1839, 2 May 1839 (American Board Papers).

⁴⁰ Edward Everett Dale and Gaston Litton, eds., *Cherokee Cavaliers: Forty Years of Cherokee History as Told in the Correspondence of the Ridge-Watie-Boudinot Family* (Norman, Okla., 1939), 20-21, 37-38, 45-46. For comparison, see Scott, *Southern Lady*, and Clinton, *Plantation Mistress*.

⁴¹ *Indian Pioneer History*, 113 vols. (Oklahoma Historical Society, Oklahoma City), 9: 490-91; Robert K. Thomas, "The Redbird Smith Movement," in *Symposium on Cherokee and Iroquois Culture*, ed. William N. Fenton and John Gulick (Washington, 1961).

⁴² *Cherokee Advocate*, 27 February 1845; Rudi Halliburton, Jr., "North-eastern Seminary Hall," *Chronicles of Oklahoma* 51 (1973-74): 391-98; *Indian Pioneer History* 1: 394.