

# The Cherokee and The Indian Removal Act

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# The Cherokee and The Indian Removal Act

*Essential Question: How did the Indian Removal Act of 1830 impact the Cherokee and the United States?*

From the earliest days of settlement in Upper East Tennessee, tensions had always existed between the settlers and their Cherokee neighbors over land. Between 1775 and 1819, the Cherokee ceded, or gave up, much of their land through a series of treaties that reduced their holdings to a small corner in Southeast Tennessee and other states. However, the Cherokee faced increasing pressure from both Tennessee and Georgia to abandon their lands entirely. As early as 1817, some Cherokee had voluntarily relocated to Arkansas.<sup>1</sup> Most Cherokee wanted to remain on their lands so Cherokee leaders took steps to ensure their people were not forced off their land.

Some Cherokee had already adopted customs from their white neighbors including the practice of slavery. Sequoyah's invention of a written language and the translation of the Bible into Cherokee helped spread Christianity to a significant proportion of the population.<sup>2</sup> In 1827, Cherokee leaders met at New Echota to write a constitution for the Cherokee nation based on the United States Constitution.<sup>3</sup> John Ross was chosen to lead the nation as Principal Chief. Ross, the son of a Scottish trader and Cherokee mother, had received a European American education, but also grew up as a full member of the Cherokee nation.<sup>4</sup> Ross' ability to speak English and

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<sup>1</sup> "A Brief History of the Trail of Tears." Cherokee Nation. 2018.  
<http://www.cherokee.org/About-The-Nation/History/Trail-of-Tears/A-Brief-History-of-the-Trail-of-Tears> accessed 5 July 2018.

<sup>2</sup> Tim Garrison, "Cherokee Removal." New Georgia Encyclopedia. 2017.  
<https://www.georgiaencyclopedia.org/articles/history-archaeology/cherokee-removal> accessed 5 July 2018.

<sup>3</sup>Ibid.

<sup>4</sup> Patrice Hobbs Glass, "John Ross." Tennessee Encyclopedia. 2018.  
<https://tennesseeencyclopedia.net/entries/john-ross/>. Accessed 6 July 2018.

Cherokee, as well as his understanding of the customs of both cultures, made him well-suited to lead the Cherokee. Ross and other leaders believed creating a government based on the United States Constitution would protect the Cherokee from removal. Events beyond his control soon proved the belief to be false.

Two significant events occurred in 1828. The first was the discovery of gold on Cherokee lands in north Georgia. Georgia residents had already been pushing for Cherokee removal, but the discovery of gold made removal even more urgent in the eyes of state officials.<sup>5</sup> The second event was the election of President Andrew Jackson. Jackson had fought with the Cherokee and White Stick Creeks against the Red Stick Creeks in the Creek War of 1813-1814. However, in the Treaty of Fort Jackson, he forced the White Stick Creeks, his allies, as well as the Red Stick Creeks to cede land. The Creek nation was forced to cede 23 million acres of land in Alabama and Georgia.<sup>6</sup> Jackson had also played a key role in the Jackson Purchase of 1818 in which the Chickasaw gave up their land claims in west Tennessee.<sup>7</sup> In 1819, Yonaguska, head chief of the Oconaluftee Cherokee signed a treaty with the United States government in which he and 50 other heads of households agreed to withdraw from the Cherokee nation and become citizens of the state of North Carolina in return for 640 acres of land each.<sup>8</sup>

In 1830, Jackson introduced his Indian Removal Act to Congress. Jackson argued the removal helped American Indians by removing them from the corrupting

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<sup>5</sup> Garrison, "Cherokee Removal"

<sup>6</sup> Robert Morgan, *Lions of the West: Heroes and Villains of the Westward Expansion*. (Chapel Hill, NC: Shannon Ravenel, 2011), 88.

<sup>7</sup> Blythe Semmer, "Jackson Purchase." Tennessee Encyclopedia. October 8, 2017. <https://tennesseeencyclopedia.net/entries/jackson-purchase/> accessed 5 July 2018.

<sup>8</sup> Theda Perdue, "Yonaguska (Drowning Bear) NCpedia. <https://www.ncpedia.org/biography/yonaguska> Accessed 21 June 2021.

influences of white society and allowing them to maintain their distinctive way of life.<sup>9</sup> A few Cherokee, such as Elias Boudinot, agreed with his thinking. The act was challenged in Congress by Henry Clay and Daniel Webster, members of the Whig party. David Crockett, a fellow Tennessean, also spoke against the act.<sup>10</sup> As principal chief, John Ross' strategy was to challenge removal through the courts. Though the Cherokee lost the 1831 case *Cherokee v. State of Georgia*, they won in the Supreme Court case *Worcester v. Georgia*. In this case, missionary Samuel Worcester had challenged Georgia's claim to Cherokee lands. The court ruled in favor of the Cherokee.<sup>11</sup> In the majority opinion, John Marshall acknowledged the right of the Cherokee nation "as a sovereign nation to govern themselves and all persons who have settled within their territory, free from any right of legislative interference by the several states composing the United States of America."<sup>12</sup> However, President Jackson refused to enforce the decision. He is said to have remarked, "John Marshall has made his decision, now let him enforce it."

While John Ross continued to fight removal, other Cherokee leaders came to see taking the money offered by the United States and moving west voluntarily as the best option for the Cherokee. In 1835, Major Ridge and other Cherokee leaders signed the Treaty of New Echota without Ross' knowledge or consent.<sup>13</sup> In the treaty, Ridge and the others ceded all Cherokee lands east of the Mississippi River. In return the Cherokee received a grant of land in Indian Territory and five million dollars. Ross

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<sup>9</sup> Morgan, *Lions of the West*, 166.

<sup>10</sup> *Ibid.* 139.

<sup>11</sup> Garrison, "Cherokee Removal"

<sup>12</sup> "Worcester v. Georgia." Oyez. <https://www.oyez.org/cases/1789-1850/31us515> accessed 10 June 2021.

<sup>13</sup> Garrison, "Cherokee Removal."

protested that Ridge and the others did not have the authority to sign the treaty and Ross' allies in Congress tried to block it, but the treaty passed in the Senate by one vote. Ross continued to resist removal until 1838, when General Scott, under orders from Martin Van Buren, arrived to begin rounding up the Cherokee.<sup>14</sup>

Upon hearing of the signing of the Treaty of New Echota, Yonaguska sent his adopted white son, William Holland Thomas, to Washington to protect the interests of the Oconaluftee Cherokee. In 1837, the commissioners tasked with carrying out the Treaty of New Echota, upheld the 1819 treaty and allowed the Oconaluftee Cherokee to remain in North Carolina. After the death of Yonaguska, Thomas continued to represent the Oconaluftee Cherokee to the United States government. In 1848, the government recognized the Eastern Band of the Cherokee. Acting on behalf of the Cherokee who could not legally buy land, Thomas also purchased 50,000 acres of land that is part of the Qualla Boundary, home to the Eastern Band of the Cherokee.<sup>15</sup>

After the deadline for voluntary removal passed in May 1838, the remaining Cherokee were forcibly gathered from their home with little time to collect supplies or personal belongings. The land and possessions they were forced to leave behind were immediately seized by white settlers.<sup>16</sup> The Cherokee were marched to depots like Fort Cass in present-day Charleston, Tennessee. The depots were essentially a staging area with internment camps where the Cherokee waited to be organized into groups, called detachments, to make the journey west. The army had planned to move the Cherokee along the Hiwassee, Tennessee, Ohio, Mississippi and Arkansas rivers primarily using

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<sup>14</sup> Ibid.

<sup>15</sup> Gordon McKinney, "William Holland Thomas." NCpedia.  
<https://www.ncpedia.org/biography/thomas-william-holland> accessed 3 June 2021.

<sup>16</sup> Garrison, "Cherokee Removal"

steamboats, flat boats, and keelboats. However, drought conditions quickly dried up the rivers making water transport difficult for the first three detachments. Disease and desertion also reduced the numbers in the first three detachments. Few guards were sent to ensure that the Cherokee did not simply leave the detachments as they travelled. The records do not indicate exactly how many Cherokee deserted or what happened to them afterwards. The most famous deserter was Junaluska, who had fought alongside Jackson at the Battle of Horseshoe Bend. Junaluska was captured near Knoxville and later sent to Indian Territory under military guard. Junaluska eventually made his way back to North Carolina and was granted land and citizenship by the North Carolina legislature in 1847 in recognition of his service in the Creek War.<sup>17</sup>

Because of the drought conditions and the danger of diseases such as cholera, Cherokee leaders asked for and were granted permission to delay the journey until the fall when the weather was more favorable for travel. The army had not prepared for people to stay in the camps for long periods of time and conditions quickly deteriorated. Diseases including dysentery, measles and whooping cough spread quickly into crowded camps and many Cherokee died. Based on the journal of Reverend Daniel Butrick, a missionary living among the Cherokee, scholars estimate that between 750 and 1,500 Cherokee died in the camps.<sup>18</sup> Among the many Cherokee who died in the camps was a 90 year old Black woman whose children Nanny and Peter had recently purchased their mother's freedom.<sup>19</sup> Presumably, Nanny and a large number of other

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<sup>17</sup> Viki Rozema, *Voices from the Trail of Tears*. Winston-Salem, NC. John F. Blair, 2003.

<sup>18</sup> Will Chavel, "Insight provided on Cherokee removal camps in Tennessee." Cherokee Phoenix, [https://www.cherokeephox.org/culture/insight-provided-on-choerokee-removal-camps-in-tennessee/article\\_45b76296-be31-11eb-bde8-1fcea3e244cd.html](https://www.cherokeephox.org/culture/insight-provided-on-choerokee-removal-camps-in-tennessee/article_45b76296-be31-11eb-bde8-1fcea3e244cd.html) accessed 26 May 2021.

<sup>19</sup> Reverend Daniel Butrick. "The Journal of Reverend Daniel Butrick: Cherokee Removal." Trail of Tears Association, Oklahoma Chapter.

enslaved people survived the camps and accompanied their enslavers on the journey west.

When the Cherokee finally began the long journey west, they faced freezing temperatures and very little food. Reverend Daniel S. Buttrick described the ground over which they traveled as “mostly covered with snow & frozen rain.”<sup>20</sup> Along with the Cherokee, enslaved people on the journey cut firewood, cared for the sick and removed obstacles on the trail while enduring the same miserable conditions as their enslavers. Buttrick’s journal also records the deaths of many Cherokee including a young woman who was found dead with her infant in her arms just a few days after giving birth. She was one of an estimated 4,000 to 5,000 Cherokee who died as a result of removal. The Cherokee referred to the routes west as the “trail where they cried,” commonly known as the Trail of Tears.

Upon reaching Indian Territory, present day Oklahoma, Ross encouraged his people to establish farms, businesses and schools.<sup>21</sup> It was a turbulent time for the Cherokee Nation due to the split over removal, but Ross retained his power. When the Civil War began in 1861, Ross first supported the Confederacy, but then shifted his support to the Union.<sup>22</sup> As with the issue of removal, the Cherokee were divided during the Civil War. Ross was reelected by pro-union Cherokees and continued to be recognized by the United States as leader of the Cherokee. John Ross remained Principal Chief of the Cherokee until his death in 1866.<sup>23</sup>

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<sup>20</sup> Ibid.

<sup>21</sup> Taylor-Colbert, Alice, "John Ross." New Georgia Encyclopedia. 2017.  
<https://www.georgiaencyclopedia.org/articles/history-archaeology/john-ross-1790-1866> 6 July 2018.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

Today, the Cherokee Nation is the largest tribe in the United States. More than 141,000 Cherokee Nation citizens live within the reservation boundaries in northeastern Oklahoma. The tribe's businesses generated more than 2.16 billion dollars for Oklahoma's economy in 2018. The mission statement of the Cherokee states that "The Cherokee Nation is committed to protecting our inherent sovereignty, preserving and promoting Cherokee culture, language and values, and improving the quality of life for the next seven generations of Cherokee Nation citizens."<sup>24</sup>

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<sup>24</sup> Cherokee Nation, Homepage. <https://www.cherokee.org/>. Accessed 11 June 2021.



# Indian Removal and the Trail of Tears

Answer each of the following questions using information from the text. Use each of the highlighted terms from the text at least once. Answers should be in the form of complete sentences.

1. Why were the Cherokee forced off their land? \_\_\_\_\_

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2. How did the Cherokee resist removal? \_\_\_\_\_

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3. How did some Cherokee leaders cooperate with removal? \_\_\_\_\_

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4. How did removal affect the Cherokee? \_\_\_\_\_

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## Indian Removal and the Trail of Tears Key

Answer each of the following questions using information from the text. Use each of the highlighted terms from the text at least once. Answers should be in the form of complete sentences.

1. Why were the Cherokee forced off their land? Gold was discovered on Cherokee land, continued westward migration by settlers and the election of Jackson who had previously gained land cessions from the Creeks and Chickasaw.
2. How did the Cherokee resist removal? John Ross chose to fight the Indian Removal Act through legislative actions and the courts. In Worcester v. Georgia, the Supreme Court ruled in favor of the Cherokee, but Jackson ignored the ruling.
3. How and why did some Cherokee leaders cooperate with removal? Major Ridge and others signed the Treaty of New Echota in which they ceded all Cherokee lands east of the Mississippi River for land in Indian Territory and 5 million dollars. Ridge and the others believed that they were going to lose their land no matter what they did, so taking the money and leaving on their own terms was the best solution.
4. How did removal affect the Cherokee? The Cherokee lost their lands and most of their personal property. Most were forced to leave their homes with nothing but the clothes on their backs. After waiting all summer in camps full of sickness, the Cherokee were sent west during a harsh winter. Thousands died along the way of hunger, exposure and disease. The journey is known as the Trail of Tears.

# Indian Removal and the Trail of Tears

Answer each of the following questions using information from the text. Use each of the highlighted terms from the text at least once. Use the answers to help you plan your essay.

1. Why were the Cherokee forced off their land? \_\_\_\_\_

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2. How did the Cherokee resist removal? \_\_\_\_\_

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3. How did some Cherokee leaders cooperate with removal? \_\_\_\_\_

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4. How did removal affect the Cherokee? \_\_\_\_\_

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## Essay

**Describe the struggle between the Cherokee Nation and the United States government and the impact of the Indian Removal Act on the Cherokee.**

**Include evidence from primary source accounts of the Trail of Tears.**

## Indian Removal and the Trail of Tears Key

Answer each of the following questions using information from the text. Use each of the highlighted terms from the text at least once. Use the answers to help you plan your essay.

1. Why were the Cherokee forced off their land? **Gold was discovered on Cherokee land, continued westward migration by settlers and the election of Jackson who had previously gained land cessions from the Creeks and Chickasaw.**
2. How did the Cherokee resist removal? **John Ross chose to fight the Indian Removal Act through legislative actions and the courts. In Worcester v. Georgia, the Supreme Court ruled in favor of the Cherokee, but Jackson ignored the ruling.**
3. How and why did some Cherokee leaders cooperate with removal? **Major Ridge and others signed the Treaty of New Echota in which they ceded all Cherokee lands east of the Mississippi River for land in Indian Territory and 5 million dollars. Ridge and the others believed that they were going to lose their land no matter what they did, so taking the money and leaving on their own terms was the best solution.**
4. How did removal affect the Cherokee? **The Cherokee lost their lands and most of their personal property. Most were forced to leave their homes with nothing but the clothes on their backs. After waiting all summer in camps full of sickness, the Cherokee were sent west during a harsh winter. Thousands died along the way of hunger, exposure and disease. The journey is known as the Trail of Tears.**

### Essay

**Describe the struggle between the Cherokee Nation and the United States government and the impact of the Indian Removal Act on the Cherokee.**

**Include evidence from primary source accounts of the Trail of Tears. (Not included in the text)**

## John Ross on Indian Removal

In this 6-page letter, Cherokee Chief John Ross acknowledges that the Cherokee Nation is aware of President Andrew Jackson's desire to remove the Indians to the west. Ross references a previous letter in which a meeting was requested with the Cherokees to discuss a treaty for removal. He plainly states that the Cherokee Nation is not interested in meeting for a discussion because they are convinced there is nothing the United States Government can offer that will change their disposition against removal from their ancestral lands. Ross says that the Executive Department of the Nation is always willing to receive official representatives from the President to discuss various topics. He relays concern about the States being granted jurisdiction over the portion of the Cherokee Nation with each State's territory and believes that whatever decision is made has the potential to benefit or doom the Nation. He ends the letter with the assurance that the Cherokees are the allies of and depend upon the United States, having fought wars with the U.S., and they desire peace with the American people

[Page 1] New Echota Cherokee Nation August 29th 1829

Dear Sir, Your communication of this date containing the object of your visit to the Nation under instruction from the Secretary of War is received and maturely deliberated on in Executive Councils convened for the express purpose. The deep interest felt on the part of the President of the U. States for the removal of the Cherokees west of the Mississippi is known to the nation. It is a subject that has often and long since been submitted for consideration and been deliberated by the Councils of the Nation with all that solemnity its importance deserved, and the conclusion and result of those deliberations have been expressed in solemnness and sincerity to the Govt of the U. States, adverse to a removal. And we declare that those sentiments and dispositions remain the same and are unchangeable; you state that you are instructed simply to propose that "We will agree to meet commissioners to be appointed

[Page 2] by the President, at such time as may best suit the convenience of both parties for the purpose of discussing the subject of the Cherokees removing west of the Mississippi; and that we would then have an opportunity of hearing the propositions of the Government." It is deemed inexpedient to enter into a special agreement to meet commissioners for the purpose of discussing the subject of the Cherokees removing west of the Mississippi when it is well known that the disposition of the Nation is adverse to a removal and that no propositions could be made to change their disposition as to induce them ever to enter into a treaty on the subject. Especially as the proper authorities of the Nation are ever ready at all times to receive in the most friendly manner all public functionaries of the U. States that may be appointed by the President for the purpose of submitting subjects for our consideration. The Executive Department of the Nation will never neglect to attend to such business

[Page 3] during the recess of the Gen'l Council (as is manifest on the present occasion), and

the Legislative Department during its session (which is convened annually on the second Monday of October) in like manner will always receive and act upon all subjects submitted for their consideration and decision. The right of individual States exercising jurisdiction over the Territory solemnly secured and guaranteed to the Cherokee Nation by treaty is a subject that is certainly questionable. The principles contained in the Constitutions of the U. States and the Treaties establishing relationship between the U. States and the Cherokee Nations are in variance to the exercise of such a power by the State Government. We are aware that a decision on this important subject must seal our fate in prosperity and happiness or in misery and distruction [sic]. But confiding in the magnanimity and justice of the United States, we place our dependence upon their plighted faith and await the result. We are happy

[Page 4] to hear that it affords you much satisfaction [sic] to find that the best feelings exist everywhere towards the U. States in the Nation and that you will take occasion to communicate this fact to the Pres. Of the U. States in contradiction to the slanderous reports circulated by the frontier newspapers prejudicial to the best interest of the Cherokee People. Permit us Sir in addition to say that so far from the Cherokees entertaining any hostile feelings towards the citizens of the U. States – that in our opinion, no people could be found in the U. States who would, in case of actual war, prove more loyal to the cause of the U. States than the Cherokees. Yourself as well as the President of the U. States have witnessed this fact realized during the late war – with great pleasure we reciprocate your wishes for the future happiness of this Nation. In return you will please to accept the best wishes for your health and happiness and for the peace prosperity of the United States. In behalf of the Cherokee Nation we have the honor to be Sir very respectfully your Servants.

John Ross Geo.

Lowrey William Hicks

Major Ridge his x mark

To His Ex'cy William Carroll Gov'r of Tennessee Present

Source: “Letter from John Ross to Tennessee Governor William Carroll regarding the Cherokee Nation's stance on removal.” *Education Outreach*, Tennessee State Library and Archives. n.d. 28 June 2014. < <http://tsla.tnsosfiles.com/digital/teva/transcripts/42422.pdf>>

Go to

<http://cdm15138.contentdm.oclc.org/cdm/compoundobject/collection/p15138coll18/id/2081/rec/15>  
to download images of the original document

## Memorial of the Cherokee Nation

Memorial of the Cherokee Nation, 1830:

"We are aware that some persons suppose it will be for our advantage to remove beyond the Mississippi. We think otherwise. Our people universally think otherwise. Thinking that it would be fatal to their interests, they have almost to a man sent their memorial to Congress, deprecating the necessity of a removal. . . .

It is incredible that Georgia should ever have enacted the oppressive laws to which reference is here made, unless she had supposed that something extremely terrific in its character was necessary in order to make the Cherokees willing to remove. We are not willing to remove; and if we could be brought to this extremity, it would be not by argument, nor because our judgment was satisfied, not because our condition will be improved; but only because we cannot endure to be deprived of our national and individual rights and subjected to a process of intolerable oppression.

We wish to remain on the land of our fathers. We have a perfect and original right to remain without interruption or molestation. The treaties with us, and laws of the United States made in pursuance of treaties, guaranty our residence and our privileges, and secure us against intruders. Our only request is, that these treaties may be fulfilled, and these laws executed. But if we are compelled to leave our country, we see nothing but ruin before us. The country west of the Arkansas territory is unknown to us.

From what we can learn of it, we have no prepossessions in its favor. All the inviting parts of it, as we believe, are preoccupied by various Indian nations, to which it has been assigned. They would regard us as intruders. . . . The far greater part of that region is, beyond all controversy, badly supplied with wood and water; and no Indian tribe can live as agriculturists without these articles. All our neighbors . . . would speak a language totally different from ours, and practice different customs. The original possessors of that region are now wandering savages lurking for prey in the neighborhood. . . . Were the country to which we are urged much better than it is represented to be, . . . still it is not the land of our birth, nor of our affections. It contains neither the scenes of our childhood, nor the graves of our fathers. . . .

We have been called a poor, ignorant, and degraded people. We certainly are not rich; nor have we ever boasted of our knowledge, or our moral or intellectual elevation. But there is not a man within our limits so ignorant as not to know that he has a right to live on the land of his fathers, in the possession of his immemorial privileges, and that this right has been acknowledged by the

United States; nor is there a man so degraded as not to feel a keen sense of injury, on being deprived of his right and driven into exile. . . . "

Reprinted from "Memorial of the Cherokee Nation," in Nile's Weekly Register, 1830.

Source: "Memorial of the Cherokee Nation," *Trail of Tears*, Cherokee Nation. 2014. 28 June 2014. <

<http://www.cherokee.org/AboutTheNation/History/TrailofTears/MemorialoftheCherokee.aspx>>