

DBQ: Indian Removal Act and the Trail of Tears
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Directions: The following question is based on the accompanying documents (1-9). Some of these documents have been edited for the purpose of these exercises. This question is designed to test your ability to work with historic documents. As you analyze the documents, take into account both the sources of the document and the author's point of view.

Question: Based on the documents that you study below and the text of the 5th Amendment to the U. S. Constitution answer the following question.

The state of Georgia and the government of the United States were justified in forcing the Indian tribes east of the Mississippi River to leave their homelands and to move to the Oklahoma territory. Do you agree or disagree with this statement? Justify your position!

Trail of Tears: Historical Context

Beginning in 1791 a series of treaties between the United States and the Cherokees living in Georgia gave recognition to the Cherokee as a nation with their own laws and customs. Nevertheless, treaties and agreements gradually whittled away at this land base, and in the late 1700s some Cherokees sought refuge from white interference by moving to northwestern Arkansas between the White and Arkansas Rivers. As more and more land cessions were forced on the Cherokees during the first two decades of the 1800s, the number moving to Arkansas increased. Then in 1819, the Cherokee National Council notified the federal government that it would no longer cede land, thus hardening their resolve to remain on their traditional homelands.

The Cherokee situation was further complicated by the issue of states' rights and a prolonged dispute between Georgia and the federal government. In 1802, Georgia was the last of the original colonies to cede its western lands to the federal government. In doing so, Georgia expected all titles to land held by Indians to be extinguished. However, that did not happen, and the Principal People continued to occupy their ancestral homelands, which had been guaranteed to them by treaty.

Georgia residents resented the Cherokees' success in holding onto their tribal lands and governing themselves. Settlers continued to encroach on Cherokee lands, as well as those belonging to the neighboring Muscogee (Creek) Indians. In 1828, Georgia passed a law pronouncing all laws of the Cherokee Nation to be null and void after June 1, 1830, forcing the issue of states' rights with the federal government. Because the state no longer recognized the rights of the Cherokees, tribal meetings had to be held just across the state line at Red Clay, Tennessee.

When gold was discovered on Cherokee land in northern Georgia in 1829, efforts to dislodge the Principle People from their lands were intensified. At the same time President Andrew Jackson began to aggressively implement a broad policy of extinguishing Indian land titles in affected states and relocating the Indian population.

In 1830 Congress passed the Indian Removal Act, which directed the executive branch to negotiate for Indian lands. This act, in combination with the discovery of gold and an increasingly

untenable position within the state of Georgia, prompted the Cherokee Nation to bring suit in the U.S. Supreme Court. In *United States v. Georgia* (1831) Chief Justice John Marshall, writing for the majority, held that the Cherokee nation was a "domestic independent nation," and therefore Georgia state law applied to them.

The state of Georgia continued to press for Indian Lands, and a group of Cherokees known as the Treaty Party began negotiating a treaty with the federal government. The group, led by Major Ridge and including his son John, Elias Boudinot, and his brother Stand Watie, signed a treaty at New Echota in 1835. Despite the majority opposition to this treaty - opposition that was led by Principal Chief John Ross - the eastern lands were sold for \$5 million, and the Cherokees agreed to move beyond the Mississippi River to Indian Territory. The senate ratified the treaty despite knowledge that only a minority of Cherokees had accepted it. Within two years the Principal People were to move from their Ancestral homelands.

President Martin Van Buren ordered the implementation of the Treaty of New Echota in 1838, and U.S. Army troops under the command of General Winfield Scott began rounding up the Cherokees and moving them into stockades in North Carolina, Georgia, Alabama, and Tennessee. Altogether 31 forts were constructed for this purpose - 13 in Georgia, five in North Carolina, eight in Tennessee, and five in Alabama. All of the posts were near Cherokee towns, and they served only as temporary housing for the Cherokees. As soon as practical, the Indians were transferred from the removal forts to 11 internment camps that were more centrally located - 10 in Tennessee and one in Alabama.

Document 1

The Removal Act **28 May 1830**

An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.

On May 26, 1830, the Indian Removal Act of 1830 was passed by the Twenty-First Congress of the United States of America. After four months of strong debate, Andrew Jackson signed the bill into law. Land greed was a big reason for the federal government's position on Indian removal. This desire for Indian lands was also abetted by the Indian hating mentality that was peculiar to some American frontiersman.

This period of forcible removal first started with the Cherokee Indians in the state of Georgia. In 1802, the Georgia legislature signed a compact giving the federal government all of her claims to western lands in exchange for the government's pledge to extinguish all Indian titles to land within the state. But by the mid-1820's Georgians began to doubt that the government would withhold its part of the bargain. The Cherokee Indian tribes had a substantial part of land in Georgia that they had had for many generations though. They were worried about losing their land so they forced the issue by adopting a written constitution. This document proclaimed that the Cherokee nation had complete jurisdiction over its own territory.

But by now Indian removal had become entwined with the state of Georgia's rights and the Cherokee tribes had to make their claims in court. When the Cherokee nation sought aid from

newly elected president Andrew Jackson, he informed them that he would not interfere with the lawful prerogatives of the state of Georgia. Jackson saw the solution of the problem with the removal of the Cherokee tribes to lands west. This would keep contact between Indians and colonists rare. He suggested that laws be past so that the Indians would have to move west of the Mississippi river.

Similar incidents happened between the other "civilized" tribes and white men. The Seminole tribe had land disputes with the state of Florida. The Creek Indians fought many battles against the federal army so they could keep their land in the states of Alabama and Georgia. The Chickasaw and Choctaw had disputes with the state of Mississippi. To ensure peace the government forced these five tribes called the Five Civilized Tribes to move out of their lands that they had lived on for generations and to move to land given to them in parts of Oklahoma. Andrew Jackson was quoted as saying that this was a way of protecting them and allowing them time to adjust to the white culture. This land in Oklahoma was thinly settled and was thought to have little value. Within 10 years of the Indian Removal Act more than 70,000 Indians had moved across the Mississippi. Many Indians died on this journey.

1. **Why did Georgia want to remove the Indians from its territory?**
2. **What was the reaction of the Cherokee?**
3. **How would you have reacted if you were a Cherokee during this period?**

Document 2

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Title: Worcester v. Georgia

Year Published: 1832

Author: U.S. Government

Worcester v. Georgia

1832

MARSHALL, C. J. This cause, in every point of view in which it can be placed, is of the deepest interest.

The defendant is a State, a member of the Union, which has exercised the powers of government over a people who deny its jurisdiction, and are under the protection of the United States.

The plaintiff is a citizen of the State of Vermont, condemned to hard labor for four years in the penitentiary of Georgia under color of an act which he alleges to be repugnant to the Constitution, laws, and treaties of the United States.

The legislative power of a State, the controlling power of the Constitution and laws of the United States, the rights, if they have any, the political existence of a once numerous and powerful people, the personal liberty of a citizen, all are involved in the subject now to be considered. . . .

We must inquire and decide whether the act of the Legislature of Georgia under which the plaintiff in error has been persecuted and condemned, be consisted with, or repugnant to the Constitution, laws and treaties of the United States.

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 judgement 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.

Judgement reversed.

- 4. Who is the defendant?**
- 5. What is the issue?**
- 6. What is the judgement of the court?**

Document 3 Statement

“The way, the only way, to stop this evil is for the red man to unite in claiming a common and equal right in the land, as it was first, and should be now, for it was never divided.

We gave them forest-clad mountains and valleys full of game, and in return what did they give our warriors and our women? Rum, trinkets, and a grave.

Brothers – My people wish for peace; the red men all wish for peace; but where the white people are, there is no peace for them, except it be on the bosom of our mother. Where today are the Pequot?

Where today are the Narrangansett, the Mohican, the Pakanoket, and many other once powerful tribes of our people?

They have vanished before the avarice and the oppression of the White Man, as snow before a summer sun.”

■ Tecumseh

- 7. What is Tecumseh’s attitude toward the White Man? Why?**

8. What do you think has happened to these once powerful Tribes?
9. What has the white man done to the land and environment?

Document 4

Map of Cherokee Removal Routes



10. Why do you think that there was more than one removal route?
11. Which of the routes would have been most difficult? Why?
12. Would weather and time of year had an influence on how difficult the move was?

Document 5 Timeline

1838-1839

1838	
February	15,665 people of the Cherokee Nation memorialize congress protesting the Treaty of New Echola.
March	Outraged American citizens throughout the country memorialize congress on behalf of the Cherokee.
April	Congress tables memorials protesting Cherokee removal. Federal troops ordered to prepare for roundup.
May	Cherokee roundup begins May 23, 1838. Southeast suffers worst drought in recorded history. Tsali escapes roundup and returns to

	North Carolina.
June	First group of Cherokees driven west under Federal guard. Further removal aborted because of drought and "sickly season."
July	Over 13,000 Cherokees imprisoned in military stockades awaiting break in drought. Approximately 1500 die in confinement.
August	In Aquohee stockade Cherokee chiefs meet in council, reaffirming the sovereignty of the Cherokee Nation. John Ross becomes superintendent of the removal.
September	Drought breaks: Cherokee prepare to embark on forced exodus to Indian Territory in Oklahoma. Ross wins additional funds for food and clothing.
October	For most Cherokee, the "Trail of Tears" begins.
November	Thirteen contingents of Cherokees cross Tennessee, Kentucky and Illinois. First groups reach the Mississippi River, where there crossing is held up by river ice flows.
December	Contingent led by Chief Jesse Bushyhead camps near present day Trail of Tears Park. John Ross leaves Cherokee homeland with last group: carrying the records and laws of the Cherokee Nation. 5000 Cherokees trapped east of the Mississippi by harsh winter; many die.
1839	
January	First overland contingents arrives at Fort Gibson. Ross party of sick and infirm travel from Kentucky by riverboat.
February	Chief Ross's wife, Quati, dies near Little Rock, Arkansas on February 1, 1839.
March	Last group headed by Ross, reaches Oklahoma. More than 3000 Cherokee die on Trail of Tears, 1600 in stockades and about the same number en route. 800 more die in 1839 in Oklahoma.
April	Cherokees build houses, clear land, plant and begin to rebuild their nation.
May	Western Cherokee invite new arrivals to meet to establish a united Cherokee government.
June	Old Treaty Part leaders attempt to foil reunification negotiations between Ross and Sequoyah. Treaty Party leaders John Ridge, Major Ridge and Elias Boudinot assassinated.
July	Cherokee Act of Union brings together the eastern and western Cherokee Nations on July 12, 1839.
August	Stand Watie, Brother of Boudinot, pledges revenge for deaths of party leaders.
September	Cherokee constitution adopted on September 6, 1839. Tahlequah established as capital of the Cherokee Nation.

13. What does the timeline tell you about the conditions faced by the Cherokee along the Trail of Tears?
14. How did weather impact the move west?
15. What did the Cherokee do once they arrived in Oklahoma?

Document 6 Poem

Trail of Tears

We walked that trail,
the tears in our eyes,
dragging our feet in weariness.
How could we have believed all their lies?
Leaving nothing but blood,
they slaughtered our mothers and daughters,
and after all was gone,
they claimed this land was their "Father's."
the Trail of Tears. We believed their evil smiles,
and believed that they would save us,
and now we know the truth,
nothing can save the lost.
They took our spirit,
and fulfilled our every fear,
killed our hope,
and now we walk

The Legend of the Cherokee Rose

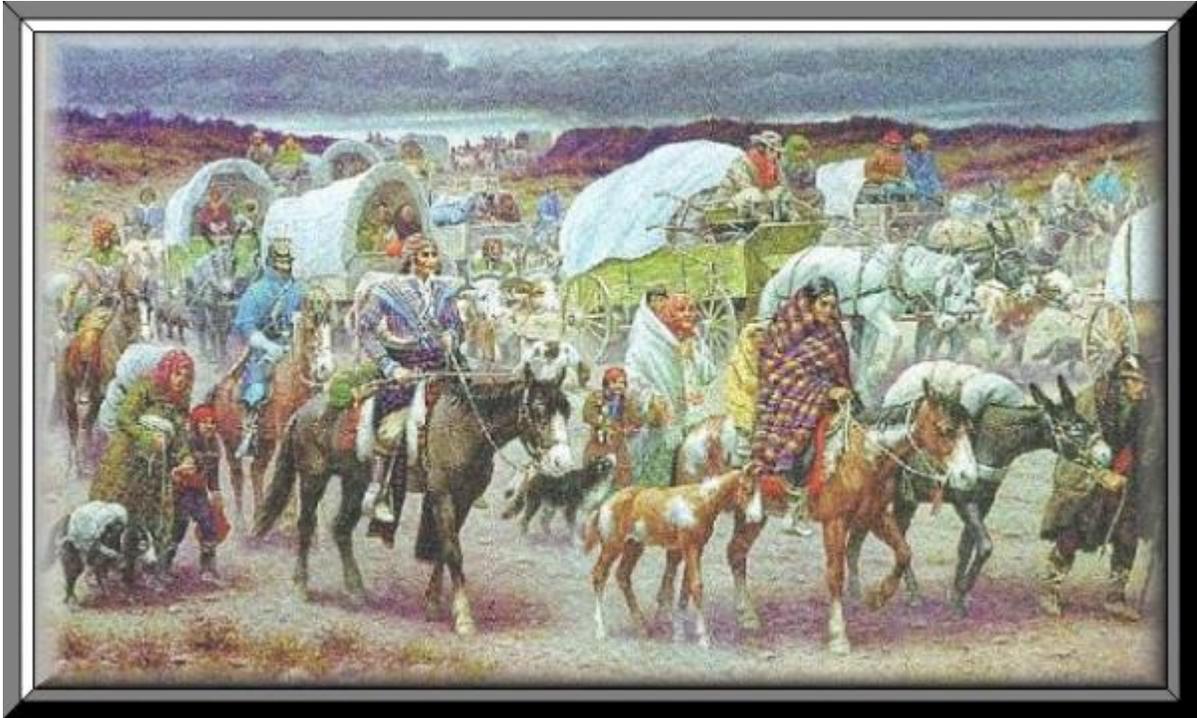
- 16. What was travel like along the Trail of Tear's according to the poem?**
- 17. Who was the cause of these hardships?**
- 18. What impact did it have on Cherokee Rose?**

Document 7 Painting (Cowboy Hall of Fame, Oklahoma City)



19. How does this picture symbolize the impact that the Trail of Tears had on the Cherokee Nation?
20. How does this picture symbolize the impact that the move had on animals?

Document 8 Painting (Robert Lindnoux)



21. How does this picture on the Trail of Tears differ from the one of the Indian warrior?
22. What similarities and differences do you see?
23. How difficult do you think this journey would have been?



Document 9

24. Whose picture is on the twenty dollar bill?
25. How did this person relate to the Indian Removal Act and its impact on the Cherokee Nation?
26. What was his view toward Native Americans?

Fifth Amendment Text

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

DBQ Question: Based on the documents that you have studied and the text of the 5th Amendment to the U S Constitution answer the following question.

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