LET FREEDOM RING

Cherokee Removal: The Trail of Tears and the Loss of Freedom

NEW YORK STATE SOCIAL STUDIES CORE CURRICULUM, GRADE 11:
UNITED STATES AND NEW YORK STATE HISTORY

UNIT TWO  Constitutional Foundations For The United States Democratic Republic
II. The Constitution Tested: Nationalism And Sectionalism
2. Equal rights and justice: expansion of franchise; search for minority rights; expansion
   of slavery; abolitionist movement; the underground railroad; denial of Native American
   Indian rights and land ownership
   c. Native Americans
   (1) History of Indian relations from 1607
   (2) Native American cultural survival strategies (cultural adaptation, cultural
       revitalization movements, Pan-Indian movements, resistance)
   (3) The removal policy: Worcester v. Georgia, 1832
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INTRODUCTION

The Cherokee were considered to be part of the “Five Civilized Tribes,” which also included the Chickasaw, Choctaw, Creek, and Seminole. They were historically an agrarian people who lived in settled communities and were considered “civilized” by Americans because they assimilated into white culture, adopting European dress, farming and homebuilding. Some Cherokee, like Americans, owned slaves. Sequoyah, a Cherokee leader, created a syllabary, a Cherokee written language, in 1821. Literacy quickly spread among the Cherokee and The Cherokee Phoenix newspaper was published. In 1827, they had created a government modeled after the U.S. Constitution.

At the same time the Cherokee were assimilating many of the ideas of whites, gold was discovered on Cherokee territory and with the expansion of cotton production, many Georgians wanted to take control of Cherokee land.¹

Map 1: Land occupied by Southeastern Tribes, 1820s.


Key:

1. Seminole
2. Creek
3. Choctaw
4. Chickasaw
5. Cherokee
6. Quapaw
7. Osage
8. Illinois Confederation

¹ For background information on the Cherokee and the Trail of Tears, go to http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-2722
Relations between the Cherokee and the United States had been regulated by the Treaty of Hopewell, signed in 1785. It set the boundaries of Cherokee land and made American citizens subject to Cherokee laws within their land, but future treaties further reduced the land controlled by the Cherokee. In response to demands of whites for Cherokee land, Georgia passed laws extending its jurisdiction over it. President Andrew Jackson took office in 1829, supporting resettlement of Cherokee across the Mississippi into what is now Oklahoma.

GROUP ACTIVITY
For the debate on Indian Removal, break the students into small groups and give each group one document. Each group should respond to the questions below and present answers back to the full class.

The teacher can write the key points on the board and the class can debate which arguments are stronger and why.

1. Who is the author of the document?
2. In what year was the statement made?
3. Who was the audience for the statement?
4. What are the three main reasons the Indians should or should not be removed according to this author?
5. What evidence (if any) does the author present to support his reasons for or against removal?
6. What does the author predict will happen if relocation does or does not take place?
7. How does the author address the benefit of relocation for the white settlers?
8. How would you characterize the author’s attitude or assumptions about the Indian population or the white population?

WORCESTER V. GEORGIA (1832)
The Cherokee took their grievances to the Supreme Court when Georgia passed laws which took land from them and abolished their political institutions and laws. Initially in Cherokee Nation v. Georgia (1831), Chief Justice John Marshall rejected the Cherokees’s claims because the Court did not have jurisdiction over what he called a “domestic dependent nation.” This ruling established the sovereign claims of the Cherokee.

The following year, a new case was brought by Joseph Worcester, a missionary, who worked closely with Cherokee leaders and had advised them on their rights under the U.S. Constitution and Federal-Cherokee treaties. The Georgia government recognized Worcester’s and other missionaries’ importance to Cherokee resistance and passed a law banning white persons from Cherokee territory who had not first declared their loyalty to the state of Georgia, beginning March 1, 1831. Eleven days later, Georgia arrested Worcester and other missionaries for violating the law. Georgia eventually convicted Worcester and sentenced him to four years of hard labor. He appealed the decision with financial support from the Cherokee Nation.
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QUESTIONS TO CONSIDER

1. How does the ruling define the Cherokee Nation?
2. What does the concept of sovereignty for Cherokee imply?
3. What is the role of the U.S. government in relation to the Cherokee Nation?
4. What authority does Georgia have in the Cherokee Nation territories?
5. After Marshall’s decision, President Jackson is said to have responded, “The decision of the supreme court has fell stillborn. . . . The arm of the Government is not sufficiently strong to preserve [the Indians] from destruction.” What does this say about political power, and specifically as it relates to the Supreme Court and the President?

Worcester v. Georgia (1832)

Available online: http://www.pbs.org/weta/thewest/resources/archives/two/worcestr.htm

From the commencement of our government Congress has passed acts to regulate trade and intercourse with the Indians; which treat them as nations, respect their rights, and manifest a firm purpose to afford that protection which treaties stipulate. All these acts, and especially that of 1802, which is still in force, manifestly consider the several Indian nations as distinct political communities, having territorial boundaries, within which their authority is exclusive, and having a right to all the lands within those boundaries, which is not only acknowledged, but guaranteed by the United States . . . .

The Cherokee Nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter but with the assent of the Cherokees themselves or in conformity with treaties and with the acts of Congress. The whole intercourse between the United States and this nation is, by our Constitution and laws, vested in the government of the United States.

The act of the State of Georgia under which the plaintiff in error was prosecuted is consequently void, and the judgment a nullity . . . . The Acts of Georgia are repugnant to the Constitution, laws, and treaties of the United States.

They interfere forcibly with the relations established between the United States and the Cherokee Nation, the regulation of which according to the settled principles of our Constitution, are committed exclusively to the government of the Union.

They are in direct hostility with treaties, repeated in a succession of years, which mark out the boundary that separates the Cherokee country from

1 Jackson convinced the governor of Georgia to pardon Worcester and the other ministers, but he made no attempt to enforce the decision of the Supreme Court.
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Georgia; guarantee to them all the land within their boundary; solemnly pledge the faith of the United States to restrain their citizens from trespassing on it; and recognize the pre-existing power of the nation to govern itself.

They are in equal hostility with the acts of Congress for regulating this intercourse, and giving effect to the treaties.

NEW ECHOTA TREATY AND THE TRAIL OF TEARS

Cherokees continued to press for their rights in negotiations with the Federal Government. From 1833 to 1835, Principal Chief John Ross proposed a number of solutions, including sale of part of the Cherokee lands with Cherokees receiving the rights of whites in Georgia, including the right to vote, own property, hold office, and the right to testify at trial. When the government rejected this proposal, Ross offered to sell all Cherokee holdings for $20 million. But by this time, the Georgia government had nearly taken over all the Cherokee land and Ross had little time to negotiate before the land was gone.¹

At this time, a minority faction of the Cherokee organized the Treaty Party and began negotiations with the U.S. Government. An unelected group without authority, they believed removal was inevitable and signed the New Echota treaty with the U.S. Government in which the Cherokee would receive payment² for all their lands east of the Mississippi River and move to what is now Oklahoma. But they took the New Echota Treaty, as it came to be known, to the Cherokee National Council where it was rejected and then to a general meeting of the Cherokees, where it received 114 votes out of the thousands in attendance.

Nonetheless, Ridge and the other leaders of the Treaty Party signed the document and the U.S. Government narrowly ratified the Treaty. Ross organized the Cherokee against it, but that failed to stop its implementation.

In 1838, General Winfield Scott arrived in Georgia with approximately 7,000 men to enforce the provisions of this treaty, which forced the relocation of over 15,000 Cherokee to what is now Oklahoma. Approximately one-fourth of the Cherokees died en route in what became known as the “‘Trail of Tears.”

DOCUMENTS

F: Map of the route taken by the Cherokees
G: Account by John Burnett
I: Evan Jones, Baptist Missionary Account
J: Oral Accounts from Cherokee families
K: Journal of Ethan Allen Hitchcock

¹ One way in which the state of Georgia sought to compel the Cherokee Indians to leave their homeland was to pass a state law in 1832 that established a lottery by which the “fortunate drawers” would obtain Cherokee land that had been divided into numbered lots. Chief John Ross, the leader of the Cherokee Nation lost his extensive homestead in this manner in 1833. (Theda Perdue and Michael Green, “The Cherokee Nation and the Trail of Tears” (New York: Penguin Books, 2007), 99-100, 104-105.

² The Cherokees were supposed to receive $5 million for their lands. Many years later they would only get a small amount of money distributed to individual members.
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QUESTIONS TO CONSIDER ABOUT THESE SOURCES:
1. Who is the author and what was his or her role or relationship to the event?
2. How long after the event was this account supplied?
3. How could memory affect the telling of the story?
4. If the story was not a first-hand account, what information does it convey about the meaning of the event to the individual who is telling the story?
5. Who recorded or was the audience of the account?
6. How could the intended audience or recorder affect the telling of the story?
7. What other sources would you need to provide the fullest picture of the event?

HOMEWORK ASSIGNMENT
Write a 200 to 300-word newspaper account of the event, questioning and attributing the sources.
President Andrew Jackson

President Andrew Jackson, elected in 1828, was the first westerner and the first who didn’t come from a privileged background to ascend to the White House. He built his reputation as a military leader during the War of 1812, the Creek War (1814) and the First Seminole War (1817–19). Ironically, during the War of 1812 and the Battle of Horseshoe Bend, Jackson fought alongside Cherokee Principal Chief John Ross, who would become the leading figure in the fight against Cherokee removal.

President Jackson sent this message to Congress as it began to debate a bill to give him the power to remove the Cherokee and all Native Americans west of the Mississippi River.

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary [monetary] advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will incalculably strengthen the southwestern frontier and render the adjacent States strong enough to repel future invasions without remote aid. It will relieve the whole State of Mississippi and the western part of Alabama of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community . . .
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The present policy of the Government is but a continuation of the same progressive change by a milder process. The tribes which occupied the countries now constituting the Eastern States were annihilated or have melted away to make room for the whites. The waves of population and civilization are rolling to the westward, and we now propose to acquire the countries occupied by the red men of the South and West by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did or than our children are now doing? . . . .

Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement . . .

May we not hope, therefore, that all good citizens, and none more jealously than those who think the Indians oppressed by subjection to the laws of the States, will unite in attempting to open the eyes of those children of the forest to their true condition, and by a speedy removal to relieve them from all the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened.

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CATHARINE BEECHER PROTESTS INDIAN REMOVAL

With the availability of new printing techniques in the 1830s, circulars, or political statements became a popular and inexpensive means of distributing information. Covering two sides of one large page, circulars could be easily distributed at meetings or in post office boxes or mailed with letters. Although this circular was published anonymously, Catharine Beecher claimed authorship in her autobiography. The circular’s ideas came from the well-known Christian reformer and Indian rights advocate, Jeremiah Evarts, who had recently published his essays in the Washington, D.C., newspaper the National Intelligencer.


Addressed to benevolent Ladies of the U. States.

The present crisis in the affairs of the Indian nations in the United States demands the immediate and interested attention of all who make any claims to benevolence or humanity . . .

The following are facts of the case: This continent was once possessed only by the Indians, and earliest accounts represent them as a race numerous, warlike, and powerful. When our forefathers sought refuge from oppression on these shores, this people supplied their necessities, and ministered to their comfort; and though some of them, when they saw the white man continually encroaching upon their land, fought bravely for their existence and their country, yet often, too, the Indian has shed his blood to protect and sustain our infant nation . . .

Ever since the existence of this nation, our general government, pursuing the course alike of policy and benevolence, have acknowledged these people as free and independent nations, and has protected them in the quiet possession of their lands. In repeated treaties with the Indians, the United States, by the hands of the most distinguished statesmen, after purchasing the greater part of their best lands, have promised them “to continue the guarantee of the remainder of their country FOR EVER.” And so strictly has government guarded the Indian’s right to his lands, that even to go on to their boundaries to survey the land, subjects to heavy fines and imprisonment . . .

But the lands of this people are claimed to be embraced within the limits of some of our southern states, and as they are fertile and valuable they are demanded by the whites as their own possessions, and efforts are making to

1 For more information on Catharine Beecher, go to: http://www.pbs.org/onlyateacher/beecher.html.
dispossess the Indians of their native soil. And such is the singular state of
concurring circumstances, that 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 . . .

Unless our general government interferes to protect these nations, as by
solemn and oft-repeated treaties they are bound to do, nothing can save
them. The states which surround them are taking such measures as will
speedily drive them from their country, and cause their final extinction.

By enactments recently passed in some of these states it is decided that the
laws of these states shall be extended over the Indian territory in the course
of the next year (1830). And the following specimen of their laws will show
what will be the fate of the Indian when they take effect . . .

A small tract of wild and uncultivated land has been apportioned to them
principally beyond the Arkansas — a territory found by examination to
be deficient both in wood and water, which are articles of indispensable
necessity to emigrants and from whence the Indians who have been
persuaded to depart, are returning with dissatisfied complaints. To this
wild and unpromising resort it is proposed to remove 60,000 people, of all
ages, sexes, and condition; to break up all their existing social, political, and
religious associations; to expose them to the hunger, nakedness, sickness,
and distress of a long and fatiguing journey through unfrequented wilds;
to crowd into this narrow space different tribes, speaking divers languages,
and accustomed to different habits of life; and to place them under the
government of white agents, to be appointed by government. Here they
are expected to take up their residence, with no other hope than that they
have made their lands valuable by cultivation, they again must be driven
into still more distant wilds; for if our government cannot fulfill its treaties,
and protect them now, well they know it could not do it then. Is the thing
possible, that these 60,000 Indians can thus be stripped of all they hold
dear on earth, and in direct violation of oft-repeated treaties, and yet quietly
and unresistingly submit to such oppression and robbery? Does not the
very statement show that in effecting this wicked project, the “voice of our
brothers’ blood” would cry unto God from this guilty land?

December 1, 1829.
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VOCABULARY
burthensome, tranquility, aggregate, degradation, beggary

Speech of Senator Forsyth of Georgia on Indian Removal

THURSDAY, APRIL 15, 1830.
The Senate resumed the bill to provide for an exchange of lands with the Indians, and at three o'clock Mr. FORSYTH concluded in reply to Mr. FRELINGHUYSEN.

YET, doubting, as I do, the effect of this measure as a means of civilization, I shall vote for it, with a hope of relieving the States from a population useless and burthensome, and from a conviction that the physical condition of the Indians will be greatly improved by the change; a change not intended to be forced upon them, but to be the result of their own judgment, under the persuasions of those who are quite as anxious for their prosperity and tranquility, as the self-constituted guardians of their rights, who have filled this hall with essays and pamphlets in their favor. That all the Indians in the United States would be benefited by their removal beyond the States, to a country appropriated for their exclusive residence, cannot be doubted by any dispassionate man who knows their condition. With one or two remarkable exceptions, all the tribes are rapidly diminishing in number, from the operation of causes the State Governments either will not, or do not, choose to remove. The report made in 1820 to the War Department, by the agent, Morse, appointed to collect information on this subject, shows that there were then in New England two thousand five hundred and twenty-six Indians; in New York, five thousand one hundred and eighty-four; in Virginia, North and South Carolina, four hundred and ninety-seven; in Georgia, five thousand Cherokees; making an aggregate of thirteen thousand one hundred and seven in the old States. All these Indians, with the exception of the Cherokees in Georgia, are in a state of involuntary minority. Their property in the hands of trustees or agents, not chosen by themselves, but appointed for them, with but a nominal responsibility for the faithful performance of their duty. As individuals, they are responsible for crimes, and punishable in the courts of justice of the States. But they can neither sue nor be sued, contract nor be contracted with, without the intervention of these trustees. Without industry, and without incentives to improvement, with the mark of degradation fixed upon them by State laws; without the control of their own resources, depending upon a precarious, because ill-directed, agriculture, they are little better than the wandering gypsies of the old world, living by beggary or plunder.
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Cherokee Editor Elias Boudinot Opposes Removal, 1828

. . . Our last Washington papers contain a debate which took place in the House of Representatives, on the resolution, recommended by the Committee on Indian Affairs, published in the second Number of our paper. It appears that the advocates of this new system of civilizing the Indians are very strenuous in maintaining the novel opinion, that it is impossible to enlighten the Indians, surrounded as they are by the white population, and that they assuredly will become extinct unless they are removed. It is a fact which we would not deny, that many tribes have perished away in consequence of white population, but we are yet to be convinced that his will always be the case, in spite of every measure taken to civilize them. We contend that suitable measures to a sufficient extent have never been employed. And how dare these men make an assertion without sufficient evidence? What proof have they that the system which they are now recommending, will succeed? Where have we an example in the whole history of man, of a Nation or tribe removing in a body from a land of civil and religious means, to a perfect wilderness, in order to be civilized. We are fearful these men are building castles in the air, whose fall will crush those poor Indians who may be so blinded as to make the experiment. We are sorry to see that some of the advocates of this system speak so disrespectfully, if not contemptuously, of the present measures of improvement, now in successful operation among the Indians in the United States—the only measures too, which have been crowded with success and bid fair to meliorate the condition of the Aborigines . . .

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The following is a memorial (petition) from the Cherokee Nation sent to the U.S. Congress in December 1829 and published in their newspaper, The Cherokee Phoenix, on January 20, 1830.

To the honorable the senate and house of representatives of the United States of America, in congress assembled:

The undersigned memorialists, humbly make known to your honorable bodies, that they are free citizens of the Cherokee nation. Circumstances of late occurrence have troubled our hearts, and induced us at this time to appeal to you, knowing that you are generous and just. As weak and poor children are accustomed to look to their guardians and patrons for protection, so we would come and make our grievances known. Will you listen to us? Will you have pity on us? . . .

Brothers—we address you according to usage adopted by our forefathers, and the great and good men who have successfully directed the councils of the nation you represent—we now make known to you our grievances. We are troubled by some of your own people. Our neighbor, the state of Georgia, is pressing hard upon us, and urging us to relinquish our possessions for her benefit. We are told, if we do not leave the country, which we dearly love, and betake ourselves to the western wilds, the laws of the state will be extended over us, and the time, 1st of June, 1830, is appointed for the execution of the edict. When we first heard of this we were grieved and appealed to our father, the president, and begged that protection might be extended over us. But we were doubly grieved when we understood, from a letter of the secretary of war to our delegation, dated March of the present year, that our father the president had refused us protection, and that he had decided in favor of the extension of the laws of the state over us. This decision induces us to appeal to the immediate representatives of the American people. We love, we dearly love our country, and it is due to your honorable bodies, as well as to us, to make known why we think the country is ours, and why we wish to remain in peace where we are. The land on which we stand, we have received as an inheritance from our fathers, who possessed it from time immemorial, as a gift from our common father in heaven. We have already said, that when the white man came to the shores of America, our ancestors were found in peaceable possession of this very land. They bequeathed it to us as their children, and we have sacredly kept it as containing the remains of our beloved men. This right of inheritance we have never ceded, nor ever forfeited . . .

In view of the strong ground upon which their rights are founded, your memorialists solemnly protest against being considered as tenants at will,
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or as mere occupants of the soil, without possessing the sovereignty. We have already stated to your honorable bodies, that our forefathers were found in possession of this soil in full sovereignty, by the first European settlers; and as we have never ceded nor forfeited the occupancy of the soil and the sovereignty over it, we do solemnly protest against being forced to leave it, either by direct or indirect measures. To the land of which we are now in possession we are attached—it is our fathers’ gift—it contains their ashes—it is the land of our nativity, and the land of our intellectual birth. We cannot consent to abandon it, for another far inferior, and which holds out to us no inducements. We do moreover protest against the arbitrary measures of our neighbor, the state of Georgia, in her attempt to extend her laws over us, in surveying our lands without our consent and in direct opposition to treaties and the intercourse law of the United States, and interfering with our municipal regulations in such a manner as to derange the regular operations of our own laws. To deliver and protect them from all these and every encroachment upon their rights, the undersigned memorialists do most earnestly pray your honorable bodies. Their existence and future happiness are at stake—divest them of their liberty and country, and you sink them in degradation, and put a check, if not a final stop, to their present progress in the arts of civilized life, and in the knowledge of the Christian religion. Your memorialists humbly conceive, that such an act would be in the highest degree oppressive. From the people of these United States, who perhaps, of all men under heaven, are the most religious and free, it cannot be expected. Your memorialists, therefore, cannot anticipate such a result. You represent a virtuous, intelligent and Christian nation. To you they willingly submit their cause for your righteous decision.

Cherokee Nation, Dec. 1829.

Source: http://lincoln.lib.niu.edu/teachers/lesson5-groupd.html
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Map of the Trail of Tears
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John Burnett’s Story of the Trail of Tears
Available online at: http://www.cherokee.org/Culture/128/Page/default.aspx

John Burnett was an interpreter in the U.S. Army during the Trail of Tears. In this letter to his children on his eightieth birthday in 1890, he recounts the painful journey, from the stockade experience to the end, and expresses his horror.

The removal of Cherokee Indians from their life long homes in the year of 1838 found me a young man in the prime of life and a Private soldier in the American Army. Being acquainted with many of the Indians and able to fluently speak their language, I was sent as interpreter into the Smoky Mountain Country in May, 1838, and witnessed the execution of the most brutal order in the History of American Warfare. I saw the helpless Cherokees arrested and dragged from their homes, and driven at the bayonet point into the stockades. And in the chill of a drizzling rain on an October morning I saw them loaded like cattle or sheep into six hundred and forty-five wagons and started toward the west.

One can never forget the sadness and solemnity of that morning. Chief John Ross led in prayer and when the bugle sounded and the wagons started rolling many of the children rose to their feet and waved their little hands good-by to their mountain homes, knowing they were leaving them forever. Many of these helpless people did not have blankets and many of them had been driven from home barefooted.

On the morning of November the 17th we encountered a terrific sleet and snow storm with freezing temperatures and from that day until we reached the end of the fateful journey on March the 26th, 1839, the sufferings of the Cherokees were awful. The trail of the exiles was a trail of death. They had to sleep in the wagons and on the ground without fire. And I have known as many as twenty-two of them to die in one night of pneumonia due to ill treatment, cold, and exposure. Among this number was the beautiful Christian wife of Chief John Ross. This noble hearted woman died a martyr to childhood, giving her only blanket for the protection of a sick child. She rode thinly clad through a blinding sleet and snow storm, developed pneumonia and died in the still hours of a bleak winter night, with her head resting on Lieutenant Greggs saddle blanket . . .

The long painful journey to the west ended March 26th, 1839, with four-thousand silent graves reaching from the foothills of the Smoky Mountains to what is known as Indian territory in the West. And covetousness on the part of the white race was the cause of all that the Cherokees had to suffer . . .
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Chief John Ross sent Junaluska as an envoy to plead with President Jackson for protection for his people, but Jackson’s manner was cold and indifferent toward the rugged son of the forest who had saved his life. He met Junaluska, heard his plea but curtly said, “Sir, your audience is ended. There is nothing I can do for you.” The doom of the Cherokee was sealed. Washington, D.C., had decreed that they must be driven West and their lands given to the white man, and in May 1838, an army of 4,000 regulars, and 3,000 volunteer soldiers under command of General Winfield Scott, marched into the Indian country and wrote the blackest chapter on the pages of American history. Men working in the fields were arrested and driven to the stockades. Women were dragged from their homes by soldiers whose language they could not understand. Children were often separated from their parents and driven into the stockades with the sky for a blanket and the earth for a pillow. And often the old and infirm were prodded with bayonets to hasten them to the stockades . . .

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 4,000 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.
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Account of a traveler who signed himself “A Native of Maine,” The New York Observer, Jan. 1839
Available online at: http://marchand.ucdavis.edu/lessons/cherokee/cherokee.html

. . . On Tuesday evening we fell in with a detachment of the poor Cherokee Indians . . . about eleven hundred . . . We found them in the forest camped for the night . . . under a severe fall of rain . . . many of the aged Indians were suffering extremely from the fatigue of the journey, and ill health . . .

We found the road literally filled with the procession for about three miles in length. The sick and feeble were carried in wagons . . . multitudes go on foot — even aged females, apparently nearly ready to drop into the grave, were traveling with heavy burdens . . . on the sometimes frozen ground . . . with no covering for the feet . . . .They buried fourteen or fifteen at every stopping place . . . Some carry a downcast dejected look . . . of despair; others a wild frantic appearance as if about to . . . pounce like a tiger upon their enemies . . .

When I read in the President’s Message that he was happy to inform the Senate that the Cherokees were peaceably and without reluctance removed — and remember that it was on the third day of December when not one of the detachments had reached their destinations . . . I wished the President could have been there that very day . . .
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Account by Evan Jones

Evan Jones, a Baptist missionary and advocate for the Cherokee. He was Principal Chief John Ross' personal secretary in the summer of 1838 and an assistant conductor of a detachment of 1,250 Cherokee. During the Trail of Tears, he wrote letters to the Baptist Missionary Magazine describing the conditions they faced.

Camp Hetzel, near Cleveland, June 16

The Cherokees are nearly all prisoners. They have been dragged from their houses, and encamped at the forts and military posts, all over the nation. In Georgia, especially, multitudes were allowed no time to take any thing with them, except the clothes they had on. Well-furnished houses were left a prey to plunderers, who, like hungry wolves, follow in the train of the captors. These wretches rifle the houses, and strip the helpless, unoffending owners of all they have on earth. Females, who have been habituated to comforts and comparative affluence, are driven on foot before the bayonets of brutal men. Their feelings are mortified by vulgar and profane vociferations. It is a painful sight. The property of many has been taken, and sold before their eyes for almost nothing—the sellers and buyers, in many cases, being combined to cheat the poor Indians. These things are done at the instant of arrest and consternation; the soldiers standing by, with their arms in hand, impatient to go on with their work, could give little time to transact business. The poor captive, in a state of distressing agitation, his weeping wife almost frantic with terror, surrounded by a group of crying, terrified children, without a friend to speak a consoling word, is in a poor condition to make a good disposition of his property and is in most cases stripped of the whole, at one blow. Many of the Cherokees, who, a few days ago, were in comfortable circumstances, are now victims of abject poverty. Some, who have been allowed to return home, under passport, to inquire after their property, have found their cattle, horses, swine, farming-tools, and house-furniture all gone. And this is not a description of extreme cases. It is altogether a faint representation of the work which has been perpetrated on the unoffending, unarmed and unresisting Cherokees.

The principal Cherokees have sent a petition to Gen. Scott, begging most earnestly that they may not be sent off to the west till the sickly season is over. They have not received any answer yet. The agent is shipping them by multitudes from Ross's Landing. Nine hundred in one detachment, and seven hundred in another, were driven into boats, and it will be a miracle of mercy if one-fourth escape the exposure to that sickly climate. They were exceedingly depressed, and almost in despair.
LET FREEDOM RING

July 10

The work of capturing being completed, and about 3,000 sent off, the General has agreed to suspend the further transportation of the captives till the first of September. This arrangement, though but a small favor, diffused universal joy through the camps of the prisoners... 

December 30

We have now been on our road to Arkansas seventy-five days, and have travelled five hundred and twenty-nine miles. We are still nearly three hundred miles short of our destination. We have been greatly favored by the kind providence of our heavenly Father. We have as yet met with no serious accident, and have been detained only two days by bad weather. It has, however, been exceedingly cold for some time past, which renders the condition of those who are but thinly clad, very uncomfortable. In order, however, to counteract the effects of the severity of the weather in some degree, we have, since the cold set in so severely, sent on a company every morning, to make fires along the road, at short intervals. This we have found a great alleviation to the sufferings of the people.
LETT E R E D  F R E E D O M  R I N G

Cherokee Removal: The Trail of Tears and the Loss of Freedom

Oral Accounts from Cherokee Families

AGNEW, MARY COBB

May 25, 1937. An Interview with Mary Cobb Agnew; 917 North M Street; Muskogee, Oklahoma by Works Progress Administration Field Worker L.W. Wilson. (Wilson was part of a project to interview former slaves, American Indians and pioneer settlers.)

My name was Mary Cobb and I was married to Walter S. Agnew before the Civil War.

I was born in Georgia on May 19, 1840. My mother was a Cherokee woman and my father was a white man. I was only four years old when my parents came to the Indian Territory and I am now 93 years old.

My mother and father died when I was but seven years old and I was raised by an aunt, my mother’s sister. I never attended school and my education is practical except what I was taught by my husband.

Migration

My parents did not come to the Territory on the “Trail of Tears,” but my grandparents on my mother’s side did. I have heard them say that the United States Government drove them out of Georgia. The Cherokees had protested to the bitter end. Finally, the Cherokees knew that they had to go some place because the white men would kill their cattle and hogs and would even burn their houses in Georgia. The Cherokees came a group at a time until all got to the Territory. They brought only a few things with them traveling by wagon train. Old men and women, sick men and women would ride, but most of them walked and the men in charge drove them like cattle and many died enroute and many other Cherokees died in Tennessee waiting to cross the Mississippi River. Dysentery broke out in their camp by the river and many died, and many died on the journey, but my grandparents got through all right.

I have heard my grandparents say that after they got out of the camp, and even before they left Georgia, many Cherokees were taken sick and later died.

The Cherokees came through Tennessee, Kentucky, part of Missouri and then down to Indian Territory on the “Trail of Tears.”

Some Cherokees were already in the country around Evansville, Arkansas, before my grandparents came. They called them Western Cherokees. It was in 1838 when my grandparents came and I heard them say it was in the winter time and all suffered with cold and hunger.
LET FREEDOM RING

WHITMIRE, ELIZA

February 14, 1938

Interview with Eliza Whitmire (ex-slave), Estella, Oklahoma by Works Progress Administration field worker James Careseloway. (Careseloway was part of a project to interview former slaves, American Indian, and pioneer settlers.)

Discussing her experience of the removal of the Cherokees from Georgia and other experiences of pre-war days:

My name is Eliza Whitmire. I live on a farm, near Estella. Where I settled shortly after the Civil War and where I have lived ever since. I was born in slavery in the state of Georgia, my parents having belonged to a Cherokee Indian of the name of George Sanders, who owned a large plantation in the old Cherokee Nation in Georgia. He also owned a large number of slaves, but I was too young to remember how many he owned.

I do not know the exact date of my birth, although my mother told me I was about five years old when President Andrew Jackson ordered General Scott to proceed to the Cherokee country in Georgia with two thousand troops and remove the Cherokees by force to the Indian Territory. This bunch of Indians were called the Eastern Emigrants. The Old Settler Cherokees had moved themselves in 1835 when the order was first given to the Cherokees to move out.

THE TRAIL OF TEARS

The weeks that followed General Scott’s order to remove the Cherokees were filled with horror and suffering for the unfortunate Cherokees and their slaves. The women and children were driven from their homes, sometimes with blows and close on the heels of the retreating Indians came greedy whites to pillage the Indians’ homes, drive off their cattle, horses and hogs, and they even rifled the graves for any jewelry or other ornaments that might have been buried with the dead.

DIVIDED INTO DETACHMENTS

The Cherokees, after being driven from their homes, were divided into detachments of nearly equal size and late in October 1838, the first detachment started, the others following one-by-one. The aged, sick and the young children rode in the wagons, which carried the provisions and bedding, while others went on foot. The trip was made in the dead of winter and many died from exposure from sleet and snow, and all who lived to make this trip, or had parents who made it, will long remember it as a bitter memory.
Journal of Ethan Allen Hitchcock (1841)

Hitchcock went west to investigate the treatment of Cherokees during the removal and accusations of political corruption. He later published a highly critical report of the U.S. government’s Indian policy. In his journal, he describes his visits to many Cherokee homes and his interactions with them. Read the sections from his journal below and then answer the questions that follow.

24th, visited the school; Miss Hannah Moore from Connecticut, is a teacher; about 25 years of age not overly handsome, has about 30 scholars, all girls except one, ages from about 6 to 16, quite fair, some with light hair and eyes, recited in arithmetic, plain addition and multiplication examples. Saw some writing, pretty fair and heard some respectable reading—mean for any school. Girls behaved well, were under good discipline, well but plainly dressed. The whole expense of this establishment is paid by the Board of Foreign Missions at Boston. Teachers have no salary but are provided with everything. Storcs sent from Boston on estimates yearly from this place. Actual expense here for farming, etc., paid by drafts on Boston. I do not think I saw any but mixed blood in school. . . .

Mr. F.[field] says the people elect the members of the Committee and Council for two years; they elect the sheriffs also, two committees and council and one sheriff for each of the 8 districts. The people elect the principal chief and assistant principal chief; and the committee and council act upon the nomination of the judges by the principal chief. They have a Supreme Court and Circuit Courts and other inferior Courts. The present committee and council is the first under the new constitution. In cases of appeal from the Circuit Court, the papers are sealed and passed by the Sheriff to the upper court. All proceedings are recorded. . . .

As we approached Tallequah we met several persons riding out, two women among them, well dressed and covered with shawls, the men well dressed with hats and all are riding good horses. These people, said I, don’t look very wild. Mr. Drew was flattered. Presently we met another party and among them I found one of the Vann’s, the Treasurer of the Nation, whom I knew in Washington last summer. We shook hands cordially.

As we came in sight of the capital, I saw a number of log houses arranged in order with streets; or one street at all events, was clearly visible but the houses were very small. One house was painted: “The Council sit there”—“The Committee sit there”; (some distance off) “to the left, the principal chief stays”—we saw a number of people “There are cooks, public cooks we call them” said Mr. Drew, “along those houses, meat etc., is furnished to them and they cook for the public. Everybody can go to the public tables. See there,” said he, “you see some eating dinner.” I saw some 20 at one table. “The nation pays the expense.” We passed the centre of the town, “I live” said Mr. Drew “with a cousin over yonder. You had better go to Mr. Wolfe’s on the hill” pointing in the direction I was riding. He politely offered to show me everything and we parted. . . .
LET FREEDOM RING

QUESTIONS
1. Based on Hitchcock’s journal (Document K), what is the state of Cherokee society?
2. List three examples of Cherokee institutions that show signs of the renewal of the society . . .
3. Why do you think the Cherokee were able to rebuild their society so quickly after the Trail of Tears?

THE AFTERMATH
Despite the hardships of the Trail of Tears and the deaths of thousands, the Cherokee Nation survived and eventually thrived in Oklahoma. The New Settlers, as the survivors of the Trail of Tears became known, were reunited with other Cherokee known as the Old Settlers, who had left earlier. Also in Oklahoma were supporters of the Treaty Party, whose leaders were assassinated by extremist New Settlers. The Civil War further divided the Cherokees between supporters of the Union and the Confederacy. The decision of John Ross and the Cherokee government to ally themselves with the Confederacy cost them dearly when the U.S. government abrogated their treaties after the war. They have, however, survived the loss of tribal government, and white settlement and statehood for Oklahoma in 1907. In the 1990s, the Cherokee numbered 250,000 in Oklahoma and 10,000 in North Carolina, a separate tribe whose ancestors retained control of their land.

The Cherokee Nation provides an extensive history on their website at: http://www.cherokee.org/Culture/History/Default.aspx
LET FREEDOM RING

DISCOVERING HISTORY IN TODAY’S NEW YORK TIMES

1. Find in The Times coverage of incidents in which people have been mistreated by the government, such as violations of human or civic rights. What are the actions? Who is the target group? How has the group responded? How has the situation been characterized in the newspaper? Are all sides and all voices represented equally? Write an Op-Ed article on the topic, noting parallels to the removal of the Cherokee from their land where appropriate.

2. How does language both mirror and shape our perspectives and treatment of others? Analyze several articles, both news and opinion, in The New York Times for linguistic style, noting how people and groups are depicted, particularly minorities, by the reporters and by those quoted. Compare these articles to the language in the documents about the Trail of Tears, especially references to the Cherokee. Then rewrite one of the historical documents as you imagine it would be written today, in the style of a Times article. Finally, write a reflection on whether, and to what extent, you think popular use of language played a role in the oppression of the Cherokee.

3. In The Times, read up on a U.S. or foreign government policy designed to be “benevolent” but in reality oppressive. Then write a monologue from the point of view of a person negatively affected by the policy, and perform it for a partner acting as a government representative. In your roles, have a dialogue about the topic and see whether sharing personal experiences can lead to a new understanding or compromise.