

Cherokee Removal Argument Essay Sources

Name _____ # _____

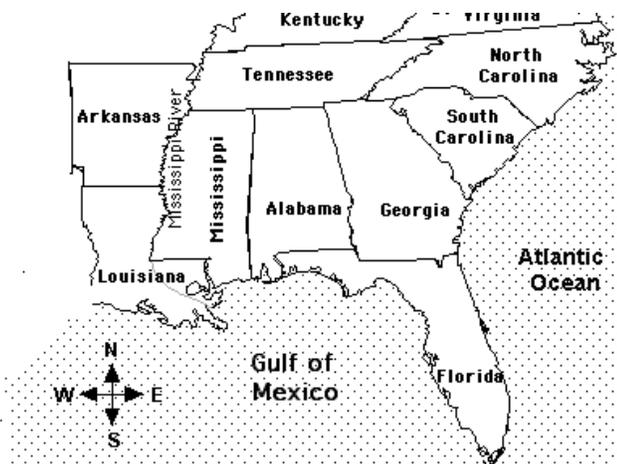
Historical Investigative Question In 1838, would it have been better for the Cherokee to accept the U.S. government's demand to move to new lands west of the Mississippi River or to stay and fight for their rights?

Background

In the 1830s the United States government adopted a policy of Indian Removal. The United States, through treaties and other actions, tried to remove all the Indian tribes from the states east of the Mississippi River to territory west of the river. The Cherokee were one of the tribes that were forced to decide how to respond to this policy.

The southern states were home to Indian peoples that the whites called the "Five Civilized Tribes." One of these tribes, the Cherokee, lived on some of Georgia's richest farm land and white settlers wanted the Cherokee's land for their own use. In addition to being good farmland, gold was discovered on Cherokee land in 1829, drawing many white settlers into the region.

Southern States as of 1839



Previously, the Cherokee had responded to the westward movement of settlers by trying to fit in with the new ideas and culture the settlers brought with them. In fact, no other Indian people had ever so successfully adopted the white man's ways. The Cherokee built sawmills and factories for weaving cloth, they built public schools, and they built miles of good roads and intermarried with whites. They had their own constitution and courts, their own written language, and their own newspaper. Some even owned large plantations worked by black slaves. But this did not make a difference to the Georgians who wanted their land.

The Cherokee were denied many rights. Cherokee land titles were declared illegal and Cherokee were forbidden to testify against whites. They were even forbidden to dig for gold on their own land.

1. Why did the white settlers want to take over the Cherokee land? Provide at least two reasons.

2. How had the Cherokees adapted to living close to the white settlers? Why do you think they chose to adapt and become like the whites? _____

The Cherokee Appeal to the Supreme Court

The Cherokee, living on 40,000 acres in the heart of Georgia, tried to resist this loss of their land by legal means. Led by Chief John Ross, they took their case to the U.S. Supreme Court and won a limited victory. Chief Justice John Marshall ruled that the Indians were subject to the laws of the United States, which, in turn, was responsible to protect their rights. The Cherokee were not, he said, subject to the laws of individual states in the U.S. In other words, according to John Marshall, individual states could not make laws that applied to the Indian people within their borders. In addition, Marshall ruled that Georgia could not make laws that took away the Cherokee's land. Marshall summed up his position in this way, "The Cherokee nation, then, is a distinct community, occupying its own territory...in which the laws of Georgia can have no force, and the citizens of Georgia have no right to enter, but with the assent [agreement] of the Cherokees themselves..."

3. Why do you think Chief John Ross took his case to the Supreme Court?

4. In your own words, summarize the Supreme Court/John Marshall's ruling.

President Jackson's Response

President Jackson refused to enforce the Supreme Court ruling. He said, "John Marshall has made his decision; now let him enforce it." Jackson believed that the Cherokee were in the way of American expansion and "progress." In addition, the settlers who wanted Cherokee land were voters who had elected Jackson to office and he wished to keep their support.

No matter how hard the Cherokee tried to make their civilization match the whites who surrounded them, they would still be required to evacuate their farms and territory. On May 28, 1830, President Jackson signed the Indian Removal Act. It gave him the power to make new treaties with all the tribes east of the Mississippi. These treaties forced the tribes to give up their lands in the East for new lands in the West.

5. Why did President Andrew Jackson refuse to accept and enforce the Supreme Court/John Marshall's ruling?

6. What action did Jackson take in order to force the tribes to give up their lands?

Two Choices for the Cherokee

These actions of the United States government forced the Cherokee into making a difficult decision that divided them into two groups.

One group argued that they should **not** give up the land “of their ancestors” and promoted continuing to resist the demand that they leave. The resistance ranged from continued efforts to convince government leaders in Washington to save the Cherokee nation to going into hiding out in the wilderness areas near the Cherokee homeland, hoping to avoid capture by the U.S. soldiers.

Other Cherokee, who came to be called the “Treaty Party,” which was led by several members of the Ridge family, came to the conclusion that the longer they resisted the move, the more the tribe would be hurt. They argued that it was time to admit defeat, give up their lands, and move west. On December 29, 1835, the leaders of the Treaty Party signed a treaty ceding [giving up] all of their lands in exchange for \$5 million. After intense debate, the U.S. Senate ratified [approved] the treaty by a vote of 28-19. The House of Representatives vote was even tighter, but it passed at 101-97. The U.S. government promised to honor the Cherokee Nation's sovereignty in the new land and to protect its tribe from future trespasses by white settlers.

After the treaty was signed, 80% of the tribe - almost 16,000 Cherokee - argued that they did not support the treaty and that Major Ridge, John Ridge and the Treaty Party had no authority to sign the treaty on behalf of the whole Cherokee Nation. Chief John Ross maintained that the Cherokee should continue to find ways to resist removal.

7. Why did Major Ridge and the “Treaty Party” sign a treaty with the U.S. government?

8. In your own words, summarize the two choices facing the Cherokee in 1838.

Primary Sources and Secondary Sources

Source #1 – In a letter to the U.S. Government, John Ridge described what was happening to the Cherokee in Georgia

"You [U.S. Government] asked us to give up hunting and fighting. We did so. You asked us to form a republican government. We did so. We used your own government as a model. You asked us to cultivate the earth and learn the white man's ways. We did so. You asked us to learn to read. We did so. You asked us to worship your God. We did so. And what is happening? Our people are being hunted and thrown out of their own homes... The State of Georgia is planning to hold a lottery to divide the Cherokee lands among whites." -- John Ridge, son of Major Ridge, 1832

Source #2 – A Cherokee's letter about problems the tribe would face if it left Georgia and moved to the territory west of the Mississippi River

"We wish to remain on the lands of our fathers...but if we are compelled to leave our country, we see nothing but ruin before us. The country to which we are told to go is unknown to us... All of the inviting parts of it are already occupied by various Indian nations, they would regard us as intruders, and look upon us with an evil eye...the greater part of the region is badly supplied with wood and water; and no Indian tribe can live as agriculturalists [farmers] without these articles." --from *Niles Week Register*, 38 (August 21, 1839)

Source #3 – President Jackson advises Major Ridge

"It is better for you and your people to leave Georgia. Contact with the white men can only bring you trouble. We will pay you for the land and give you land in the West. If you insist on remaining, you will only be driven off."
-- President Andrew Jackson, to Major Ridge, a Cherokee Chief, 1832

Source #4 – A report on what happened to other tribes that were moved to the West

"Widespread were the tales [that the Cherokee might have heard] of hardships and many deaths from cholera [a disease] during the removal of other southeastern tribes...Reports of cholera [outbreak] in the spring of 1834 reached the group of Cherokees who had enrolled [agreed] to be removed [to the lands west of the Mississippi]."
-- Russell Thornton, in **The Cherokees: A Population History**. University of Nebraska Press, 1990

Source #5 – A United States general described what was happening to the Cherokee in Georgia

"If I could...I would remove every Indian tomorrow, beyond the reach of the white man, who like vultures are watching, ready to pounce upon their prey, and strip them of everything they have or expect to have from the Government." --United States General John Ellis Wool, 1836, in
http://www.arkansaspreservation.org/pdf/publications/Cherokee_Removal.pdf

Source #6 – Indian removal process & Trail of Tears

By 1838, only about 2,000 Cherokees had left their Georgia homeland for the Indian Territory. President Martin Van Buren sent General Winfield Scott and 7,000 soldiers to expedite the removal process of the remaining 11,000 Cherokee. Scott and his troops forced the Cherokee into eleven internment camps at bayonet point while whites looted their homes and belongings. The Cherokee remained in the camps during the summer of 1838 and were plagued by dysentery and other illnesses, which led to 353 deaths. Then, the U.S. soldiers marched the Indians more than 1,200 miles to Indian Territory. Whooping cough, typhus, dysentery, cholera and starvation were epidemic along the way, and historians estimate that more than 5,000 Cherokee died as a result of the journey.
<http://www.history.com/topics/native-american-history/trail-of-tears>

Source #7 - This map shows the different routes, by land or water, the Cherokee might have used to move from Georgia to west of the Mississippi River. The traveling distance is approximately 850 miles. During the journey the Cherokee faced hunger, freezing temperatures, and disease.

Location of Cherokee Nation in the 1830s



Location of territory to where the Cherokees would be forced to migrate

Consider Sources #8 & #9 together.

Source #8 –The whole amount of Indian population, within the United States, east of the Mississippi, is estimated in this report at 105,060, and is divided as follows... Georgia 5,000...

Title: "Removal of the Indians" Probable Date: January, 1830 Author/Creator: Lewis Cass

Source #9–Total population of the United States and Territories 12,858,670

Title: "Returns of the Fifth Census" Date: 1832 Author/Creator: Clerk of the House of Representatives