“Urge everywhere the importance of petitioning!”
Jeremiah Evarts’s Petition Campaign Against Indian Removal

Amy M. Kostine

Murder is murder, and somebody must answer. Somebody must explain the streams of blood that flowed in the Indian country in the summer of 1838. Somebody must explain the 4000 silent graves that mark the trail of the Cherokees to their exile. I wish I could forget it all, but the picture of 645 wagons lumbering over the frozen ground with their cargo of suffering humanity still lingers in my memory.

- Private John G. Burnett, December 11, 1890

On December 29, 1835, General William Carroll and Reverend John F. Schermerhorn met with a small faction of Cherokee, led by Major Ridge, John Ridge, Elias Boudinot and others, at New Echota, Georgia, and signed a treaty relinquishing all Cherokee land in Georgia, North Carolina, Alabama, and Tennessee for five million dollars and their removal to land west of the Mississippi River in Indian Territory (present-day Oklahoma). The treaty of New Echota was signed without the approval of Principal Chief John Ross and the support of the majority of the Cherokee people. The validity of the treaty was questioned early on and raised concern among many members of the Cherokee, as well as among some Americans. Major William M. Davis was living amongst the Cherokee when the treaty was signed and expressed much concern to Secretary of War Lewis Cass. “Sir, that paper…called a treaty is no treaty at all, because not sanctioned by the great body of the Cherokees and made without their participation or assent…. it would be instantly rejected by nineteen-twentieths of them,” Davis warned Cass and the President. “If this paper of Schermerhorn’s called a treaty is sent to the Senate and ratified you

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will bring trouble upon the Government and eventually destroy this (the Cherokee) nation.”

Much to Davis’s dismay, the Senate ratified the treaty in May 1836.

May 23, 1838, marked the date for voluntary removal of the Cherokee from their homes in Georgia, Alabama, North Carolina, and Tennessee to Indian Territory. The day came and went, and approximately 15,000 Cherokees remained and refused to voluntarily remove, still clinging to some hope that the American government would recognize that the Treaty of New Echota was fraudulent and that the vast majority of the Cherokee people were in disagreement with it. Their hopes were crushed with the arrival federal troops and state militia under the command of General Winfield Scott. Seven thousand federal troops and state militia were ordered to round up the Cherokees, bring them to the emigrating depots, and begin the journey west on what has become known as the Trail of Tears.

The soldiers acted quickly and decisively. To the horror of the Cherokees, groups of soldiers arrived at every home and forced the Cherokee out at bayonet point without any warning or time to gather any of their belongings. From their homes, they were taken to the emigrating depots and were forced to stay in internment camps where conditions were poor and disease spread rampant. Much later, Josephine Pennington gave her ancestor’s account of the removal to a Works Progress Administration employee. “All over the Cherokee country [the soldiers] went, bringing in all of them, old and young, male and female and their babes,” she stated. “They hunted them down like hunting wild beasts and when they found them, they drove them under

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5 Ibid.
6 Ibid.
threats and blows like cattle to these stockades.”  The removal process was harsh, to say the least, and claimed the lives of an estimated 4,000 Cherokees, approximately twenty-five percent of their total population.  

While removal for the Cherokee culminated with the ratification and implementation of the Treaty of New Echota, debates over the removal of all American Indians residing east of the Mississippi River reached its peak years earlier with the Indian Removal Act of 1830, which was recommended by President Andrew Jackson, but written and passed by Congress. Despite the seemingly careless attitude of the United States government towards American Indians, including the Cherokee, the Cherokee did have small pockets of sympathizers, both American citizens and members of Congress. The Removal Act alone outraged many Americans who deemed it immoral and unjust and set off a petition campaign against Indian removal. There were strong pockets of resistance throughout northern and eastern states opposing the removal of the Cherokee in particular. One man, Jeremiah Evarts, led the movement and encouraged Americans to take up their pens and protest against Cherokee removal. However, his untimely death crippled the effort against Cherokee removal, and the Treaty of New Echota was ratified by a single vote, thus leading to the deaths of some four thousand Cherokees by a treaty that many Americans willingly admitted was fraudulent.

Jeremiah Evarts was born on February 3, 1781, in Sunderland, Vermont. As the son of a farmer, young Evarts was destined to follow in his father’s footsteps and take over the family farm as an adult, but his love of books and learning carried him from a life on the farm. Evarts’s

8 Wallace, 94.
father nurtured his son’s love of learning and allowed Evarts to continue his education at Yale. During his senior year at Yale, Evarts was converted during a revival that swept through the college. It was an event that helped shape his moral and ethical perception of society and influenced him greatly in his decisions later in life. After graduating he strongly considered a career as a preacher but decided to become a lawyer, because he believed that in becoming a lawyer “he might advance the cause of religion and morality.” His strong beliefs in religion and his background as a lawyer were key characteristics in his fight against Indian removal years later.

In 1806, Evarts was admitted to the bar and practiced law for several years before taking a position as an editor of the Panoplist, a religious monthly, which became dedicated to promoting and establishing Christian foreign missions. His work at the Panoplist, which later became the Missionary Herald, soon gave way to work with the American Board of Commissioners for Foreign Missions. He served as the treasurer for eight years, before he was given the position of secretary in 1821. As he worked for the American Board, he continued his work with the Missionary Herald, which served as an outlet for Evarts to express his ideas, beliefs, and share with the public the progress he was making in converting and “civilizing” the American Indian tribes he was working with.

Through his work with the American Board, Evarts traveled and befriended many American Indian nations in the South, including the Cherokee. Historian Francis Paul Prucha argues, “[Evarts] had studied and knew thoroughly the history of the tribes in their relations with white governments, their aboriginal claim to lands, the guarantee of these lands in treaties signed

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11 Andrew III, 20.
12 Prucha, Cherokee Removal, 5-6.
13 Ibid., 6.
with the United States of America, and the adamant stand of the tribal spokesman against removal.”\textsuperscript{14} As Evarts spent more time among the Cherokee, he began to have a deep understanding of the tension between the Cherokee and Georgia in regards to land encroachment. In the Georgia Compact of 1802, Georgia agreed to give up a portion of its western land claims to the federal government, and the “United States agreed to remove the Indians from Georgia as soon as it could be done peaceably and on reasonable terms.”\textsuperscript{15} Twenty years later, Georgia was still pressed for land, and the Cherokee refused to cede their remaining land. Georgia blamed the U.S. government for not keeping their promise and demanded that the federal government remove the Indians by force if necessary. The government refused to meet Georgia’s demands until Andrew Jackson, who supported removal, assumed the Presidency, which sparked the creation of the Indian Removal Act of 1830.\textsuperscript{16}

Evarts believed that it was the American government’s obligation to protect the Cherokee from the greedy individuals seeking their land and their refusal to protect the Cherokee from land encroachment would be a great sin.\textsuperscript{17} Evarts also believed that it was his personal duty as a Christian to right the moral wrongs of the government, but also use his background as a lawyer to help defend the Cherokee. Evarts would find himself at the center of a battle with the United States government on this issue of Indian removal with the onset of the Indian Removal Act.

Jackson had been a proponent of Indian removal prior to his election as president and had already assisted and served as commissioner at several treaties dealing with American Indians and the cession of their lands in 1814, 1815, and 1816.\textsuperscript{18} With his election as president in 1828, \[\text{\textsuperscript{14} Ibid.}\
\text{\textsuperscript{16} Mary Hershberger, “Mobilizing Women, Anticipating Abolition: The Struggle against Indian Removal in the 1830s,” The Journal of American History 86.1 (June 1999): 16.}\
\text{\textsuperscript{17} Prucha, Cherokee Removal, 7.}\
\text{\textsuperscript{18} Wallace, 52.}\
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Indian removal was heavy on his mind and at the top of his agenda. The Indian Removal Act began its legislative history shortly after Jackson’s first State of the Union Address on December 8, 1829. Jackson argued to Congress that white encroachment on Indian lands has not only forced some American Indians back into the wilderness and their “savage habits,” but has also caused the destruction of many tribes. “Humanity and national honor demand that every effort should be made to avert so great a calamity,” Jackson insisted. “I suggest, for your consideration, the propriety of setting apart an ample district West of the Mississippi, and without the limits of any State or Territory, now formed, to be guarantied to the Indian tribes…This emigration should be voluntary: for it would be as cruel as unjust to compel aborigines to abandon the graves of their fathers, and seek home in a distant land.” Jackson’s statement began the development of an Indian removal bill in the House of Representatives and the Senate. Members of both the House and Senate hotly contested the bill in continuous debates. In addition to the debates in Congress on the bill, petitions and memorials flooded in to both Houses from religious groups and members of benevolent societies throughout northern and eastern states who opposed Indian removal. The opposition was led early on by Evarts in response to pro-removal organizations and fueled by the development of an Indian removal bill.

Prior to the election of Jackson, Indian removal was already an openly discussed topic in the United States government. In 1827, Thomas L. McKenney, head of the Indian Office in the War Department, asked the wrong individual for support of removal. McKenney contacted Evarts and the American Board and asked for help in gaining public support of a program to

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19 Theda Perdue and Michael D. Green, eds., The Cherokee Removal: A Brief History with Documents, 2nd ed. (Boston: Bedford/St. Martin’s, 2005), 121.
21 Ibid., 123-124.
“preserve the Indians, a program that would include voluntary removal as the first step.”

McKenney urged Evarts and the American Board to find ways of reaching to every corner of the country and urge citizens to send memorials to Congress supporting removal. Evarts was disgusted and refused to help, and two years later McKenney established the Indian Board, for the Emigration, Preservation, and Improvement of the Aborigines of America on July 22, 1829.

The Indian Board adopted Jackson’s ideas on Indian removal and promoted it through meetings, memorials, and pamphlets.

In response to the Indian Board’s propaganda and the Jackson administration’s removal policy, Evarts took McKenney’s suggestion of drawing up memorials and petitions and ran with it. Instead of drawing up memorials in support of removal though, he began to work quickly and concisely to protest against removal. In contrast to Jackson, Evarts believed that “humanity” and “national honor” demanded a stop to any bill allowing for the removal of American Indians off of their homelands, since he deemed this to be a calamity that was both “cruel” and “unjust.”

Having worked for a monthly for over twenty years, Evarts knew the impact that publishing articles in newspapers would have on the public. It was a perfect medium to gain the most support possible in his crusade against removal. He turned his attention specifically to religious affiliated newspapers, which were the most popular during the time. “Thirty religious periodicals reported subscription lists of 3,000 or more, with fifteen of those having over 5,000 subscribers each. The Methodist Christian Advocate and Journal had a subscription list of 25,000, the Presbyterian New York Observer over 6,000, the American Board of Commissioners for Foreign Missions (Congressional) Missionary Herald 14,000, the Religious Intelligencer 5,000,” argues historian Mary Hershberger. “All of these periodicals opposed removal on the

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22 Prucha, Cherokee Removal, 7.
23 Ibid., 8.
ground that it violated legal treaties and that the southern Indians’ practices of agriculture and commerce had made them virtually indistinguishable from the white farmers of Georgia.”

Petitions and memorials were not just reprinted in religious affiliated newspapers though; they were reprinted in secular newspapers as well, reaching a further audience.

Between August 5 and December 19, 1829, Evarts wrote a series of twenty-four articles entitled, “Present Crisis in the Condition of the American Indians,” in the National Intelligencer under the pseudonym William Penn. These articles, commonly known as the William Penn essays, were reprinted in many other newspapers and periodicals and were also circulated in pamphlets. Evarts’s biographer claimed that they were copied into at least one hundred newspapers, and “a contemporary reported that they…were probably read by more than half a million of the citizens of this country.” The Penn essays were so popular that more people read them in 1829 than any other political pamphlet since Thomas Paine’s Common Sense. His essays helped gain public support against removal and inspired many American citizens to pick up their pens and protest too.

Prucha argues, “The Penn essays were the fullest and best statement of the Cherokee case and the obligation of the United States government to support it.” Evarts displayed his talent as a lawyer and his legal knowledge in the essays, acting as if he were a lawyer in the Cherokees’ defense. In his first essay, Evarts addressed the public’s ignorance on the issue concerning the American Indians in the southeast, and called upon the readers to stop, think, and when all the facts are given, decide what is the right action to take in regards to the federal and state government’s policies toward American Indians, their land claims, and removal, instead of

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24 Hershberger, 18.
26 Prucha, Cherokee Removal, 11.
27 Hershberger, 25.
28 Ibid.
simply forming an uneducated opinion based on rumors and hearsay. Evarts provided all the legal and moral analysis needed to make a convincing argument against removal. The public only needed to sign onto the cause.

Evarts continuously used the Cherokee as an example throughout the essays. He raised a series of questions, often rhetorical, and then provided examples and arguments to give an answer. In his second essay, Evarts began by asking, “What right have the Cherokees to the lands which they occupy?” He began with the very foundation of the Cherokee’s conflict with Georgia and the Indian removal issue itself. Evarts gave a convincing answer and stated:

If the Cherokees are interrogated as to their title, they can truly say, ‘God gave this country to our ancestors. We have never been in bondage to any man. Though we have sold much to our white neighbors, we have never bought any from them. We own the land which we now occupy, by the right of the original possessors; a right which is allowed in all countries to be of incontestable validity. We assert, therefore, that no human power can lawfully compel us to leave our lands’... By what right do the people of the United States hold the lands which they occupy? The people of Ohio, for instance or of Connecticut? By the right of occupancy only, commenced by purchase from the aboriginal possessors.

In the talent of a lawyer, Evarts offered a simple argument, but one that was difficult to argue against. He further pressed his point by mentioning that if the same questions were asked of the Chinese, their answer would be the same as the Cherokees: they occupy the land because God gave it to them and they have always possessed it and occupied it. Evarts cunningly provided arguments that the average American could understand, and provided the knowledge and the facts that could be used by any individual wishing to petition against Indian removal.

The questions he raised and answered took readers through the history of treaties signed by the Cherokee and the United States and land encroachment by whites. Evarts began his

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31 Ibid.
argument by discussing the Cherokee’s right to their land, then moved on by providing a thorough argument against Georgia’s policy with the Cherokee and concluded with the federal government’s stance on Indian removal and why it was unjust and immoral. Evarts moved step by step through each major treaty and its importance to the overall removal argument, using the very fact that the U.S. government signed treaties with the Cherokees as a point of defense. Treaties imply that both nations are sovereign, which is an argument Evarts made. The average citizen would not know the intricacies and facts surrounding the legal properties of a treaty, so Evarts explained it for them too. He discussed at length the Treaty of Hopewell, the Treaty of Holston, the Treaty of Tellico, and several others. In doing so, he provided a legal backing to his arguments, one that would stand up in a debate in the House or the Senate.

A newspaper article in the *Connecticut Courant* defended the arguments in the William Penn essays to a writer who disagreed with Evarts. The article was just as long as many of the Penn essays and picked apart Evarts’s arguments on treaties piece by piece, discussing why his argument was both logical and legally backed. It was just what Evarts wanted to accomplish. His arguments were being used by the public in defense against anyone advocating for removal. The article entitled, “Logic Again!” argued, “William Penn proves, by quoting treaties and reasoning from them, that the United States have guaranteed soil and sovereignty to the Cherokees.” In addition to using legal arguments, Evarts was a Christian and strongly believed the government was morally wrong and even contradictory. Understanding that moral arguments were just as important as legal arguments in the public’s eye, he brought insight to these moral dilemmas into his essays as well.

Throughout the essays, Evarts condemned the U.S. government for the moral implications on the nation of allowing Georgia jurisdiction over Cherokee lands. “We shall be

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guilty of manifest injustice to our weak and defenseless neighbors,” Evarts argued in his first essay. “There is a danger of our national character being most unhappily affected.” Evarts constantly brought into question the injustice that the United States would cause by not only allowing and supporting Georgia claims to Cherokee land, but by allowing Indian removal itself. Evarts believed it would be a great, moral sin and a stain on the United States’ national character and pride to force Cherokees, who had been making strides towards “civilization” and Christianity, off of their lands.

In addition to being concerned with morals, Evarts drew upon his Christian readers and was careful to mention the Cherokee as fellow Christians in need of help, help that could be provided if fellow Christians, like Evarts himself, could band together in support of the Cherokee cause. Evarts used religion as a common ground to compare American citizens and Cherokees in an attempt to evoke sympathy for the cause. He also was careful to mention the contradictory nature of the government’s policy as well. In his twenty-second essay, Evarts argued:

These ‘citizens of the Cherokee nation,’ as we called them in the treaty of Holston; - these fellow Christians, regular members of Moravian, Presbyterian, Baptist, and Methodist churches, fellow-citizens with the saints and of the household of God, are to be suddenly brought under the laws of Georgia, according to which they can be neither witnesses, nor parties, in a court of justice. Under the laws, did I say? It is a monstrous perversion to call such a state of things living under law. They are to be made outlaws on the land of their fathers; and, in this condition, to be allowed privilege of choosing between exile and chains.

But who are the men, that impose so fearful an alternative? And what is the government, that hesitates to redeem its pledge? Is it some rotten Asiatic despotism… regarding no law of morality or religion? Not so. It is a government, which sprung into existence with the declaration “that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness”…. from a people… who insist on the right of every community to govern itself; and who abjure the very idea of foreign dictation.34

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33 Penn, “From the National Intelligencer,” 4.
Evarts made a powerful statement of the hypocrisy of not only the American government, but also American citizens who would also be held accountable for the demise of the Cherokees if they sit back and do nothing.

In his last essay, Evarts ended with yet another strong statement. Again, he accused the United States government of being unjust and cunningly placed blame on American citizens for not taking a stand and dishonoring the country. By placing blame on Americans, Evarts called upon them to defend themselves against the blame and take a stand against removal. Evarts argued:

If our rulers now stop, they may save the country from the charge of bad faith. If they proceed, it will be known by all men, that in a plain case… and for very weak and unsatisfactory reasons, the great and boasting Republic of the United States of North America incurred the guilt of violating treaties; and that this guilt was incurred when the subject was fairly before the eyes of the American community … It is now proposed… to dishonor Washington, the Father of his country, to stultify the Senate of the United States during a period of thirty-seven years, to burn 150 documents, as yet preserved in the archives of State, under the denomination of treaties with Indians, and to tear out sheets from every volume of our national statue-book and scatter them to the winds….We have never yet acted upon the principle of seizing the lands of peaceable Indians, and compelling them to remove. We have never yet declared treaties with them to be mere waste paper.35

The essays were a masterful propaganda device that offered a legal and moral analysis of the Cherokee’s relationship with the United States government.36 Essentially, Evarts served as both an educator and a lawyer and the public served as the student and the jury. In his opening essay he even asked every reader to “consider himself a juryman” and reminded them that “it is not a single man on trial… [but] sixty thousand men, women, and children.”37 His last statement reads

36 Perdue and Green, 104.
37 Prucha, Cherokee Removal, 9.
like an accusation of guilt to both the government and Americans in a courtroom. With all the facts laid out before the public, Evarts now called upon them to pick up their pens to protest or otherwise suffer the blame and guilt of what he believed was an unjust, immoral policy against American Indians.

“Urge everywhere the importance of petitioning,” Evarts wrote. “Nothing else will avert the awful calamity which hangs over us.” In addition to the “William Penn” essays, Evarts drew up countless petitions and memorials to be circulated to the public to sign. Among them was *A Brief View of the Present Relations between the Government and People of the United States and the Indians within Our National Limits*, which was a summary of all of the William Penn essays printed in pamphlet form with the goal of obtaining signatures for the Cherokee cause. Evarts not only led his campaign from pamphlets and newspapers of Boston, but he also enlisted the help of some influential friends.

Eleazar Lord, president of the New York Sunday School Union and leader in the American Home Missionary Society, was inspired by Evarts’s cause. Lord worked in New York and was interested in getting fellow New Yorkers involved in the petition process. He organized a public meeting “on behalf of the Indians, to petition Congress” in December 1829. Evarts wrote a petition for the meeting, which he drew directly from his arguments in the William Penn essays. “Your memorialists entreat your honourable body to interpose and save the Cherokees,” Evarts stated in the petition, “from such injustices and oppression as can hardly fail of accomplishing their ruin, and of bringing opprobrium and perpetual shame upon our

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38 Prucha, “Protest by Petition,” 49.
40 Prucha, *Cherokee Removal*, 12.
41 Ibid., 13.
country.” The petition was not only signed by many members present at the meeting, but Lord took the liberty of having an additional 300 copies printed in pamphlet form and sent another 250 copies to individuals throughout the country.

The meeting and the petition were also mentioned in newspapers such as the *New York Observer* and reprinted in the *Connecticut Courant*. Excerpts from the meeting were printed and urged citizens from all over the country to petition to Congress on behalf of American Indians, but the newspapers added their own message: “We hope that our readers in every part of the country, will comply with this recommendation without delay. Now is the time for the friends of the Indians to exert themselves in their behalf. In a few weeks probably their fate will be forever sealed.” Senator Nathan Sanford of New York presented the New York memorial on January 4, 1830, but was met with strong objection from southern senators, particularly John Forsyth of Georgia. Although it met opposition, the memorial made its way to the Senate where it was discussed and debated, which was in line with Evarts’s goal, and was reprinted in newspapers that reached a greater majority of the population and carried on the urgency of the cause.

Now that the petition campaign was underway in New York, Evarts wanted to get Philadelphia and the Quakers on board with the cause. Evarts knew the Cherokee cause would resonate with fellow Christians, because the Cherokee were deemed one of the Five Civilized Tribes, since they not only adopted “white ways” by establishing schools, farms, and a newspaper, but because many members of the population had converted to Christianity. Religion and morality became a rallying point in the Cherokee cause, because of their Christian background they were viewed as more civilized and on par with American society. In other

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43 Ibid., 14-15.
words, they were not viewed as the typical “savage” Indian group. They were a civilized nation of people, just as the Americans were and demanded the same rights and privileges.

Evarts asked Lord to contact Roberts Vaux, a prominent Quaker in Philadelphia. Vaux was happy to join the cause, and with the help of William White and Henry J. Williams, a meeting was set up, and a memorial was circulated amongst the citizens of Philadelphia and signed by Vaux, White, and Williams on January 11, 1830. The memorial contained hints of inspiration from the William Penn essays, as it continuously brought up past treaties and the United States’ responsibility to adhere to those treaties. “For a space of 60 years no human blood shed in Indian conflict, ever stained the soil of Pennsylvania,” the memorial states, “They cannot but feel it to be a duty imperative upon them, to plead the cause of the Indian at a moment of extremity when measures are in contemplation, vitally affecting his dearest interests.”

In the case of the Cherokee, the memorial stated that the petitioners “feel bound earnestly to petition that no measures may be permitted to take place, which shall compel this nation to leave.”

The Quakers of Philadelphia were not the only ones to protest. The Religious Society of Friends in New York joined the cause and sent their own petition to the House and Senate on January 5, 1830. Their petition spoke of the moral injustice of removal and focused specifically on the Cherokee. “The attention of your memorialists has been especially turned to the situation of the Cherokee Nation, and the threatened violation of their rights and privileges as a distinct and separate people,” the Friends’ Memorial stated. “To avert these fatal results, and to prevent the total extermination of a much injured people, we would respectfully, but most earnestly, solicit the two houses of Congress to interpose their authority for the protection of the Cherokee

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45 Prucha, Cherokee Removal, 13.
47 Ibid.
48 Ibid.
nation in its just rights, and save our country from a such an impending calamity.”

This memorial was also presented in Congress where it met similar opposition.

Continuing to enlist fellow Christians in the cause, Evarts turned his attention to another influential friend, George B. Cheever. Cheever was a student at Andover Theological Seminary and had written at least one fiery article on the American Indian cause in the *American Monthly Magazine*. “Nothing can save us,” Cheever wrote, “unless the public mind be universally aroused from its lethargy, and an appeal made, so loud, simultaneous, and decisive, as shall astonish the world at the power of moral feeling in the heart of the country, and cause the most inveterate and bold supporters of national iniquity to tremble.”

Cheever worked with Evarts to write a seventy-two-page pamphlet condemning the government’s Indian policy. It was sent to family, friends, and every single member of Congress, and received acknowledgements from Senator Peleg Sprague of Maine and poet Henry W. Longfellow. Under Evarts’s direction, Cheever organized a circular campaign in Andover as well. Students sent out over five hundred copies of the circular and considerable amounts were sent to Congress.

Evarts’s petition campaign began a snowball effect through the North as his petitions made national headlines, and his pamphlets made their way into mailboxes throughout the country. Support for the American Indian cause came not only from meeting halls filled with men, but women began to petition too. Evarts was well aware that benevolent societies would answer his call to petition Congress, since many of these benevolent societies raised and donated money to help build missions and schools in Indian territory. In fact, the first donation to the

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51 Ibid., 21.

52 Prucha, “Protest By Petition,” 51.
American Board came from a woman, Sally Thomas, who donated her life savings. In addition to that, Evarts’s essays were not only read by men but many women as well. Henry Clay also realized that women would make powerful allies in the campaign against Indian removal. “The female sex is generally on [the Indians’] side,” Clay told Evarts. “A cooperation between that and the clergy would have a powerful, if not decisive, influence.” Evarts had already thought about this and sought the support of women, and the petition campaign against Indian removal became the first national women’s petition campaign in the United States.

In the summer of 1829, Catharine Beecher, sister of Harriet Beecher Stowe, visited her family in Boston. Unknowingly, Beecher’s visit to Boston would ultimately lead her into the forefront of a women’s petition campaign against Indian removal. While Beecher was visiting her family, her father’s friend, Evarts, came to visit too. Evarts told Beecher of the “distressing and disastrous consequences that would result from the cruel measures undertaken’ by the federal government” against the Five Civilized Tribes. He made a personal request to Beecher and urged for her help in gaining the support of women to protest. “American women might save these poor, oppressed natives,” Evarts told Beecher. In return, Beecher contacted several friends, including Lydia Sigourney, a popular writer, and drew up a petition opposing removal. Beecher “anonymously published a widely distributed circular in which she called on women to petition Congress to defeat the impending Indian Removal Act.”

On December 25, 1829, Beecher’s circular was printed in the Christian Advocate and Journal and was addressed to the “Benevolent Ladies of the United States.” The circular

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53 Herschberger, 19.
54 Ibid., 28.
55 Ibid., 25.
57 Ibid.
58 Perdue and Green, 110-111.
reminded the public that American Indians had not only protected and helped their ancestors to survive when they arrived on the shores, but many had also lost their lives protecting the fledgling American nation. The circular called out specifically to women to do their part and to take a stand in politics and allow their voices to be heard. Beecher stated:

> It has become almost a certainty that these people are to have their lands torn from them, and to be driven into western wilds and to final annihilation, unless the feelings of a humane and Christian nation shall be aroused to prevent the unhallowed sacrifice…. Have not then the females of this country some duties devolving upon them in relation to this helpless race? It may be that female petitioners can lawfully be heard, even by the highest of rulers of our land…. This communication was written and sent abroad solely by the female hand. Let every woman who peruses it, exert that influence in society which falls within her lawful province, and endeavor by every suitable expedient to interest the feelings of her friends, relatives, and acquaintances, in behalf of this people, that are ready to perish. A few weeks, must decide this interesting and important question, and after that time sympathy and regret will all be in vain.⁵⁹

Beecher encouraged women to step out of their often-silent role in politics and speak out on behalf of humanity, morality, Christianity, and American Indians. Inspired by the circular, women did just that by the hundreds.

As a result of the circular over 1,500 women began to organize groups and meetings aimed specifically to send more petitions to Congress protesting removal.⁶⁰ The Ladies Association for Supplicating Justice and Mercy Toward the Indians was established as a result. This organization met on a regular basis and sent many anti-removal petitions to Congress.⁶¹ The first petition from women to reach Congress was from sixty-one Hallowell women. There was a flood of petitions in Congress as hundreds of women signed and sent in petitions, including one petition that was sent from Pittsburgh and signed by 620 women.⁶²

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⁵⁹ Ibid., 113-114.
⁶⁰ Portnoy, 574.
⁶¹ Herschberger, 27.
⁶² Ibid.
The second petition from women that was sent to Congress was from sixty-two women of Steubenville, Ohio. Most of the sixty-two women who signed the petition were from prominent families, and six were members of the Steubenville Bible Society, a branch of the American Bible Society that Evarts was an officer of. The petition appealed to religious values, instead of treaties and legal issues, as the women reminded Congress that the issue of Indian removal concerned “the prosperity and happiness of more than fifty thousand of our fellow Christians.”

The petition also continuously mentioned the moral implications on the issue. “We solemnly and honestly appeal, to save this remnant of a much injured people from annihilation, to shield our country from the curses denounced on the cruel and ungrateful, and to shelter the American character from lasting dishonor.” John Milton Goodenow presented the petition to the House, where it was discussed, read, and ordered to be printed.

In addition to the memorials written by the public that were then reproduced in newspapers, journalists used the press as a means to lash out at the government and their policy towards American Indians. Opinions in newspapers tended to portray the same opinions and thoughts of many of the readers, and perhaps had the ability to change a few minds and gain more support for the cause. On January 8, 1830, a journalist from the *New Bedford Mercury* commented on a recent, sixty-page article in the *North American Review*, entitled “Removal of the Indians.” The journalist had clearly been influenced by the William Penn essays as his opinions on the article and on the removal debate echoed the arguments Evarts made in his essays. The journalist argued:

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63 Portnoy, 591.
65 Ibid.
We cannot be singular nor alone in the surprise—the disgust which the perusal of the article has awakened us….The case of the Cherokee Indians is a very plain one. Their title to the lands upon which they live is paramount to any other that can be imagined—that of the earliest possession. They have never sold, forfeited or relinquished this title…. The President now says to these people—“you have our protection to the occupancy of your lands—oh yes, we will not drive you hence—but if you do remain you must be subject to all the ills and oppressions which an adjoining power may heap upon you—a power whose authority you have never acknowledged, and one whose institutions, laws, and usages are repugnant entirely to your own, and who have every motive which self interest and cupidity can suggest to oppress and annihilate your feeble race.”67

Articles such as this one appeared in newspapers throughout the North, and echoed the arguments of Evarts and the disgust of many members of the public with the government’s policies.

While the public’s voice was heard in petitions, memorials, and newspapers, they did not have the final say in the passage of the Indian Removal Act, instead their elected representatives did, and the showdown on the passage of the Act happened in the Senate and the House. The heated debate on the Removal Act was largely sectional and partisan, which was exactly as Evarts had feared. National Republicans largely opposed removal, while virtually all Democrats voted for it, especially in the Senate. Although hundreds of petitions had flooded Congress from the North, not a single petition was ever sent from any Southern state.68 After hearing from a congressman from Alabama, that although he had been convinced by anti-removal arguments, he insisted that he must vote with his party and for removal, Evarts was disappointed and frustrated.69 “It is expected that men will vote in platoons, in regular rank and file, according to party drilling, on this question of public faith,” Evarts argued. “I have never before seen exactly

67 “January; North American; Review; Removal; Indians; Georgia; Cherokee,” New Bedford Mercury, 8 January 1830: 2.
68 Prucha, “Protest by Petition,” 52.
69 Prucha, Cherokee Removal, 25.
such a commentary on human depravity.”\textsuperscript{70} Although Evarts knew that the odds were stacked against him, he kept in close contact with his close friend Theodore Frelinghuysen, a Whig senator from New Jersey and hoped for the best.

On April 3, 1830 Evarts traveled to Washington where he watched the debates from the gallery and offered advice and assistance to opponents of removal.\textsuperscript{71} Frelinghuysen made a lengthy speech over three days in an attempt to convince his fellow senators to vote against the Removal Act. Evarts and the William Penn essays, without a doubt, directly influenced his speech. Historian John A. Andrew III argues that Evarts may have even written a large majority of Frelinghuysen’s speech.\textsuperscript{72} Frelinghuysen thoroughly discussed the significance of each of the major treaties signed by the Cherokee and the United States government and ridiculed the government for ignoring those treaties, much like the Penn essays.

“Every administration of this government has, with like solemnities and stipulations, held treaties with the Cherokees; treaties, too by almost all of which we obtained further accessions of territory,” Frelinghuysen argued. “Yes, Sir, whenever we approached them in the language of friendship and kindness, we touched the chord that won their confidence: and now, when they have nothing left, with which to satisfy our cravings, we propose to annul every treaty--to gainsay our word--and, by violence and perfidy, drive the Indian from him home.”\textsuperscript{73} Arguably, Frelinghuysen provided one of the strongest arguments against removal if not the most thorough and long one. He ended his three-day speech by stating, “I had rather receive the blessing of one poor Cherokee, as he casts his last look back upon his country, for having, though in vain,

\textsuperscript{70} Ibid.
\textsuperscript{71} Prucha, \textit{Cherokee Removal}, 24.
\textsuperscript{72} Andrew III, 219.
attempted to prevent his banishment, than to sleep beneath the marble of all the Caesars.” It was a dramatic ending to a dramatic speech, and Evarts later wrote that Senator Forsyth of Georgia “appeared much troubled,” and Senator Troup of Georgia “changed color, becoming quite pale” after Frelinghuysen’s speech.

Frelinghuysen was not the only Senator to make a fiery and emotional speech against removal. Senator Peleg Sprague, a National Republican from Massachusetts gave a speech as well, in which he verbally assaulted Senator Forsyth of Georgia and the defense he gave of removal. Sprague discounted virtually every argument Forsyth had in regards to Georgia’s legal right over the Cherokees and their land. Just as Evarts did in his Penn essays and Frelinghuysen did in his speech, Sprague went step by step through the treaties signed between the Cherokees and the United States. Sprague argued, “The Cherokees now come to us, and say, that their rights are in danger of invasion, from the States of Georgia and Alabama; and they ask if we will extend to them protection we have promised.” The U.S. government had “unequivocally guarantied to the Cherokees that they shall forever enjoy--1st. Their separate existence, as a political community; 2d. Undisturbed possession and full enjoyment of their lands, within certain boundaries, which are duly defined and fully described; 3d. The protection of the United States, against all interference with or encroachments upon their rights by any people, state, or nation,” Sprague argued. “They were ratified by the Senate; confirmed by the President’; and announced to the world, by his proclamations, as the binding compact of the nation, and the supreme law of the land.”

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74 Ibid., 30.
75 Andrew III, 219.
77 Ibid., 31-32.
from land encroachment, therefore Forsyth’s arguments were without merit, and Georgia’s policies towards the Cherokee were illegal.

Sprague also mentioned the Georgia Compact of 1802 and repeatedly urged that if the Cherokees choose to remove, then it must be done “peaceably” and on “reasonable terms,” just as the Compact had stated.\(^{78}\) Forcing them to sign treaties, encouraging them to remove, offering bribes, and using military force was not only unethical but also illegal. The majority of Sprague’s argument focused on treaties, but he closed his argument by making a statement about the morals of the removal dilemma. Sprague argued:

> If, Sir, in order to become a politician, it be necessary to divest the mind of the principles of good faith and moral obligation, and harden the heart against every touch of humanity, I confess that I am not, and, by the blessing of Heaven, will never be—a politician. Sir, we cannot wholly silence the monitor within. It may not be heard amidst the clashings of the arena; in the tempest and convulsions of political contentions;--but its “still small voice” will speak to us—when we meditate alone at even tide; in the silent watches of the night; when we lie down and when we rise up from a solitary pillow; and in that dread hour when—“not what we have done for ourselves, but what we have done for others,” will be our joy and our strength; when—to have secured, even to the poor and despised Indian, a spot of earth upon which to rest his aching head,—to have given him but a cup of cold water in charity,—will be a greater treasure that to have been the conquerors of kingdoms, and lived in luxury upon their spoils.\(^{79}\)

This was not only a call for people to question the morals of the situation, but it was also a direct insult to Georgia’s greed, since it would be Georgians who would acquire a large portion of Cherokee land. Sprague referred to Georgia as “conquerors,” only wishing to heed the “spoils” of their unjust war, a comparison that could not have sat well with Forsyth.

Asher Robbins of Rhode Island made a speech opposing removal as well. His argument formulated around the question of whether or not American Indian nations are competent enough to make treaties. He concluded they were, therefore reinforcing Frelinghuysen’s and Sprague’s

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\(^{78}\) Ibid., 35.

\(^{79}\) Ibid., 67.
arguments about treaties. In regards to the Removal Act being executed, Robbins argued, “I will say, that these Indians have been made the victims of power exerted against right; the victims of violated faith, the nation’s faith; the victims of violated justice; yes, I call God to witness, of his violated justice.”

Robbins’s speech was much shorter than Frelinghuysen’s or Sprague’s speeches. Although Frelinghuysen, Sprague, and Robbins made their points known, Senator Daniel Webster of Massachusetts, who opposed removal, thought as good as the speeches were, they probably would not cause anyone to change their votes, rather everyone would vote based on allegiance to their party.

The final Senate vote for the Removal Act occurred on May 28, 1830 and passed with a vote of 28-19. The vote was a direct representation of what Evarts and Webster feared. Seventeen out of twenty-two National Republicans voted against the Act, while every single Democrat voted for it. In addition to the partisan vote, it was also sectional as northern states voted against it, and southern states for it. Evarts did not give up though. He turned his attention to the House and began to take a tally of those he believed would vote for and against it there. He strongly believed that although Democrats supported the Act in the Senate, many would desert in the House, and elected representatives here would be more apt to vote along the lines of public opinion. “There was never a question better fitted to break up the party lines than this,” argued Evarts.

The debate in the House over the bill was much more heated and much more close. Evarts stayed in Washington to monitor the debate and offer any help he could give to anyone.

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81 Andrew III, 219.

82 See Appendix I for a complete list of Senators and their political affiliation in regards to the vote.

83 Andrew III, 218.
who would listen. Few southerners, with the exception of David Crockett, voted against the bill. Crockett, a fellow Democrat, despised Jackson and his policies and decided to break from the Democratic Party. His speech was summarized in Evarts’s book, *Speeches on the Passage of the Bill for the Removal of the Indians, Delivered in the Congress of the United States, April and May, 1830*. Evarts published the collection of speeches that opposed removal hoping the public would still rally behind his cause.

Crockett gave a short speech, commending other representatives for their eloquent explanations of treaties, and argued that he must vote with his conscience. Crockett knew that many American Indians, particularly the Cherokee, did not want to go West, and he could not vote for the Removal Act knowing that a good majority of the people affected by it were in disagreement with it. According to the author of the summary, Crockett remarked that “if he should be the only member of that House who voted against the bill, and the only man in the United States who disapproved it, he would still vote against it; and it would be a matter of rejoicing to him till the day he died…he had seen much to disgust him here; and he did not wish to represent his fellow citizens, unless he could be permitted to act conscientiously.”

Of the nine representatives of Tennessee, Crockett was the only one to vote against the Removal Act. It was an act that cost him his reelection, but Crockett continued to fight against Jackson and his policies. According to historian John A. Andrew III, four years later, Crockett took a jab at Jackson and Georgia and introduced a bill that humorously called for the removal of “all whites

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from eastern Tennessee to lands beyond the Mississippi so as not to impede Georgian’s lust for land.”

The final vote for the Removal Act in the House was 102 yeas and 97 nays. The Removal Act was passed by an extremely narrow margin. The vote in the House followed along more sectional lines as Representatives from South Carolina, Georgia, Mississippi, and Missouri all voted for the bill, while the majority of Representatives from northern states voted against it. Voting along party lines also contributed to its passage. “As this bill was known to be the leading measure of the present President, it was an object of great solicitude with the opposition to defeat it,” argued Representative Lewis, “and therefore called on those who avowed themselves the supporters of the administration, to sustain this measure, that if they did not, they would be faithless, and traitors to their party.” This was a strong statement representing the partisan nature of the votes. In an interesting twist, less than twenty-four hours after the vote, Jackson vetoed the Maysville Road Bill. Seemingly knowing that the vote for the Removal Act was close, Jackson held out on his veto so as not to impact the vote, fearing he would lose supporters and the Removal Act would not pass. Evarts was furious, believing that if Jackson had vetoed the Maysville Road Bill prior to the vote on the Indian Removal Act, the Act would have been rejected by ten to twenty votes, but instead it had passed by only a few.

Evarts was extremely disappointed by the outcome, although he strongly believed his petitions had made an impact and the arguments he provided in the Penn essays were used in the congressional debates just as he had hoped for. “If people in the northern, middle, and western States had entered, with as much spirit as became them, into the business of petitioning, they

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85 Andrew III, 227.
87 Ibid.
88 Ibid.
89 Prucha, Cheorkee Removal, 27.
might have secured the Indians forever in their rights,” argued Evarts. “If this cause fails of a perfect and most triumphant vindication, it will fail solely from the apathy, and lukewarmness, and timidity, and laziness of those who are really friendly to the Indians.” Evarts continued to push for the repeal of the law, and continued to draw up petitions and pamphlets with the aid of Cheever, Lord, and several other friends. Evarts even wrote two more Penn essays, but his health was quickly failing.

In February 1831, Evarts drew up what would be his last petition, which argued the negative impact removal West would be for American Indians. He sent it to his friend, Edward Everett, who presented the memorial in the House. Evarts was unfortunately too ill to travel to Washington to help the cause. Everett wrote back to Evarts with dismay at the proceedings that went on in the Senate and the House. “The Choctaw treaty was this day ratified in the Senate, by a vote (if I am rightly informed) of 33 to 12--Some of our best friends and soundest men voted in favor of the ratification, on the ground that the Indians would certainly be destroyed, if they do not leave the state of Mississippi.” Everett had been correctly informed. Nearly forty percent of those Senators that had voted against the Removal Act, voted for the ratification of the Choctaw treaty, including Robbins, in which the Choctaws agreed to sell their current lands in exchange for lands West. It was a crippling blow to Evarts and evidence of his failing cause and support. His efforts had failed the previous year with the ratification of the Removal Act, and now his goal to stop the government from enforcing the Act were beginning to crumble too.

Throughout all of this, Evarts had been ill, and he finally succumbed to his health less than two weeks after receiving the news from Everett. Evarts died on May 10, 1831 in Charleston, South Carolina. His obituary simply read, “Author of the letters, signed ‘William

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90 Ibid, 26-27.
91 Ibid., 37.
With his death, the crusade against Indian removal virtually died with him. Prucha argues, that although a number of petitions were sent to Congress in 1831, mainly as a result of Evarts’s work, the petitions had no effect in Congress.\footnote{New Hampshire Patriot and State Gazette, 30 May 1831: 3.} Soon the petitions, pamphlets, and opposition slowly dwindled, faded, and died as well. Evarts died without an heir to carry on his crusade, and his friends virtually gave up the fight without his encouragement. Even Cheever, who had enthusiastically helped Evarts, never returned to the Indian cause after Evarts’s death.

Four years after Evarts’s death, the Cherokee, whom Evarts had been most concerned with and used as an example throughout his Penn Essays now faced removal to the West, after the Treaty of New Echota was signed. Both the majority of Cherokees and many American citizens considered the treaty fraudulent. Clay, a friend of Evarts, spoke out in opposition to the treaty in the Senate, arguing that this phrase should be added to the resolution: [The Treaty of New Echota was] “not made and concluded by authority on the part of the Cherokee tribe competent to bind it; and therefore, without reference to the terms and conditions of the said agreement and supplementary articles, the Senate cannot consent to, and advise the ratification thereof as a valid treaty, binding upon the Cherokee tribe or nation.”\footnote{National Banner and Nashville Whig, 6 July 1836: 2.} A vote was taken whether the resolution should stand as it is, without Clay’s proposed addition. The vote was 29-15, in favor of leaving the resolution without Clay’s addition. The treaty was ratified by a single vote in the Senate on May 18, 1836. Again, the vote was sectional and partisan. Not a single Democrat voted against the Treaty, although five National Republicans voted for it.\footnote{See Appendix II for a complete list of Senators and their political affiliation in regards to the vote.}

Although there was not a leader orchestrating a public petition campaign against the Treaty of New Echota, public outcry and petitions trickled into Congress, but not with the same...
intensity as the petition campaign Evarts had forged and only after the treaty was ratified. Cries of fraud and deception replaced Evarts’s carefully thought out legal arguments as the date for removal approached. Without a leader to rally and organize, the petitions came in too few and too late, and were all too often completely dismissed.

The Cherokee submitted their own petitions in opposition to the Treaty of New Echota. One was signed by over 15,000 Cherokees, virtually every man, women, and child that resided in the Cherokee Nation. When the memorial was rejected, the public cried out in newspapers across the country, and set off a small burst of complaints and petitions, but yet again it was simply too late. “The plunder of the Cherokees, and the forcible ejection of them from their cultivated lands, is an atrocity unsurpassed in turpitude by the deeds of the bloodiest tyrant that ever robbed the poor and scourged the weak. And the people of this country look tamely on, and hardly lift a voice against the horrible wrong!”96 Taking notice of the lack of public outcry, the writer called upon the public to let their voices be known, instead of silently sitting.

The people of Salem, Massachusetts, opened their mouths and took up their pens and wrote a petition in response to the rejection of the Cherokee memorial too. The Salem memorial was reprinted in the Salem Gazette and urged for a quick and decisive action against removal. The petition referred to removal as “unjust and cruel in its nature” and urged the public to “lend your ears to their cry, and give heed to the petitions which have been laid before you in their behalf.”97 The petition cried out in the name of morality, religion, and justice, rather than making any legal arguments. Cries of morality were seemingly all that was left, when legal arguments had failed.

96 “The Cherokee Memorial Rejected,” Waldo Patriot, 6 April 1838:2.
97 Salem Gazette, 14 April 1838: 2.
The abolitionist newspaper, *The Liberator*, joined in on the public outcry against removal, as well. Although it seems rather odd that William Lloyd Garrison would have chosen to support the Cherokee, who owned slaves, Garrison actually sought the support and help of Evarts when founding his newspaper.⁹⁸ Evarts and Garrison had two very different methods of getting their point across, but both believed that the government should set an example for the country and “not permit a practice which is continually undermining the morals, and consequently endangering the liberties, of the nation.”⁹⁹

*The Liberator* reprinted articles from several different newspapers condemning the action of the government against the Cherokee. One article argued:

> We would call the serious attention of every American citizen to the petition of the Cherokee nation to the Congress of the United States. Can the people of this country hope and ask for the favor and protection of a just and overruling Providence, when they will stand tamely by and see an act of the vilest injustice, of the most outrageous and diabolical oppression, committed by their government against… the original occupants of the soil, from which they are now to be ruthlessly torn…People of New England let it be said that by your passive approval of the acts of your public servants, a portion of the blood which may be spilt in the attempt to force this wicked mockery, dignified with the name of a “treaty,” must be upon your hands.¹⁰⁰

The article contains hints of arguments Evarts used in his Penn essays, but ultimately called upon the public to act, otherwise face the moral blame. Moral blame was the most common argument used to oppose removal. At least one American citizen petitioned Congress “to be relieved from his allegiance as an American citizen, so that no portion of the hoarded vengeance of Heaven for the unparalleled wrongs and cruelties of this government against the Indian might fall upon his head.”¹⁰¹ Although it was an isolated incident, it was a profound example of the moral

⁹⁸ Andrew III, 265.
⁹⁹ Ibid.
implications one might feel with the enforcement of a fraudulent treaty and was reprinted in several newspapers.

Although the public lashed out in newspapers and did send petitions to Congress, their cries went unheard. Without a powerful leader to prod citizens, organize and execute a plan of attack, and without friends in the government, the petitions were doomed to failure. Evarts had consistently relied upon his friends in the House and Senate to introduce his petitions and repeat his arguments. After his death, most of Evarts’s friends had deemed his effort a failure after the Removal Act was passed, and now voted for removal sensing it was the only way to save American Indians. There was no longer an anti-removal leader to rally behind. “The petitions of the citizens of the United States,” argued The Portsmouth Journal, “all have been treated with the same scornful contempt. They have been at once laid upon the table, and all discussions upon them strictly repressed.”\textsuperscript{102} The petitions, including the one sent by the Cherokee with over 15,000 names were all rejected.

Despite some efforts made by the public and a handful of politicians, in May 1838, the Cherokees were rounded up by federal troops and state militia, brought to internment camps at the emigrating depots in Tennessee and Alabama, and then forced to begin their journey West, with some newspapers referring to it as the “very blackest page of our history.”\textsuperscript{103} An estimated 4,000 Cherokees died as a result, stemming from the ratification of a fraudulent treaty by a single vote. Under the leadership of Evarts, there had been strong pockets of resistance throughout northern and eastern states, drawing up hundreds of petitions opposing the removal of the Cherokee. Petitioners and Congressmen used Evarts’s arguments, and although the votes came close, their efforts in Congress ultimately died along with Evarts.

\textsuperscript{102} “A Cherokee War,” The Portsmouth Journal, 28 April, 1838: 1.

\textsuperscript{103} Ibid.
Despite failure in Congress, some positive results stemmed from Evarts’s petition campaign. The Penn essays helped spark debate, and drew plenty of attention to removal. Thousands of newspapers published articles in relation to Indian removal, thus informing the public and giving them an outlet for their voices to be heard. The newspaper articles and petitions stand as evidence that Americans were not all in agreement with removal and not all sitting around silently supporting it, as the common myth is perceived.

Even though Evarts’s efforts had failed and the Removal Act was signed into law, he never gave up his fight. His untimely death, however, crippled the effort against Cherokee removal as many of Evarts’s friends and strongest supporters gave up hope and petitions virtually disappeared. It is impossible to know whether the Treaty of New Echota would have been ratified had Evarts still been alive. His efforts may or may not have been strong enough to break the Democratic Party, but what is certain, is that Evarts would not have lost his faith in the cause, and would have continued to petition and fight, and perhaps change a mind or two along the way.
Appendix I

An Act to Provide for an Exchange of Lands with the Indians Residing in any of the States or Territories, and for their Removal West of the River Mississippi
(A.K.A. Indian Removal Act, 1830)
Final Senate Vote, May 28, 1830

NR- National Republican
D – Democrat

Yea:  
1. Adams (MS)  D
2. Barnard (PA)  D
3. Benton (MO)  D
4. Bibb (KY)  D
5. Brown (NC)  D
6. Dickerson (NJ)  D
7. Dudley (NY)  D
8. Ellis (MS)  D
9. Forsyth (GA)  D
10. Grundy (PA)  NR
11. Hayne (SC)  D
12. Hendricks (IN)  NR
13. Iredell (NC)  D
14. Johnston (LA)  NR
15. Kane (IL)  D
16. King (AL)  D
17. Livingston (LA)  D
18. McKinley (AL)  D
19. McLean (IL)  D
20. Noble (IN)  NR
21. Rowan (KY)  D
22. Sanford (NY)  NR
23. Smith (SC)  D
24. Tazewell (VA)  D
25. Troup (GA)  D
26. Tyler (VA)  NR
27. White (TN)  D
28. Woodbury (NH)  D

Nay:  
1. Barton (MO)  NR
2. Bell (NH)  NR
3. Burnet (OH)  NR
4. Chambers (MD)  NR
5. Chase (VT)  NR
6. Clayton (DE)  NR
7. Foot (CT)  NR
8. Frelighuysen (NJ)  NR
9. Holmes (ME)  NR
10. Knight (RI)  NR
11. Marks (PA)  NR
12. Naudain (DE)  NR
13. Robbins (RI)  NR
14. Ruggles (OH)  NR
15. Seymour (VT)  NR
16. Silsbee (MA)  NR
17. Sprague (MA)  NR
18. Webster (MA)  NR
19. Willey (CT)  NR
Appendix II

Senate Vote on the Treaty of New Echota (May 18, 1836):

D- Democrat
N- Nullifier
NR- Republican
W- Whig

Yea:  
2. Black (MI) NR  2. Clay (KY) W
5. Cuthbert (GA) D  5. Davis (PA) NR
7. Goldsborough (MD) NR  7. Leigh (VA) NR
11. Hubbard (NH) D  11. Robbins (RI) NR
15. Linn (MO) D  15. Webster (MA) W
16. McKean (PA) D
17. Mangum (NC) NR
18. Moore (AL) NR
19. Morris (OH) D
20. Niles (CT) D
21. Preston (SC) W
22. Rives (VA) D
23. Robinson (IL) D
24. Ruggles (ME) D
25. Shepley (ME) D
26. Tallmadge (NY) D
27. Tipton (IN) D
28. Walker (MS) D
29. Wall (NJ) D
30. White (TN) W
31. Wright (NY) D

Nay:  
3. Clayton (DE) NR  3. Clayton (DE) NR
5. Davis (PA) NR  5. Davis (PA) NR
6. Ewing (OH) NR  6. Ewing (OH) NR
7. Leigh (VA) NR  7. Leigh (VA) NR
8. Naudain (DE) NR  8. Naudain (DE) NR
11. Robbins (RI) NR  11. Robbins (RI) NR
13. Swift (VT) NR  13. Swift (VT) NR
14. Tomlinson (CT) NR  14. Tomlinson (CT) NR
15. Webster (MA) W  15. Webster (MA) W
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