

Annual Fiction Writing Competition

For the first time ever, the Editorial Board of the Georgia Bar Journal announces co-winners of the Fiction Writing Contest. The quality of both entries was excellent, and both works deserve recognition. The Journal presents “Doubting Thomas” by Gerry Carty and “A Puff of Wind” by J. Ellis Millsaps as co-winners of the 14th Annual Fiction Writing Competition. The purposes of the competition are to enhance interest in the *Journal*, to encourage excellence in writing by members of the Bar and to provide an innovative vehicle for the illustration of the life and work of lawyers. As in years past, this year’s entries reflected a wide range of topics and literary styles. In accordance with the competition’s rules, the Editorial Board selected the winning story through a process of reading each story without knowledge of the author’s identity and then ranking each entry. The story with the highest cumulative ranking was selected as the winner. The Editorial Board congratulates Carty, Millsaps and all of the other entrants for their participation and excellent writing.

Doubting Thomas

By Gerry Carty

“There are two types of men who shouldn’t drink,” Judge John Lamphart said.

Thomas had awakened him accidentally by dropping his cleaning brush behind him.

“Those who do and those who don’t.”

It was June 1, 1830.

He would remember that date for the rest of his life. It was printed on the newspaper beneath the judge’s gray head as it rested on the desk and the black print of the date was embossed in reverse on the judge’s shiny pate as he raised it to see who had disturbed his sleep.

“Though I am the former now, I have been both,” the judge said, sniffing then slapping his lips together, a man with the bad morning taste of whisky in his mouth.

Thomas liked the way the judge spoke. It made it seem that every word he uttered was important.

Pathfinder came into the room. Pathfinder was the judge’s ‘man’—someone who brought his food, cleaned up after him, carried his papers to the courthouse, and conveyed communications from the judge’s office in Dawsonville to his wife on the judge’s farm, a few miles down the road. In the 40 years or so that the judge had been a circuit rider, Pathfinder had kept his office open and his appointment book up-to-date. Pathfinder was old. So was the judge. To Thomas, who was 16 then, they both seemed ancient.

Most of the judge’s business had dissipated once he took up the Cherokee cause. What was left of it came from the rich Cherokee landowners. Wilson Lumpkin, Georgia’s senator, railed against him for his activism but it was well known that Judge Lamphart didn’t give a hoot. He had hundreds of acres under cotton and indigo, 3,000 chickens, and more than 100 dairy cows. He was in no danger of losing what he had spent a lifetime acquiring. He wasn’t Cherokee.

“You woke him up. That’s good.”

Pathfinder spoke as if the judge was not there.

“Has he been drinking again? Where is he hiding the whisky today?”

Pathfinder came around the desk and, pushing the judge back gently, he opened the long, flat drawer from which he removed a slender bottle of Kentucky whisky and slipped it into his pants' pocket.

"The judge has had one drink," Judge Lamphart said with dignity. "The judge is sober as a — well, as a judge. He does not appreciate being maligned."

"He should not drink then."

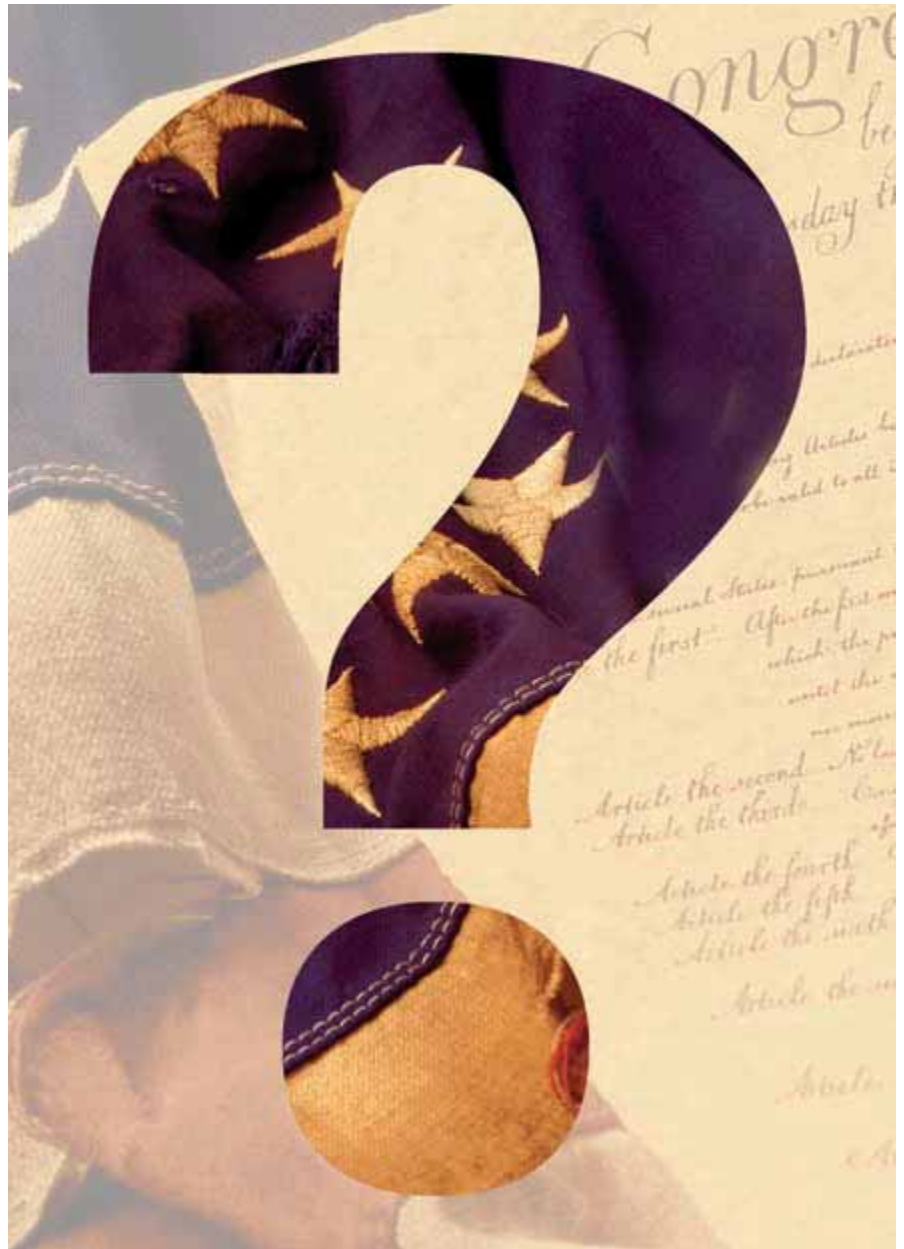
Thomas watched this conversation in fascination. He had never heard two people speak to each other in the third person.

"The Indian delegation will be here in 20 minutes," Pathfinder said. "And the judge must be ready to meet them." He walked to the door. Before leaving the room he glanced at Thomas. "Watch him," he said. Then he left.

Thomas had started working for the window cleaner a week before. It was his first real job, besides farm work, and this was the first time he had been sent to the judge's office to clean the inside of the windows. He stared nervously at the judge after Pathfinder had gone, uncertain what to do. The judge seemed to be considering whether he should put his head back down on the desk. After a moment he made a decision and raised it up to Thomas and said, "Get me a book off the shelf."

Thomas found the book the judge wanted among a row of green books and, after giving it to him, he went back to cleaning the windows with bunched-up newspaper. His rubbing made squeaking sounds on the glass panes but he could still hear the judge 'tut-tutting' behind him as he read from the book. Whatever he was reading, it did not sound good.

Thomas knew the Indian delegation had come to town for the gather-



ing which would take place at New Echota, a mile down the road. Everyone knew that. John Ross and Alexander McCoy, the Cherokee chiefs, were there for the largest Indian group in Georgia. John Ridge, a lawyer himself and the son of Major Ridge, had been asked to represent the Creek. There were representatives of the Choctaw and the Osage, and what was left of the Seminole.

The evening before at the long house at New Echota, the Cherokee capital, there had been a meeting attended by more than 800. Three thousand Indians, mostly Cherokee

from North Georgia and North Carolina, had gathered around the long house for the event and the drums pounded and the chanting filled the warm North Georgia night and there was the smell of frying chicken and deer and rabbit on the spit. The event went on till past three in the morning.

At that time there were less than 9,000 Cherokee in all of Georgia in a population of half a million. That one third of them had shown up for the event was truly remarkable.

Thomas had been at the festivities too and had enjoyed every

moment, but he could not help but feel that his fellow Indians were attempting to lock the stable door after the horse had bolted, for Congress had passed the Indian Removal Bill two days earlier, on May 28. The sponsor of that bill had been none other than Wilson Lumpkin, soon to be governor of Georgia, and with Andrew Jackson in the White House there was no hope of presidential intervention.

Thomas finished cleaning the windows with a piece of chamois leather and put all his stuff back in the wooden box he carried with him to jobs. He walked to the door. He wasn't sure how he should take his leave of the judge. As he was about to go out, Pathfinder came back in carrying a tray.

"Where are you going?" he asked, surprised, as if Thomas should not be leaving. Before Thomas could answer, Pathfinder said, "Stay here. Sit in the corner. If the chiefs need anything other than what's on this tray, let me know."

He put the tray down on a small table in the corner. There was a stack of sandwiches, a coffee pot, some cups, a pitcher of water, and some glasses. The bottle of whisky had reappeared.

Pathfinder saw Thomas stare at it. He smiled. This was the first time Thomas had seen him smile.

"None for him," he said, nodding towards the judge who was still engrossed in the green book. "John Ross likes a nip."

Thomas wondered how he could give the Cherokee chief some whisky and refuse the judge.

When the delegation arrived he tried to make himself invisible in the corner. He sat in awe as the most famous Indian chiefs in the Southeast came into the room and sat in a circle in front of the judge's desk.

They talked of the Indian Removal Bill, now an Act. How to fight it. What would Georgia do to enforce it? President Jackson has professed sympathy with the Cherokee and had invited John Ross and Alexander McCoy to the Hermitage to discuss the removal. But he was known to favor and encourage the Cherokee's departure to Oklahoma. It was better, he had said, that the Cherokee bow to the inevitable and remove themselves. The settlers coming in would only make their lives a misery.

No one doubted that, but the evening before, at the long house meeting, the Council had overwhelmingly voted to reject the president's invitation. William Wirt, a brilliant lawyer who had been President Monroe's attorney general, had taken up the Cherokee cause and vowed to have the Removal Act repealed before Georgia began to enforce it. But federal troops were gradually pulling out of the state and the Georgia Guard was just as gradually increasing the strength of its forces. Everyone in the Cherokee Nation knew why.

Thomas pretended to be asleep in the corner but he listened avidly, particularly at the mention of Jackson. He opened his eyes at one point as Pathfinder popped his head into the room and made a flicking motion with it like a dog trying to remove a gnat from his ear. Pathfinder quickly closed the door again. Thomas took this to mean he should serve refreshments.

He was seized with anxiety. How could he keep the whisky bottle away from the judge? He had to think fast. He slipped the bottle into his pocket and carried the tray to the judge's desk. The men lightened their conversation as they

anticipated the refreshments and began to help themselves to sandwiches. Without asking, Thomas poured a cup of coffee for the judge and passed it across the desk. The judge's eyes narrowed and he looked up at Thomas.

"Didn't I see a whisky bottle on this tray before?"

Thomas, not sure if the question was even directed to him, said nothing for a moment, and then he said, "Would you like cream, judge?"

The judge shook his head and sat back with the coffee cup balanced on his knee. He began talking to Chief Ridge about the Creek's problems over in Alabama.

Thomas handed a cup to John Ross and held up the coffee pot.

John Ross put his hand against the spout of the coffee pot then moved it up in front of Thomas's face and made a motion with it, thumb and index finger an inch apart, then swept the same hand down to pat the whisky bottle in Thomas's pocket. These three movements were accomplished quickly and gracefully. Thomas understood and was sure no one else noticed.

He returned to the small table. With his back to the group, he poured a generous measure of whisky into a delft cup and carried it to John Ross. The Indian chief looked in it and his eyes widened. He pulled Thomas down by the collar so that Thomas could feel his hot breath on his ear as the chief whispered in his thick accent, "I said a wee dram, man. Are you tryin' to drown me?"

Before Thomas could comment that the chief hadn't said anything, the chief released him and was back in the conversation with the other men.

When the meeting was over, the judge showed the group to the office door. Pathfinder was there to take them down the lobby to the street where their horses were tethered. Thomas stood in the corner as the men left. John Ross winked at

“Write it here. Anything you like.”

Thomas took the offered quill pen, dipped it in the ink, let it drain for a moment then wrote in a firm, cursive script, “The Indian Removal Act will not be repealed, particular-

As the judge was about to wither before the stone-faced magistrate, Thomas leaned towards him and whispered in his ear, “Put the homeowners up, Judge. Surely it cannot be arson if you burn down your own house?”

him before leaving the room. When the judge closed over the door, he turned to Thomas.

“I could have sworn the whisky bottle was on that tray,” he said.

He went over to the small table and smelled the cups. When he smelled John Ross’s cup, he turned again to Thomas and squinted at him. He patted both his pockets lightly. Over the judge’s shoulder, Thomas could see the whisky bottle beneath the hydrangea in the planter.

“Huh.” The judge scratched his head and looked away. When he looked back at Thomas his eyes were completely focused.

“How old are you, Mr. Magician?”

“Sixteen, sir.”

“Have you any kind of education?”

“Yes. A little, sir.”

Thomas had been in the small school of the Methodist ministry at New Echota for six years.

“Write me a sentence.”

The judge walked him to the desk and pulled a sheet of paper towards him.

ly after the discovery of gold in the Cherokee Nation.”

The judge stared open-mouthed at what the boy had written for some time. Thomas could hear the old man’s breath wheeze in his chest. When the judge looked up at him again he said, “that might better be two sentences, son, but what does it matter? You shouldn’t be cleaning windows. Put on your best pants and vest and be at this office six o’clock Monday morning.”

Though Thomas did not realize it then, he had just written his first legal opinion.



On Monday morning they mounted up and set out just after six from the judge’s office in Dawsonville. The judge liked to ride a big mule, which he said was more sure-footed for a hilly journey. Pathfinder and Thomas rode horses. They headed for Lawrenceville where they arrived at the old wooden courthouse in the square just before noon. There had been an incident the week before. A group of settlers had come in through the

mountains from Tennessee and in anticipation of the Indian Removal Act, had taken over a cluster of Cherokee homes in north Gwinnett County, forcing their owners to leave. They had clearly jumped the gun but the sheriff would do nothing to dispossess them.

A few days later, some Cherokee teenagers dressed for war made themselves look fierce, one even donning a buffalo head, and rode into the hamlet on horseback. They forced the would-be settlers out of the homes then set fire to the structures and destroyed them.

The sheriff subsequently arrested the boys and they were being held in his jail, charged with five counts of arson. Judge Lamphart had gotten them a probable cause hearing before a magistrate and this is what brought him to Lawrenceville that Monday.

The hearing had not been going well. The magistrate was unsympathetic to the plight of the Cherokee. He repeatedly cut off Judge Lamphart and treated the defendants in a sneering, derisive manner. Thomas held the judge’s books and papers as the old man tried to break the testimony of a settler’s wife who dolefully spoke of being terrorized in the middle of the night by a warrior on horseback wearing the head of a buffalo. The prosecutor had put up only this one witness. Judge Lamphart surmised that the other settlers had warrants out for their arrest in other parts of the state or in Tennessee and would not risk entering a courthouse. This was the kind of riff-raff that was coming in since gold had been discovered, he said.

Thomas knew the case well before it came to court. Every Cherokee in a 50-mile radius knew

Thomas was resigned to losing. But, at the last moment, out of the corner of his eye he noticed something peculiar take place.

that Judge John Lamphart had the preliminary hearing that Monday morning.

The hamlet with the burned-out houses was a stone's throw from New Echota, where Thomas lived. That weekend, before the hearing, Thomas got on his horse and rode out there to do some investigation of his own.

As the judge was about to withdraw before the stone-faced magistrate, Thomas leaned towards him and whispered in his ear, "Put the homeowners up, Judge. Surely it cannot be arson if you burn down your own house?"

The judge stared at him and blinked.

"The boys didn't own the homes," he said.

"But the homeowners did."

The judge seemed to be following him, but he was uncertain.

"Do what you have to do," he said.

What I have to do? Thomas's heart leaped in his chest. He did not know what to do. But he knew with certainty that the gavel was about to come down on the lives of the five young men who sat miserably at the defendant's bench.

"If you have no more witnesses and nothing else to offer..." the magistrate said.

Thomas blurted out, "Your Honor, we call to the witness stand, Yellow Bird."

"This—Yellow Bird—" the magistrate intoned as the woman approached, making his distaste for the name obvious, "- I presume is Cherokee and will, therefore,

need two corroborating witnesses..."

"There are many, Your Honor," Thomas said, and spread his hand to the benches behind the defendants where all of the former occupants of the burned-out houses sat. "And they will testify that these defendants were fully authorized to set fire to the houses."

There it was. Thomas raised his voice when he said 'fully authorized to set fire to the houses,' laying it out for Judge Lamphart before the magistrate could focus on another, more obvious issue of authorization. The judge rallied. He looked at the 18 or so nodding heads behind the defendants. He turned back to Thomas and whispered in his ear, "Good try, my young friend. But the law requires two white corroborating witnesses. Do you have two white corroborating witnesses?"

Thomas's heart sank. The law that had recently been passed in Georgia requiring that the testimony of an Indian against a white be corroborated by two white witnesses was so odious and so new, it was rarely enforced. Thomas had been hopeful that in the fairly informal setting of a magistrate's court it would be overlooked.

"The magistrate may not know that," Thomas whispered to the judge.

"Oh, I'm sure this one will," Judge Lamphart said.

For the next hour, following the testimony of Yellow Bird, the Cherokee testified one by one that they didn't like the houses anyway,

that they had authorized the boys to remove them and, my goodness, when they went to do so there were people in them who were respectfully asked to leave and did so without protest.

Judge Lamphart was correct. The magistrate knew the law. After each witness testified, he asked for the required corroboration, then obliged the prosecutor by striking the testimony. Thomas's spirits sank with the hopes of the defendants. Judge Lamphart was beginning to sweat.

Thomas was resigned to losing. But, at the last moment, out of the corner of his eye he noticed something peculiar take place. The lone witness for the prosecution was a plain mountain woman, about 40 years of age. She wore a shawl and a bonnet tied close around her chin. Her weather beaten, work-worn face was only partially exposed and so unremarkable that few in that courtroom gave it more than a passing glance. Thomas noticed that while the prosecutor was at the bench making his consecutive motions to strike the testimony of the witnesses, one of the young defendants had leaned over and said something to the woman. She answered back. It was a brief exchange, quickly shushed by the bailiff. Thomas wondered what the two could have said to each other for he knew that the defendant who spoke to the woman was the one from New Echota—a boy who did not go to school and spoke no English. How then had the prosecution witness been able to converse with the lad?

"If you have no other witnesses, Judge Lamphart, I am about to rule," the magistrate said.

The judge looked confused and miserable.

"We call the prosecution's witness back to the stand," Thomas blurted out, wondering where his voice was coming from.

"Are you trying to add insult to injury, son?" the judge asked him in a grunting voice as the surprised woman pulled her shawl tightly around her and made her way back to the stand.

"You have something to ask this witness, Judge Lamphart?" the magistrate asked.

The judge stared from the witness to Thomas.

"Are you Cherokee?" Thomas blurted out to the witness.

"I didn't say I wasn't," the woman said indignantly. "Nobody asked me."

Thomas knew at that moment that they had won. The magistrate knew it too, for his voice was low and disappointed and he gave the prosecutor a venomous look as he said 'case dismissed' and walked off the bench.

As they left the courthouse, Judge Lamphart put his arm around Thomas's shoulder and said, "You, my boy, are in great danger of becoming a genius."

Thomas turned to the Cherokee boy from New Echota and asked, "What was it you said to that woman?"

"I said 'Auntie, why are you testifying against me?'" the boy explained, "For I recognized her. She is from Hiawassee, my village in North Carolina. She said to me 'I'm married to a Scotsman from Tennessee but they told me they would put me in jail if I didn't testify.'"

Judge Lamphart did not have the strength to ride home that afternoon so he put himself up in a hotel in Lawrenceville after the celebrations. Pathfinder said he would bring the hackney to take him home the next day. As Thomas and Pathfinder left Gwinnett

County and rode side by side through the hills back to Dawsonville, trailing the judge's big mule behind them, the old Indian said to him, "I must go back to my village and prepare my family for the removal, for I know it must surely come. You stay and look after the judge. You will be more to him than I have ever been. You will be a great lawyer one day. You are half of one now."

Thomas was not sure he wanted to be a lawyer, not even half of one. It seemed to him as the rest of that year wore on and into the next that what the Cherokee Nation needed was fewer lawyers and more of what it once had in abundance—warriors.

He remained with the judge. He stopped cleaning windows and was given a small apartment above the office in Dawsonville. He continued at the little Methodist school in New Echota and took days off to

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work with the judge, clerking for him. Once or twice in that year he got to cross-examine a witness or present a motion and he worked on dozens of the land dispute cases which were popping up with greater frequency as the gold prospectors poured into the northern part of the state and laid claim to Cherokee territory.

He was a lawyer in every sense of the word but did not admit it to himself. A warrior was what he wanted to be, more and more as indignation over what was happening to his beloved Cherokee Nation flooded deeper into him. His fury at Andrew Jackson for doing nothing about it grew.

In March of 1831, Attorney Wirt argued before the Supreme Court of the United States that Georgia's interference in Indian affairs was unconstitutional and should be prohibited. Georgia, he said, had no power to interfere in Indian affairs. The Cherokee Nation was, in fact, a foreign nation over which the state of Georgia had no control and the Cherokee Nation was, in a limited fashion, answerable only to the United States which surrounded it.

If this argument succeeded, the Georgia Guard would not be able to enforce the removal nor enforce property claims of prospectors and settlers.

The Cherokee pinned their hopes on Wirt's argument during the months it took the Supreme Court to come down with a decision. Thomas was not optimistic. He did not waste a minute fooling himself. It was time, he thought, for action of another kind. No statement of the Cherokee or their clever Philadelphia lawyers had resonated with conviction in the halls of Congress and certainly would not in the Georgia capital of Milledgeville.

It was time for a statement that would ring out in the parliaments of the world.

Thomas was thinking of such a statement when, in July of that year, 1831, it was announced that Chief Justice John Marshall was about to read the decision of the Supreme Court. President Jackson had invited Judge Lamphart to the White House. The judge asked Thomas to join him on the trip. The judge was an old crony of Jackson and had been one of the president's commanders when he fought the British in New Orleans in 1812. Judge Lamphart had accompanied Jackson on his famous march back to Tennessee, both men denying authority together. He held him in the highest esteem and repeatedly tried to assure Thomas that Andrew Jackson was a friend of the Cherokee.

But Thomas did not believe it. He believed that you could not be a friend of the Cherokee and support the removal. Besides, had not Jackson's military campaigns decimated the Creek and the Seminole? No Indian could call Andrew Jackson a friend. Thomas kept his opinion to himself. The cloud which hung over him darkened even as Judge Lamphart's household eagerly prepared for the journey north.

On July 18, 1831, Chief Justice John Marshall read the opinion of the court. He was old by then and, in a quavering voice, he expressed regret that the Supreme Court could not support the position that the Cherokee Nation was a foreign nation. The United States was powerless to prevent Georgia from enforcing its laws against the Cherokee.

This was the last nail in the Indian coffin. Land forfeiture and removal were now certain.

Thomas, listening to the words of Chief Justice John Marshall, made a decision.

He would kill Andrew Jackson.



It was hot and humid in Washington. On the night of July 18 it had rained heavily. It stopped at early morning. The streets were now puddled as the Georgia Indian delegation squelched its way towards the White House, ankle deep in mud and horse manure. The place stank to the heavens. The mosquitoes were huge and bit furiously at exposed flesh. The men slapped at them and cursed the capital and talked lovingly of the relative coolness of their North Georgia Mountains.

The president saw the chiefs first and spoke with them for about half an hour. Judge Lamphart and Thomas did not join them. When their meeting was over Jackson led the party out and shook hands with each one in the main vestibule of the White House. Carriages had been made available to take them back to their hotels. Thomas could not help but think that if they had made the carriages available to bring them, the place would be much cleaner and the chiefs would be leaving in a better mood.

President Jackson came into the anteroom and greeted Judge Lamphart with a great bear hug, calling him 'Johnnie' and keeping an arm around his shoulder as he shook Thomas's hand.

"This is the young man I was telling you about who shows every sign of being a genius," the judge said.

"I have heard about him from Lawyer Wirt," the president said.

He led them into the drawing room of the White House. After a

Thomas brought the shiv up in his right hand in a swift arc to take the president just below his rib cage, dead in the center of his chest.

moment, the servants withdrew and the three were on their own and sat down.

Thomas had not been diligent that morning in keeping the judge away from the bottle. The judge, he knew now, was not a heavy drinker, but rather, one of those men—fortunate in their liver but not in their social graces—who would fall asleep after a shot or two of whisky.

It was in Thomas's plan to allow the judge to slumber.

"I understand you are destined to be a brilliant lawyer," the president said. "I was a lawyer myself at the age of 20. You were an orphan too, at an early age. We have much in common."

Thomas tried not to be surly yet did not want to be friendly. The only thing we may have in common, he thought, is the dagger I possess. He steeled himself. He felt his resolve would melt if he seemed friendly. He had come here, he told himself, to do one thing. He felt that destiny had brought him here to make a statement to the world about his people, about his nation, before it disappeared. Why else would a 17-year-old Indian boy be sitting in the White House talking to the president of the United States?

At the back of the room there was a kind of scullery, a kitchen-like recess, where decanters of liquor had been set up. The president got up and continued to converse with him, in his one-sided way, as he walked to the scullery. He picked up a whisky decanter. Thomas followed him into the scullery. Jackson

was all vertical lines, like a pine forest in the dead of winter. His face was hollowed, gaunt, yellowish. It was a face, Thomas could tell, that had seen a great deal of hardship and Thomas's nature drew him to sympathize with it. But he told himself to resist, to be strong. He felt the cold steel of the shiv he had made and placed inside his pants, against the flesh of his thigh, just behind his trouser pocket.

Jackson put down the decanter, then turned to the counter of the scullery and began to break a lump of ice by thumping on it with a heavy spoon as he continued to speak. Thomas felt for the shiv with his right hand. He withdrew it. The blood was rushing in his ears. In that moment he debated with himself whether he should drive it into Jackson's back. What did honor matter after all, if you were an assassin? Was not honor suspended for that moment? But he knew he could not stab a man in the back. Would Old Hickory be tough as hickory?

Jackson turned.

Thomas brought the shiv up in his right hand in a swift arc to take the president just below his rib cage, dead in the center of his chest.

To his astonishment, Jackson had turned with nothing in his hands and Thomas realized in that instant that the president had fully anticipated his murderous act. His right hand came up over the top of Thomas's arm and he clutched the wrist above the clenched fist and knife cleanly. There was no struggle. Jackson's long fingers easily circled the boy's wrist.

He held tightly and kept the rest of his body perfectly still.

"I believe this young man, judge, has a great future ahead of him in Georgia," he said, raising his voice so the judge would hear him in the main part of the room. The two stared each other in the eyes.

The judge, in the armchair, had his back to them. If he had turned he could have seen them. But he did not turn. He mumbled something in agreement.

Thomas continued to drive the knife, which now touched Jackson's chest, and his hand and arm were shaking violently with the pressure of his forward momentum and the one-handed resistance of the other man.

"Not all Cherokee will leave at the removal or before, isn't that true, Johnnie?"

"Indeed, it is," Judge Lamphart agreed.

Thomas wondered why the president had not begun to call for the guard. It struck him also in that moment as odd that neither of them attempted to use their left hand, either in attack or defense. It was a one-armed duel. Like arm wrestling, though deadly.

"And if you'll forgive me for saying so, Johnnie, your days are numbered, is that not so?"

"I will go when I'm called," the judge said. "I do not delude myself that time is on my side. Are you trying to make a point, Mr. President?"

"Indeed, I am, Johnnie. A man cannot live forever," the president said. He was grinning now, even as he continued to hold Thomas's wrist. "Even a good man who does good work. But other good men will step forward to take his place and do the job that needs to be done, eh, Johnnie?"

"They will," said the judge, as he got the point. "But those good men must be made to see it."

Thomas felt his resolve slipping away.

"That is exactly my point, Johnnie. We must find a way to make Mr. Rainwater here recognize that even genius has its duty."

"I believe he knows it," the judge said.

"Then if he knows it he must declare it and announce to his people and to the world that he will use his God-given talents the best way he can. And you, Johnnie, must give him his place."

"He is somewhat resistant," Judge Lamphart said. "He is young. Thoughts of the glory of war dance in his head... If he is willing he will be called to the bar. When that happens I will step aside."

"This removal business," the president went on, "there is courage in going to Oklahoma, don't you think? It will be a long trek. But there is also great courage in remaining. If Mr. Rainwater chooses to serve his people, he must choose to serve those who remain. There will be no need for brilliant lawyers among the Cherokee in Oklahoma. Not for some time. Those who leave will need help, of course, but oh, so will those who remain. They will need advocates of the greatest skill! The question is, Johnnie, is our Thomas a 'doubting Thomas' or is he a 'redoubtable Thomas'?"

At a point in this conversation between the judge and the president, the blood had stopped rushing in Thomas's ears and he had begun to listen. As he later retold it, he believed it was when the president said, "Those who leave will need help... so will those who remain."

From that moment he felt he was not guiding his own hand. As the forward thrust eased, he felt that someone, or something—not he and not President Jackson—was easing it. Soon there was no pressure, and the president, feeling this, removed his hand from around Thomas's wrist. Thomas let his own hand, still holding the knife, fall to his side. He bowed his head. The blood which had been rushing in his ears was now hot in his face and he felt foolish and hopeless as he awaited the full wrath of the president, the entry of the guards, the loss of his freedom.

But Jackson simply took the knife from his hand, placed it on the counter, turned his back again, and dropped several pieces of the broken ice into the judge's glass. He poured a generous shot of whisky and walked it back to the outer room.

"Come, Thomas, join us," he called as he took his seat next to the judge again.



In 1851, the town of Dawsonville, where Judge Lamphart's practice was located, changed its name and became the City of Calhoun and is to this day. It sits next to Interstate 75, north of the 'new' Georgia capital of Atlanta. A few miles from Calhoun, the few buildings which comprise the Cherokee capital of New Echota remain, not exactly a ghost town, but a museum piece for the curious, the tourist, and for those who come to pay their respects at the Indian mounds.


Thomas Rainwater practiced law for almost 70 years following his meeting with Andrew Jackson. He kept the same office with Judge Lamphart and after the judge died, every Rainwater generation since has had a lawyer in that office. The

building was replaced on the same site in the 1950s.

Many Cherokee made the arduous journey—the removal—to Oklahoma. Some by land, some by water. Many who set out did not make it. As President Jackson predicted, many also remained, dispossessed of ancestral lands. Life which had been hard for them in the best of times was suddenly more difficult.

Thomas Rainwater came to understand that Jackson's speech was not about the removal. It was a metaphor, those who go and those who remain, no right or wrong in it.

For the rest of his life, when clients came to see Thomas Rainwater they would say they were 'going to see Mr. Rainwater down at Judge Lamphart's office.' Everyone knew about his visit to Andrew Jackson in the summer of 1831, but they did not know what took place there. Upon leaving his office, they would often stop at the door and say, "Counselor, we heard you met with President Jackson, how did you find him?"

Thomas would pretend to think about it for a moment, then he would say, "I found him disarming." 



Gerry Carty attended Langside College, Glasgow, Scotland, before coming to Atlanta where he graduated from John

Marshall Law School in 1980. He has practiced plaintiff's personal injury law since then. Carty was also the winner of the Journal's 13th Annual Fiction Writing Competition for his story, "First Tuesday."