

Documents

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Document A

The Cherokee Constitution of 1827

We the Representatives of the people of the Cherokee Nation, in Convention assembled in order to establish justice ensure tranquility, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with humility and gratitude the goodness of the sovereign ruler of the Universe affording us an opportunity so favorable to the design and imploring his aid and direction in its accomplishments do ordain and establish this Constitution for the Government of the Cherokee Nation....

Religion, Morality, and knowledge being necessary to good government and the preservation of liberty and the happiness of mankind schools and the means of education, shall forever, be encouraged in this nation....

All Laws in force in this nation at the passing of this constitution shall so continue until altered or repealed by the Legislature except when they are temporary in which case they shall expire at the times respectively limited for their duration if not continued by acts of the Legislature....

Document B

Success of the “Civilizing” Project Among the Cherokee

Written by Chief John Ridge in 1826

The Cherokee Nation is bounded on the North by East Tennessee & North Carolina, east by Georgia, south by the Creek Nation and State of Alabama ___ and west by Tennessee... There are a few instances of African Mixture with Cherokee blood & wherever it is seen is considered in the light of misfortune & disgrace but that of the white may be as 1 to 4 ___ occasioned by intermarriage which has been increasingly in proportion to the march of civilization... In view of their location it readily appears that they are farmers and herdsmen,...

Our Country is well adapted for the growth of Indian Corn, wheat, Rye, Oats, Irish and Sweet Potatoes, which are cultivated by our people...

Cherokees on the Tennessee River already commenced to trade in Cotton and grow it on large plantations for which they have experienced flattering profit. Preparation is making by all those in good circumstances, to cultivate the Cotton for market which will soon be a Staple commodity of traffic for the Nation...

The tide of white population was advancing on all sides & the Indians poor in goods, but well supplied with the vices of their neighbors were retreating to a given point where they would eventually be crushed in the folds of the encroaching Serpent!...

About the year 1795 missionaries were sent by... Gen. Washington who from the Indian Testimony itself laboured indefatigably to induce the Indians to lead a domestic life... Here they were first taught to sing and pray to their Creator, and here Gospel Worship was first established in our nation...

It was for Strangers to effect this, and necessity now compels the last remnant to look for it for protection. It is true, we enjoy self Government, but we live in fear,... Strangers urge our removal [to make room for their settlements], they point to the West and there they say we can live happy. Our National existence is suspended on the faith and honor of the United States alone....

In the lapse of half a Century if Cherokee blood is not destroyed it will run its courses in the veins of fair complexions who will read that their Ancestors under the Stars of adversity, and curses of their enemies became a civilized Nation.

Document C

Letter from Missionary about Cherokee Religion

Written by Catherine Brown in 1818

I just sit down to address you with my pen...

I am here amongst a wicked set of people, and never hear prayers or any godly conversation. O my dear friends, pray for me : I hope you do...God only knows what is best for me... When I see the poor thoughtless Cherokees going on in sin, I cannot help blessing god, that he has lead me in the right path to serve him...

Document D

Andrew Jackson's Second State of the Union Address

Written in 1830

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly 30 years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consumation. 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 advantage...

It will separate the Indians from immediate contact with settlements of whites;...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...

Toward the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits and make them a happy, prosperous people...

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 westward, and we now propose to acquire the countries occupied by the red man 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? To better their condition in an unknown land our forefathers left all that was dear in earthly objects...Does Humanity weep at these painful separations from every thing, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection....Can it be cruel in this Government when, by events which it can not control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the West on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy...

Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous...Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement...

It is, therefore, a duty which this government owes to the new States to extinguish as soon as possible the Indian title to all lands which Congress themselves have included within their limits. When this is done the duties of General Government in relation to the States and the Indians within their limits are at an end...

Document E

“To the Cherokee Tribe of Indians”

Written by Andrew Jackson in 1835

MY FRIENDS: I have long viewed your condition with great interest. For many years I have been acquainted with your people, and under all variety of circumstances, in peace and war... Listen to me, therefore, as your fathers have listened, while I communicate to you my sentiments on the critical state of your affairs.

You are now placed in the midst of a white population... and you are now subject to the same laws which govern the other citizens of Georgia and Alabama... The game has disappeared among you, and you must depend upon agriculture and the mechanic arts for support... How, under these circumstances can you live in the country you now occupy? Your condition must become worse & worse, and you will ultimately disappear, as so many tribes have done before you.

Of all this I warned your people,... I then advised them to sell out their possessions East of the Mississippi and to remove to the country west of that river... Your farms would have been open and cultivated, comfortable houses would have been erected, the means of subsistence abundant and you would have been governed by your own customs and laws, and removed from the effects of a white population. Where you now are, you are encompassed by evils, moral and physical, & these are fearfully increasing...

I have no motive,... to deceive you... I tell you that you cannot remain where you now are... You have but one remedy within your reach. And that is, to remove to the west and join your countrymen, who are already established there. And the sooner you do this, the sooner you can commence your career of improvement and prosperity...

Why, then, should any honest man among you object to removal? The United States have assigned to you a fertile and extensive country, with a very fine climate adapted to your habits, and with all the other natural advantages which you ought to desire or expect...

The choice now is before you... As certain as the sun shines to guide you in your path, so certain is it that you cannot drive back the laws of Georgia from among you... Look at the condition of the Creeks... their young men are committing depredations upon the property of our citizens, and are shedding their blood. This cannot and will not be allowed. Punishment will follow,... Your young men will commit the same acts, and the same consequences must ensue...

Look at your condition as it now is, and then consider what it will be if you follow the advice I give you.

Document F

Memorial of a Delegation of the Cherokee Nation of Indians

Message to Congress from a Cherokee delegation, delivered in 1830

... in consequence of a pretended claim set up by the State of Georgia to a large portion of the lands... A line of separation between the two nations was agreed upon, marked out, and permanently established, to the satisfaction of both parties, in 1802; and they do not consider that it is within the range of Executive duties to remove the “landmarks” of any tribe or nation, contrary to its consent,... It is believed to be unjust,...

We respectfully solicit your attention to this important subject; and rely, with the utmost assurance, that ample justice be done to all parties...

A treaty was concluded by the Government with the Arkansas Cherokees, in 1828;... to induce their removal West of that river;... that the United States will make to an emigrant “a just compensation for the *property* he may abandon,...

The valuation of improvements made under that treaty, does not bind our nation... that no *individual* can, contrary to the will and consent of the legal authorities, cede to the United States any portion thereof, or transfer any title to the same. The United States have also declared that they are “unwilling that *any* cessions of land should be made to them , *unless* with the *full understanding* and *full assent* of the *tribe* making such cession, and for a just and adequate consideration,...

...the treaty of 1819, with the Cherokees, that, after providing a home for those who desired to withdraw themselves, it is stipulated, the *lands then ceded* “are in full satisfaction of all claims which the United States have on them... Consequently, it is unjust to claim now *more lands*,...

Under the solemn pledges to prevent intrusions upon these lands, thus guaranteed, we cannot but believe, and do consider all such white families as have entered and located themselves in the nation, whether under the sanction of State authority or not, to be intruders; and, as such, subject to the penalties prescribed by the intercourse laws of the United States.

Document G

Petition by Ladies in Steubenville, OH Against Indian Removal

Written in 1830

...that the present crisis in the affairs of the Indian nations, calls loudly on all who can feel for the woes of humanity, to solicit, with earnestness, your honorable body to bestow on this subject, involving, as it does, the prosperity and happiness of more than fifty thousand of our fellow Christians, the immediate consideration demanded by its interesting nature and pressing importance.

It is readily acknowledged, ...any... interference on the part of their own sex with the ordinary political affairs of the country, as wholly unbecoming the character of the American females. Even in private life, we may not presume to direct the general conduct, or control the acts of those who stand in the near and guardian relations of husbands and brothers; yet all admit that there are times when duty and affection call on us to advise and persuade, ... may we not hope that even the small voice of female sympathy will be heard?...

When, therefore, injury and oppression threaten to crush a hapless people within our borders, we, the feeblest of the feeble, appeal with confidence to those who should be representatives of national virtues... To you, then, as the constitutional protectors of the Indians within our territory, and as the peculiar guardians of our national character, and our counter's welfare, we solemnly and honestly appeal, to save this remnant of a much injured people from annihilation,...

And your petitioners will ever pray.

Document H

Memorial and Protest of the Cherokee Nation

Written in 1836

... the United States solemnly guaranteed to said nations all their lands not ceded, and pledged the faith of the government, that "all white people who have intruded, or may hereafter intrude, on the lands reserved for the Cherokees, shall be removed by the United States, and proceeded against, according to the provisions of the act, passed 30th March, 1802," entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers." The Cherokees were happy and prosperous under a scrupulous observance of treaty stipulations by the government of the United States,... taught to think and feel as the American citizen,...they were... to become strangers and wanderers in the land of their fathers, forced to return to the savage life, and to seek a new home in the wilds of the far west, and that without their consent. An instrument purporting to be a treaty with the Cherokee people, has recently been made public by the President of the United States, that will have such an operation, if carried into effect. This instrument,... is fraudulent, false upon its face, made by unauthorized individuals, without the sanction, and against the wishes, of the great body of the Cherokee people. . .

Document I

John Burnett's Story of the Trail of Tears

Written by a private who served during the Cherokee removal in 1890

Children:

This is my birthday, December 11, 1890, I am eighty years old today... Often spending weeks at a time in the solitary wilderness with no companions but my rifle, hunting knife,...

On these long hunting trips I met and became acquainted with many of the Cherokee Indians, hunting with them by day and sleeping around their camp fires by night. I learned to speak their language, and they taught me the arts of trailing and building traps and snares...

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...(I) 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... 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... 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....

Chief Junaluska was personally acquainted with President Andrew Jackson...

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... 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,...

However, murder is murder whether committed by the villain skulking in the dark or by uniformed men stepping to the strains of martial music....

Document J

Letter from Chief John Ross Defending the Cherokees' Right to Their Land *Written in 1836*

... that a Treaty has been made, by which every difficulty between the Cherokees and the United States has been set at rest; but I must candidly say, that I know of no such Treaty... but I must distinctly declare to you that I believe, the document [Treat of New Echota] signed by unauthorized individuals at Washington, will never be regarded by the Cherokee nation as a Treaty. The delegation appointed by the people to make a Treaty, have protested against that instrument “as deceptive to the world and a fraud upon the Cherokee people...”

... the United State retains the absolute property in her own hands, only allowing to the Indians a far inferior right of occupancy to that which they have ever been admitted to possess where they now are, and where they were born...

It is but a few years, since the apprehension of scenes like those from which the United States acknowledges her incompetency to protect us, even under the pledge of Treaties,... It is less possible that she may hereafter experience the same difficulty in keeping those of the days in which we live? especially, as in the present instance, she may be called upon, not only to defend those Treaties from violation by her own citizens, but by the people, though of the same origin, belonging to a new, a warlike, an independent republic....

... but that it was my intention to *continue to occupy and enjoy permanently* the land reserved to my by the Treaty of 1819... But Georgia, instead of re-instating them, memorialized Congress for an appropriation to *buy out the reservees*, because she had

already *lotteried away* these very lands, assuming them to be hers under a promise of prospective possession from the United States...

I will here take occasion to touch upon two points in reference to our negotiations, which do not seem to be understood by the American people. One impression concerning us, is, that though we object to removal, as we are equally averse to becoming citizens of the United States, we ought to be forced to remove; to be tied hand and foot and conveyed to the extreme western frontier, and then turned loose among the wild beasts of the wilderness. Now, the fact is, we never have objected to become citizens of the United States and to conform to her laws; but in the event of conforming to her laws, we have required the protection and privileges of her laws to accompany that conformity on our part. We have asked this repeatedly and repeatedly has it been denied.

Focus Questions

- Document A: Compare and contrast this Constitution with the Preamble of the United States Constitution. What does this show about the values of the Cherokee people?
- Document B: In what ways did the Cherokee people try to imitate the white man?
- Document C: What was written about the connection between religion and being “civilized?”
- Document D: What does Jackson say when the Cherokees complained about leaving their homes and moving to a new land?
- Document E: What does Jackson promise the Cherokees if they move to a new land as he suggested they do?
- Document F: What are two specific complaints that the Cherokees have had with Congress over previous treaties?
- Document G: What is the point of view, from women, about the removal of the Cherokees?
- Document H: Did the United States ever make a treaty with the Cherokee Nation? What happened to that treaty and why?
- Document I: Describe three details shared with us about the Trail of Tears? How do you react to what was written?
- Document J: According to John Ross, Chief of the Cherokees, what did the state of Georgia specifically do to violate the treaty with the Cherokees? Why did they do that?

Indian Reservation

*Lyrics by John D. Loudermilk
Performed by Paul Revere and the Raiders*

They took the whole Cherokee Nation
And put us on this reservation
Took away our ways of life
The tomahawk and the bow and knife

They took away our native tongue
And taught their English to our young
And all the beads we made by hand
Are nowadays made in Japan

Cherokee people, Cherokee tribe
So proud to live, so proud to die

They took the whole Indian Nation
And locked us on this reservation
And though I wear a shirt and tie
I'm still a red man deep inside

Cherokee people, Cherokee tribe
So proud to live, so proud to die

But maybe someday when they learn

Cherokee Nation will return

Will return

Will return

Will return

Will return