

DBQ - Indian Removal (1785 - 1838)

Historical Background

In January 1830, a bill entitled the **Indian Removal Act** was introduced into Congress and strongly supported by President Andrew Jackson. It proposed that Congress open talks with the Indian tribes in the Southeastern United States. The object was first, to take their lands. Then the U.S. government would force these Indians to relocate west. They would move beyond the Mississippi River to the area we know today as Oklahoma.

At this time, approximately 100,000 Native Americans lived among five major tribes in the southeastern United States. One of these tribes, the Cherokee lived in northern Georgia and western North Carolina. Many Cherokee had gone far in accepting the values and lifestyles of U.S. white society. Most had learned to read and write. The Cherokee even had their own written language, newspaper, and a constitution modeled on the U.S. Constitution.

Beginning in 1785 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. Georgia residents resented the Cherokees' success in holding onto their tribal lands and governing themselves. When gold was discovered on Cherokee land in northern Georgia in 1829, efforts to dislodge the Cherokees from their lands were intensified.

The Georgia legislature eventually passed a law that denied the right of the Cherokees to rule themselves and pronounced all laws of the Cherokee Nation to be null and void after June 1, 1830. This law also divided Cherokee lands for future settlement by other people of Georgia. The Cherokees were alarmed. They began efforts to protect themselves and their treaty rights. They quickly filed suit in federal court asking the U.S. government to protect their treaty rights from being violated by the state of Georgia.

As the state of Georgia continued to press for Indian Lands, a group of Cherokees known as the Treaty Party began negotiating a treaty with the federal government. The group, led by Major Ridge signed a treaty at New Echota in 1835. Despite the majority opposition to this treaty, 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 Native Americans were to move from their Ancestral homelands.

Use the documents provided and the conditions of your military conflict hypothesis to address the following:

Resolved: The government of the United States was justified in using military force to remove Native American tribes and relocate them west of the Mississippi River.

Primary Source Analysis - Keep in mind the following as you review each of the upcoming document based questions.

Step 1 - Examination

- Identify the title, date(s), and author(s) of the document.

Step 2 - Document Information

- Why do you think this document was written?
- What evidence in the document helps you to know why it was written?

Step 3 - Analysis

- What does this document tell you about life in the United States at the time it was written?

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Document 1

Background: On November 28, 1785, the Treaty of Hopewell was signed between the U.S. representative Benjamin Hawkins and the Cherokee Indians at the plantation of Andrew Pickens on the Seneca River in northwestern South Carolina. The treaty laid out a western boundary where white settlement would not be allowed to expand.

Treaty at Hopewell, 1785 Excerpts from Treaty at Hopewell with the Cherokee Nation, November 28, 1785

ARTICLE V.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands westward or southward of the said boundary which are hereby allotted to the Indians for their hunting grounds, or having already settled and will not remove from the same with six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not as they please...

ARTICLE XII.

That the Indians may have full confidence in the justice of the United States, respecting their interests, they shall have the right to send a deputy of their choice, whenever they think fit, to Congress.

Question(s):

- 1) How does this Treaty protect Indian lands?
- 2) What rights do the Cherokee have if the terms of the Treaty are violated?

Document 2

Background - Andrew Jackson became president in 1829. Right away, he had to face the growing conflict between the state of Georgia and the Cherokee Indians who lived in the state. The Cherokee appealed to President Jackson for help and asked him to enforce treaties and protect them from the demands of Georgia.

Andrew Jackson, Annual Message to Congress December 8, 1829

"The condition and ulterior destiny of the Indian tribes within the limits of some of our States have become objects of much interest and importance.... A portion... of the Southern tribes, having mingled much with the whites and made some progress in the arts of civilized life, have latterly attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereign power within their territories, extended their laws over the Indians, which induced [caused] the latter [Indians] to call upon the United States for protection.

The Constitution declares that "no new State shall be formed or erected within the jurisdiction of any other State" without the consent of its legislature.... Actuated[moved to action] by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government would not be [accepted] by the Executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those States.

Question(s):

- 3) What problem exists between the Southern tribes and the states of Georgia and Alabama?
- 4) **Analysis:** What solution to the conflict did President Jackson propose? Why? Explain your support or opposition to President Jackson's solution.

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Document 3

Cherokee Appeal to Congress December 1829

To the honorable senate and house of representatives of the United States of America...[This] is the land of our nativity, and the land of our... birth. We cannot consent to abandon it, for another far inferior, and which holds out to us no inducements [attractions]. We...protest against the... 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.. law of the United States...To deliver and protect [us] from all these and every encroachment upon [our] rights, [we] do most earnestly pray...

Question:

5) What is the reasoning for the Cherokee appeal (request) to Congress?

Document 4

Indian Removal Act (excerpts) January 1830

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 of 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 of 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..

Question(s):

6) What is the Act's expectation of Native American tribes living east of the Mississippi River?

7) **Analysis:** What would be the impact of the Indian Removal Act on Native American tribes already living west of the Mississippi River?

Document 5

Senator Theodore Frelinghuysen, speaking during Senate debate on Indian Removal Bill, April 1830

"God, in his providence, planted these tribes on this...continent...before Great Britain herself had a political existence...we cannot rightfully compel the cession [Indian] lands, or take them by violence, [without] consent.

Do the obligations of justice change with the color of the skin? Is it one of the prerogatives of the white man, that he may disregard the dictates of moral principles, when an Indian shall be concerned? No, sir.

The...Indian [over many years] listened to our professions of friendship; Millions after millions [acres of land] he has yielded to [us]...until we have acquired more than can be cultivated in centuries-and yet we crave more. We have crowded the tribes upon a few miserable acres...it is all that is left to them of their once boundless forests: and still...our [never satisfied greed] cries, Give! Give!

Question:

8) What, according to Senator Frelinghuysen, is the real reason why the U.S. government wants to relocate the Cherokees and other tribes, west beyond the Mississippi River?

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Document 6

Cherokee Nation to the People of the United States July of 1830.

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...guaranty our residence, and our privileges and secure us against intruders. Our only request is, that these treaties...and...laws [be] 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, and look upon us with an evil eye. 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, in case of our removal, though crowded into our near vicinity, would speak a language totally different from ours, and practice different customs. The original possessors of that region have always been at war, and would be easily tempted to turn their arms against peaceful emigrants.

Question:

9) What problems do the Cherokee see for themselves if they move west beyond the Mississippi River?

Document 7

ANDREW JACKSON, 2nd Annual Address to Congress 1830

The consequences of a speedy removal will be important to the United States, to individual States and to the Indians themselves...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 invasion 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 State; enable them to pursue happiness in their own way, and under their own rude institutions; will retard the progress of decay...and through the influence of good, counsels...To cast off their savage habits, and become an interesting, civilized and Christian community.

Questions:

10) Why does Jackson think that the speedy removal of the Native Americans is advantageous for the United States?

11) Why does Jackson think that the speedy removal of the Native Americans is advantageous for the Native Americans?

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Document 8

Background - In 1831, Georgia passed a law requiring all whites living in Cherokee territory to obtain a license and swear allegiance to the state. Samuel A. Worcester and Elizur Butler, two New England missionaries, refused to obey the law. They were arrested by the state of Georgia and sentenced to 4 years imprisonment.

Chief Justice of the United States Supreme Court, John Marshall, Majority opinion in Worcester vs. State of Georgia, 1832

The Acts of Georgia are repugnant (disgusting) to the Constitution, laws, and treaties of the United States....The Cherokee nation...is a distinct community, occupying its own territory... 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....

Questions:

- 12) What is the opinion of the Supreme Court with regards to the Cherokee nation and its territory?
- 13) **Analysis:** How does the opinion of the Supreme Court with regards to the Cherokee conflict with President Jackson's opinion in Document 2?

Document 9

President Andrew Jackson, letter to General John Coffee on the ruling in Worcester v. Georgia April 7th, 1832

"John Marshall has made his decision, now let him enforce it...."

The decision of the supreme court has fell still born and they find they cannot coerce [persuade] Georgia to yield [surrender] to its mandate [order]....if orders were issued tomorrow, one regiment militia could not be got to march to save them [Cherokee] from destruction...and if a collision was to take place between them and the Georgians, the arm of the government is not sufficiently strong to preserve them [Cherokee] from destruction..."

Question:

- 14) **Analysis:** What does the above statement tell you about President Jackson with regards to his opinion of the Supreme Court's decision and the future status of the Cherokee nation?

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Document 10

Excerpts from the Treaty of New Echota, December 29, 1835

On February 28, 1835, a minority delegation of the Cherokee nation and the United States government created a treaty, which provided the Cherokee with compensation for their removal from Georgia. Below are excerpts from this treaty.

ARTICLE 1. The Cherokee nation hereby cede [give up] and convey to the United States all the lands owned claimed or possessed by them east of the Mississippi river, and hereby release all their claims upon the United States...in consideration of the sum of five millions of dollars...

ARTICLE 6. ...The United States agree to protect the Cherokee nation from domestic strife [disputes] and foreign enemies and against intestine wars between the several tribes. The Cherokees shall endeavor to preserve and maintain the peace of the country and not make war upon their neighbors...

ARTICLE 8. The United States also agree and stipulate [provide] to remove the Cherokees to their new homes and to subsist them one year after their arrival there and that sufficient number of steamboats and baggage wagons shall be furnished to remove them comfortably, and so as not to endanger their health, and that a physician well supplied with medicines shall accompany each detachment of emigrants removed by the Government.

Question:

15) What promises does the U.S. government make to the Cherokee indians?

Document 11

Gen. Winfield Scott's Proclamation to the Cherokee People 10 May 1838

Cherokees! The President of the United States has sent me with a powerful army, to cause you, in obedience to the Treaty of 1835, to join that part of your people who have already established in prosperity on the other side of the Mississippi.

My troops already occupy many positions in the country that you are to abandon, and thousands and thousands are approaching from every quarter, to render resistance and escape alike hopeless. ...Obey them when they tell you that you can remain no longer in this country. Soldiers are as kind-hearted as brave, and the desire of every one of us is to execute our painful duty in mercy. We are commanded by the President to act towards you in that spirit, and much is also the wish of the whole people of America.

Chiefs, head-men and warriors! Will you then, by resistance, compel us to resort to arms? God forbid! Or will you, by flight, seek to hide yourselves in mountains and forests, and thus oblige us to hunt you down? Remember that, in pursuit, it may be impossible to avoid conflicts. The blood of the white man or the blood of the red man may be spilt, and, if spilt, however accidentally, it may be impossible...to prevent a general war and carnage.

Question:

16) **Analysis:** Was the government of the United States justified in using military force to remove Native American tribes and relocate them west of the Mississippi River.