

Cherokee Nation:
A Brief History of a Nation Torn From Their Roots

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Introduction

Across the soil of North America, the tales of the Indigenous have spread through the traveling winds. Cultures of those before settlers are cemented into the foundations of the country of America. Where did they originate? Who were they? What has happened to these cultures? These are questions brought forth by thousands of historians. Focusing on specifically the South Eastern Cherokee, this research was sought in order to inform those who are pondering the previously stated questions. The Cherokee Nation was considered by the Europeans to be one of the five civilized tribes; the others being the Chickasaw, the Choctaw, the Creek (Muscogee), and the Seminoles. The Europeans had observed the Cherokee society and declared that the Nation's ability to conduct themselves in a similar manner to those in Europe meant that they were some of the more classful Native Americans found in North America. The Cherokee Nation had always proved to be very cultured and systematic. They had medicinal practices, a sense of spirituality, a running government, a profound hope for peace, and intelligent business practices. Although the Europeans thought more highly of the Cherokee than other tribes they carried interactions with, the members of the Cherokee tribe had begun to face the harsh and deadly racism of European imperialists and colonists. The Nation relied on their members to maintain their strong traditions and protect their land as the European settlers began their trek westward towards more indigenously owned land. Alas, a few members of the Cherokee tribe would lead their people to a mass genocide during the mid 1830's. The hope and the drive of the tribe faded during that time period, but never dissipated. To this day, the members of the Cherokee spread their history to those who are willing to listen. Unfortunately, much of their history or existence is not taught in American core classes, so the number of people who have learned the culture of

the Cherokee are dwindling. This research will offer a brief insight of information about the history of the Cherokee Nation. In order to learn the history of the Cherokee, it is vital to have an understanding of their culture and traditions.

Cherokee Culture

The origin of the Cherokee heritage is widely unknown, even to the Cherokee themselves. The Cherokee Nation was spread through the vast lands south of the Allegheny Mountains; this would include parts of modern-day Virginia, the Carolinas, Tennessee, Georgia, and Alabama. The Cherokee Nation believed that the land had been bestowed upon them by The Great Spirit. In Cherokee tradition, The Great Spirit owns the Earth and all of the resources the Earth has to offer. The stories on how the Earth was created vary in many Native American cultures, but according to Erdoes, co-writer of *American Indian Myths and Legends*, the Cherokees often told the story of "Water Beetle". In their culture, it was a water beetle that sprouted the growth of the land on Earth. Animals, insects, and other forms of life lived above the rainbows, until it grew to be overpopulated. "Wondering what was under the water, they sent Water Beetle to look around. Water Beetle skimmed over the surface but couldn't find any solid footing, so he dived down to the bottom and brought up a dab of soft mud. Magically the mud spread out in four directions and became this island we are living on -- this earth" (Erdoes). The mud was not yet solid nor prepared to sustain life, so animals from above the rainbow sent birds to the muddy lands to investigate the readiness of the Earth. One prominent bird, "Grandfather Buzzard", flew so close to the mud that he created valleys and mountains with the motions of his wings. To the Cherokee, this was an explanation of how their land became textured with various landscapes. The sun was typically depicted as a feminine or womanly figure in Cherokee culture,

this was opposite of many of the other Native tribes. In Cherokee culture, women were detrimental to the functioning of their society.

The Cherokee people had a balance of work between the men and women. Men were the primary hunters, but women were also considered hunters, often fishing alongside their children. The male Cherokee hunters commonly hunted for deer. It is suggested by archaeology studies that the Southeast tribes had two methods of deer hunting. Method one was hunting alone. A single hunter would lurk into known deer grounds with a bow and arrow in order to provide food for his or her family. "The hunter acted as his own decoy, typically wearing a headdress made from a deer's head" (Holt). The second method was a group hunt. Multiple men from the same tribe would herd deer with the use of fire. Once the deer had been condensed into a smaller area, the men would open fire with bows and arrows. Fishing was also a common practice in Southeastern tribes, including the Cherokee. Although fishing was not recognized as the primary source of food, it was still reliable to the Cherokee people. The way that they hunted fish would typically change with who was hunting. Both men and women would use a poisoning method to stun the fish. The natural poison that was normally used is suggested to be the yucca plant, although there is not a lot of evidence of its usage. The yucca plant was available to the Cherokee tribe, and with its ability to stun fish, it was a very useful element in primitive fishing. The major difference between men and women fishing technique lies in the materials. "In these two examples there are parallel but different scenarios: where women used walnut materials, men used buckeye; where women made a dam, men made weirs; where women made a contest for the children accompanying them, men used their time to talk" (Altman). The Cherokee women would typically hand weave baskets for fishing, and these baskets would be used to

collect the fish from the hunt. Some women would weave fishing baskets in order to sell them to other families in their tribe. This shows an insight into average Cherokee life. Women often crafted essential parts of everyday life and either sold or traded to others around them. Cherokee women could mingle and bond with each other over domestic activities and small trades, especially since they all endured a reoccurring practice of shunning each month.

Bodily fluids were considered to be a traditional sign of disease in Cherokee culture. Fluids including blood and saliva were expected to remain inside the human body, and if they were seen outside of the body, it would represent an unbalance. Since these bodily fluids were connected to the health and balance of the human body, they were seen as powerful in terms of Cherokee medicine practices. During a woman's menstruation cycle, the tribe would consider her extremely powerful and dangerous. The Cherokee had a designated area to isolate these women; they called it the menstrual hut. According to Altman, the natural cycle of menstruation brought a sort of fear to the Cherokee, and if the bleeding woman interacted with certain practices, the practice would be deemed a failure. An example of this is in fishing; if a menstruating woman had entered a stream that other tribal members were using to fish, the traps would have been removed because they believed the blood would spoil the catch. Medicine was partially different in each tribal culture, and this was because each tribe shaman was able to personally classify plants or natural elements in various ways. Between each tribe, it was common for the medicine men to consult, though this typically resulted in confusion because each tribe used different names for the same plants. Medicine was a spiritual practice to the Cherokees. A famous researcher by the name of Mooney, spent time with the tribes (prior to their relocation) in order to learn and understand their culture.

“The Cherokee doctor works to drive out a ghost or a devil. According to the Cherokee myth, disease was invented by the animals in revenge for the injuries inflicted upon them by the human race. The larger animals saw themselves killed and eaten by man, while the smaller animals, reptiles, and insects were trampled upon and wantonly tortured until it seemed that their only hope of safety lay in devising some way to check the increase of mankind” (Mooney).

Following the rest of the myth, the Cherokee believed that the plants witnessed the vengeful behavior of the animals and decided to assist the human race by becoming remedies for those diseases. If animals were not the source of the ailment, which they were usually thought to be, the Cherokee believed that the spiritual world was responsible for the appearance of ill health. These other sources of illness were tied to the presence of a ghost, witch, or a violation of a ceremonial regulation. For example, if a Cherokee woman had lost her child and she began to continuously see the child’s spirit, it is presumed that the ghost of the child wants to bring her to the “Darkening Land of the West” or the afterlife. The mother would have to participate in a ceremonial cleansing to release the child’s spirit. The Cherokee people had a distinguished culture and were seen as very civilized. They even began to carry traditions that surrounding Europeans often took part in, such as marriage.

Universally in Native American tradition, marriage ceremonies were short and simple. It was often found that men would hold many wives at the same time; when some tribes discovered the monogamous traditions of the white settlers, the Natives would laugh or mock the white settlers. “The Indians also are so fond of variety, that they ridicule the white people, as a tribe of narrow-hearted, and dull constituted animals, for having only one wife at a time; and being bound to live with and support her, though numberless circumstances might require a contrary conduct” (Adair). If an Indian would engage in his marriage proposal during a meal, the woman would be obligated to remain by his side until he was finished eating and/or drinking.

Afterwards, she was able to make her own choice as to whether or not she wanted to validate the proposal by accepting the marriage. During the marriage ceremony, the man would present an ear of corn to break. Following the breakage of the corn, the man would give his bride half of the ear while keeping the other half for himself. This would represent the bride's readiness for serving him during the marriage. After the sharing of corn, the bride would present types of bread as representation for the domestic care she would serve. The ceremony then concluded with a massive feast. The men present at the ceremony would eat until full, then the attending women would eat the men's leftovers. Although the marriage ceremony was reflected in many other Indigenous cultures, the Cherokee held many unique traditions. Many of these traditions carried onward during the harsh times the Cherokee Nation faced due to the arrival of European settlers.

European Interaction & Early Legislation

The European settlers that voyaged across the Atlantic Ocean had dreams of gold, money, and opportunity. Soon, they were cast with disappointment; there was little to no gold to be discovered on the foreign lands of Eastern North America. Alas, the settlers decided to collect land instead of the rich mineral. The arrival of European settlers introduced both good and bad effects for the Indigenous Americans. Christopher Columbus walked on the soils of the Americas on October 12, 1492. Accidently finding Indigenous life in the Americas came quick, and the first tribe to interact with the crew of Columbus was the Arawak tribe. The Arawak tribe was found from the most southern area of modern-day Florida to the Islands of the Caribbean. An expert on the Indigenous peoples and their lives, Russell Thornton, suggests that there were roughly 75 million Natives living on the North American continent prior to 1492. On the soil of

what is now the United States of America, it was estimated by Thornton that the population of the Indigenous was approximately five million people. It is commonly estimated that approximately 90% of the Native human life in North America was killed either directly or indirectly by the arrival of the Europeans. When the Europeans began to construct their settlements, the Cherokee were not among the immediately disturbed tribes. The Cherokee Nation had knowledge of the settlements, but had only been in contact with a few Spaniards. In the 18th century, interactions between the Indigenous populations and the European population began to increase.

Positive interactions among Indigenous were not uncommon. In the early 1700's the Cherokee Nation initiated a treaty for peace between their people and the English settlers. In 1730, the Cherokee chief and some Cherokee delegates were brought to London to discuss peace with King George II, and there, they laid white feathers in front of the Europeans to signify their motion towards peace. They then signed the Articles of Friendship and Commerce as an agreement with the English King. Trading between the Cherokee and the settlers began, and eventually, the Cherokee monopolized the trading of deerskins and other furs. The British colonists would send the animal pelt to England, where it would be made into men's luxury breeches. Although this monopoly was of great importance for the Cherokee economy and British relations, it had a negative impact on the foundational structures of the Cherokee. "Native demographic shifts, population declines, and extended deer-hunting forays coincident with increasing contact would have undoubtedly stressed the labor requirements during key periods in the agricultural cycle" (VanDerwarker). The demand for animal furs introduced all-year hunting and different agricultural practices. In exchange for furs, the Cherokee were given guns and

ammunition, metal knives, hatchets, fabrics, kettles, rum, and European jewelry. The Nation's frequent interaction with Europeans introduced new ways of life. The Cherokee began adapting to a European lifestyle in the mid to late 1700's, and they adopted new agricultural practices such as harvesting and storing potatoes. House building became inspired by the Europeans, and thus, the Cherokee began building and living in log cabins. Pigs and cows were also brought to the tribes for domestication. The settlers and the Cherokee Nation created two other treaties, the Treaty of Hopewell (1785) and the Treaty of Holston (1791), which were written for the purpose of regulating land boundaries. The Cherokee tribes attempted to remain a peaceful Nation while the Europeans grew increasingly greedy and violent.

Settlers viewed Native tribes as a resource as well as an enemy, and the Native tribes in North America were initially subjected to a slow migration which was forced upon them. The actions of the Europeans were ruthless, destructive, and unstoppable; they would often terrorize members of local tribes. "For the Spanish conquerors, the decline in the Native population soon became a pragmatic factor restricting the killing of Indians. But it had little impact on the institution of slavery, which also had a negative impact on Native social structures, limiting births and creating population instability. Put simply, Indians were needed for their labor" (Anderson). It is well-known that Native villages would often be victims to the torches of mobbed settlers. Burning down countless homes, killing countless humans, raping countless women and children, hundreds of settlers would commit atrocities, which typically went unpunished, towards others in order to get land or to invoke a power structure. Prior to these solely bloody interactions with the Natives, the Europeans unknowingly brought various diseases that ensued mass destruction to the Native American population. Smallpox was brought to the

Cherokee by the Europeans and the Africans. When the disease rampaged through a village, members would often flee in fear of the disease. This caused smallpox to spread rapidly throughout the Cherokee Nation as well as other indigenous clans. “When Europeans and Africans came to the Americas, they brought with them a multitude of pathogenic microbes that Native Americans had never before experienced. Lacking acquired immunity to many common illnesses, Indians suffered from virgin-soil epidemics of many diseases, including measles, yellow fever, and most important, smallpox” (Kelton). The Cherokee often blamed animals for their misfortune with disease, but with smallpox, the disease was so vast and so deadly. Thus, to the Cherokee, the epidemic had to have come from malicious spirits. The evil spirit Kosvkvskini was blamed for the smallpox disease. The Cherokee medicine men could not find a cure for the smallpox, and this created a distrust between the Cherokee and the long, rooted belief in their medicinal traditions. The arrival of the Europeans, particularly the English, had a substantial impact on the Cherokee people, and when the English colonists became independent from their mother country, American legislation for Indian affairs had to be created.

After the ratification of the United States Constitution in 1788, George Washington became President. The first policies that dealt with Indian affairs were within the Constitution and were practiced during Washington’s administration. Sections in the Constitution were dedicated to American Indian policy, and these contained laws as to how the American people could interact with the American Indians. Under Article 1 section 8 of the Constitution, Congress allowed themselves to regulate commerce and trade with tribes. Even though the law allowed trade with Natives, in the eyes of Washington and the first Secretary of War, Henry Knox, the Natives were deemed useless because they could not serve society as the American needed.

Washington and Knox documented their thoughts on the indigenous Americans, and these documents influenced the justification for the Indian Removal Act of 1830. During discussions to support the passage of the Removal Act, some men referenced Washington and Knox's ideas when promoting the thought that Indians were not an equal race when compared to the rest of the American community. Washington's Secretary of State, Thomas Jefferson, disagreed and encouraged educating Natives and introducing ideas European civilization into tribes. The focus of the American Government was to obtain large amounts of land, and the Northwest Ordinance, passed only a year before the ratification of the Constitution, allowed the government to move west. It declared the legal course of action needed for the admittance of a new state. With that, the Northwest Ordinance of 1787 loomed over the American Indians, including the Cherokee. By this time, the Natives had been migrated multiple times since the initial settlements centuries prior. The Cherokee had developed a new style of living; they primarily foraged for food instead of creating deep rooted farm land. The Cherokee required an adapted type of life in fear that the non-Indigenous would push westward, which is what the North Ordinance guaranteed. George Washington's Secretary of State, future president Thomas Jefferson, was fascinated by the American Natives, and he initiated the Indian Civilization Campaign while working under Washington. The 1790 Indian Trade and Commerce act, which was one of the first pieces under Jefferson's Campaign, further clarified how the United States would be trading with Natives. The States declared that it was necessary to hold a license in order to engage in Indigenous trades, and that any land sold to an American would be void unless the Indian Nation would create a land treaty through the American government. The commerce act had a limited term of two years, and it was renewed by Congress four times after its creation until it was finally passed

as a permanent act. The American government, a land-hungry presence, sent federal agents to live near several tribes in order to act as a liaison for the government. The United States wanted to obtain as many acres of land that the Natives would succumb to giving to States. Under Jefferson's presidency, the Georgia Compact of 1802 (also known as The Articles of Agreement and Cession) was signed by Congress. This allotted the land east of the Chattahoochee River to the American state of Georgia. This was where the Cherokees were living, and this compact is suggested to be the initiation of the Cherokee removal. The following year, 1803, the state of Georgia began their "land lotteries" with some of their newly claimed land. Oddly enough, Thomas Jefferson took a particular interest in the Cherokee tribes. Thomas Jefferson was intensely fascinated with the lives of Native Americans. He believed that he was getting a first hand view of savage civilization that was "pre-government".

"He watched as the people of the Cherokee Nation, for example, made strides in English literacy, established a vibrant trade and agricultural economy, embraced western agricultural systems, including plantation slavery, and called for greater protection of their private property. Jefferson even presented Cherokee chief Doublehead with an official commendation in 1806..."(Sturgis).

The Georgia Compact is also considered the conclusion of Jefferson's Indian Civilization Campaign, but President James Monroe continued with the civilization philosophy with the 1819 Civilization Fund Act. According to the act, the government wanted to eliminate the furthering decline of the Native population, and in order to do that, they were going to educate Natives. With the consent of the Native people, it was the government's goal to instruct Indian children on how to farm like the English and use agricultural skills, to read, to write, and to practice arithmetic. The United States had a belief that indigenous people could not possibly be able to live fruitful lives because they did not share ideas of civilization. They felt the need to introduce

the Cherokee to the European lifestyle and education, as if they were suggesting that they were unknowledgeable and savage. Historians suggest that the culmination of all Indian Civilization acts further continued a cultural genocide of the indigenous people. Eliminating traditional practices by enforcing Americanized ways of life had become a goal for the American government. Only a few decades later, the Trail of Tears would bring terror and disease to the Native Americans, and the aggressive nature of Andrew Jackson would lead to the brutal migration of the Cherokee.

Aggressive Politics

The story of aggressive politics started in the early 1700s, and as noted before, they continued on for decades. President James Monroe was really the first president to not participate in the pattern of harsh attempts for the Indian lands. “Monroe did not favor forced removal. In the final analysis, he believed the American Indian lands belonged to the Amerindians and were theirs to control. He did not believe the United States had authority to uproot and force the people from their homes”(Sturgis). Alas, the restful nature of Monroe’s policy did not linger after he left the position as President. When Andrew Jackson became the seventh president, Georgia began overreaching their established boundaries with the Cherokee Nation.

The State of Georgia was notorious for not abiding by the hierarchy of the government. The only legal way of obtaining land from any Native tribe was for a state to engage in a treaty with a tribe. This had been done with the Creeks in 1828. Instead of attempting a treaty, the state of Georgia and many state officials decided that they could pass legislation and urge for control over the Cherokee land. This was not the first act of greed from Georgia. In the late 1700s, the

Treaty of Hopewell recognized the Cherokee boundaries, and Georgia was restricted from any sort of legal control of the Cherokee.

“The Cherokee nation had signed its first treaty with the United States, the Treaty of Hopewell, in 1785. In this treaty, the union recognized the legal status of the Cherokee’s homeland, which was situated within the boundaries of the state of Georgia. The state, however, was unhappy with this arrangement because it had no jurisdiction over Cherokee territory and was, therefore, not allowed either to tax the land and its residents or to permit its citizens to settle in the area” (Bens).

A few years later, in 1791, the Treaty of Holston was created as a reinforcement of the Hopewell treaty. The Treaty of Holston was considered to have built a legal friendship between the Cherokee and Georgians as well as reestablishing boundaries. This treaty was loosely honored until the election of Jackson.

Jackson’s presidency was riddled with a deep dislike of the Naive American presence in North America, and this was very well known. He was very vocal about his hope in removing thousands of tribes from what he believed should be American land. The signage of the 1830 Indian Removal Act was a very monumental process in American History. “...began its legislative history with Jackson’s first State of the Union Address, delivered in December 1829” (Green). Following the address, both bodies of the Congress consulted with their respective Committee of Indian Affairs. The Senate filed a bill in late February of 1830, and the House adopted it to make a few changes. The House of Representatives produced a slightly altered version of the Senate's bill in May of 1830; The Senate approved the bill in two days. When it arrived on Jackson’s desk, he immediately signed the bill into American law on May 28, 1830. Although the bill was passed in five months time, the Congress was divided because many congressional northerners recognized that the Native peoples were becoming more civilized. “The debate on the bill was long and bitter, for the subject of Indian Removal touched upon a

number of very emotional issues: the constitutional question of states' rights versus federal prerogatives, Christian charity, national honor, racial and cultural prejudices, manifest destiny, and of course just plain greed" (Wallace). During this time period, the majority of indigenous tribes that had once thrived in the North were all dismantled during the rise of American nationality and land hunger. The Indian Removal Act was primarily focused on the southern indigenous tribes that were occupied within state borders. The act legalized the president's actions of the brutal removal of many tribes and villages. Section one of the act gave Jackson the power to divide land that was west of the Mississippi River into sections for the removed tribes. The southern Americans saw the land that the Natives had and wanted to claim it as their own. They envisioned new farming land, economic opportunities, and American growth. Section two of the act gave the president the power to relocate any tribe that was, in their minds, impeding on the U.S southern states. The southern tribes were located in such a way, that Native lands were spread across multiple state boundaries. Americans scoured for new and fertile lands at the expense of the family and cultural roots of many Indigenous people. "In Louisiana, for example, the Tunica-Biloxis lost all except 130 acres in the 1840s when a white man fenced much of their holdings for himself, charged several Indian women with trespassing on the tract, and shot the chief who protested his actions" (Perdue). Jackson had essentially called "open season" on Native lands, and southerners were more than willing to engage with this opportunity. The Indian Removal Act of 1830 supported U.S imperialism of indigenous lands, and caused villages to uproot their lives and connection to their land. The Cherokee were on private reservations, thus, they avoided this deadly mass migration. Although, years after the signing of the Removal Act, members of the Cherokee sold their Nation to the United States of America.

A year before the Indian Removal act, Georgian residents had a new gleam of greed when they discovered gold within northern Georgia and presumably in the Cherokee Nation. The desire for gold was a passionate motive for the state of Georgia to extend their government jurisdiction into the Cherokee land and for the state to attempt to gain access to as much Cherokee land as possible. Hundreds of residents of Georgia crept into the Cherokee boundary in order to harvest gold. Without hesitation, the Cherokee rose issue with this. In 1831, lawyer and former U.S Attorney General, William Wirt, came to defend the Cherokee Nation from Georgia. Wirt was unsure of how he wanted to go about such a bold legal case; he decided on suing the state of Georgia directly in the case of *Cherokee Nation v. Georgia*. Wirt was determined to argue the following points to the Supreme Court: Georgia was in violation of Article VII of the Treaty of Holston (1791), the Supreme Court had set a precedent that gives the courts the authority to deem state laws unconstitutional in the case of *Fletcher V. Peck* (1801), and the Cherokee Nation should be acknowledged as a foreign state by the definition written in the Constitution. Unfortunately for Wirt and the Nation, the Supreme Court did not take the case because the Justices did not believe it had enough merit to be heard in the highest of courts. The Chief Justice, John Marshall, declared that the Cherokee Nation was not to be considered a foreign state, but instead be considered a “domestic dependent nation”, which the United States offered to supervise. This was not necessarily the win the Cherokee were looking for, but the following year, the Cherokee Nation and Wirt had another chance to go to court.

In late 1830, Georgia announced a way for them to allow access beyond their land boundaries. Georgia passed a law that required their citizens to pledge loyalty and support to the state as well as obtain a license from the government if a citizen wanted to live outside of the

Georgia boundaries and with the Cherokee. To Georgia, this law made all of the opposing Cherokee laws, null and void. The legal Supreme Court case *Worcester V. Georgia* was held in 1832. The plaintiff, Samuel Worcester was a white American who had great respect for the Cherokee and was also a popular figure within the Cherokee Nation. Worcester was a missionary who was working in the Cherokee Nation, and while he was with the Cherokee, he assisted in the establishment of the first Native American newspaper, *Cherokee Phoenix*. He worked alongside Elias Boudinot, the editor for the paper, and they became close friends. Worcester was also known to translate English documents or books, primarily he worked with the Bible. He lived actively within the Cherokee community.

Although, Samuel Worcester did not have a license to live with the Cherokees nor did he ever pledge to Georgia, and this was something he admittedly refused to do as a sort of protest against their actions. Thus, the state of Georgia reached out to Worcester to relay the message that he was liable for imprisonment for disobeying the new Georgia law. He replied to Georgia officials with an explanation of why he refused to abide by those laws along with an item to stir anger within the Georgia government. “Worcester sent with his letter a copy “of the gospel of Matthew” and a hymnbook that he had translated into the Cherokee language. In July 1831 Worcester and ten other missionaries were arrested” (Breyer). Worcester argued that the Georgia law was in violation of the constitution and the ratified treaties with the Cherokee. The new Governor of Georgia, Wilson Lumpkin, refused to acknowledge the power of the Supreme Courts while denying the courts their presence. The Justices of the Supreme Court of Georgia ruled that the law created by the state of Georgia was indeed constitutional. The state of Georgia

was deemed non guilty and they sentenced Worcester to “hard labor” in the Georgia penitentiary for four years. The U.S Chief Justice, John Marshall, stopped Worcester from being indicted.

“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 Cherokee themselves, or in conformity with treaties, and with the acts of Congress . . . The act of the State of Georgia, under which the plaintiff in error was prosecuted, is consequently void, and the judgment a nullity” (Breyer).

He stated that the Cherokee were to be considered a distinct community that was occupying their own territory. The Cherokee had subsequently gained a sort of protection from both of these court cases. It was during this time that the Indian Removal Act of 1830 was passed, and these ongoing cases allowed for them to be bypassed, but many other tribes were not as fortunate.

Treaty Of New Echota

The infamous event known in the Cherokee language as *Nunna daul Tsunyi*, (the trail where we cried), was held in legality from the United States legislation. The government’s aggressive nature towards the idea of the migration of the Cherokee Nation began decades before the well-known Indian Removal Act of 1830, as mentioned prior. Although the Removal Act is commonly thought as the pinnacle legislative piece that enforced this migration, the true major piece of legislation that fueled the Cherokee migration was the Treaty of Echota in 1835. The New Echota Treaty of 1835 instigated the legal, yet forced, migration of the Cherokee Indians. This document was created between the United States and a small portion of Cherokee Indians. Prior to the New Echota Treaty, a few Cherokee Indians were dissatisfied with the future they envisioned for the Cherokee, and they concluded that there would have been no way of protecting their nation. These Cherokee were those who signed the treaty, and after the signage of the document, they were known as the Treaty Party. Prior to the New Echota Treaty, they

were seen as just a minority group, and for the remainder of this piece, they will be referred to as the Treaty Party. The Treaty Party consisted of a few powerful figures and a few more followers. The noteworthy members included Major Ridge, John Ridge, Elias Boudinot, and Andrew Ross. These men held incredible amounts of political power; this directly led to the relocation of the Cherokee Indians.

Elias Boudinot is known to be one of the most dominant figures within the Treaty Party. Boudinot was the nephew of Major Ridge, and he was the editor of the first Cherokee newspaper, *Cherokee Phoenix*. Through his job, from which he was later forced to resign in 1832, Boudinot had direct access to the public through their primary source of media. The Cherokee government attempted to silence Boudinot and his Treaty Party ideals. Major Ridge was another man the Cherokee government attempted to silence. Major Ridge was known as an esteemed Major who had once sat on a Creek Council after fighting in the Creek War. In 1827, after the death of the Head of the Cherokee Nation, Ridge was appointed to this noble position, but it was only temporary. The Cherokee people desired a more educated leader than those previous; they eventually withdrew him from the position. The Cherokee appointed the role of Principal Chief of the Cherokee Nation to John Ross. This could have created a type of personal vendetta for Major Ridge, for he soon turned his back on the Cherokee Nation. Another member of the Treaty Party is the brother of John Ross, Andrew Ross. Andrew Ross took part in an early attempt at a treaty similar to the Treaty of New Echota, but this treaty was not agreed upon. The Treaty Party consisted of a minority group with powerful and influential leaders.

Evidence suggests that the motives of the Treaty Party and the U.S Government had been intertwined. "The success of the Treaty party in effecting the final removal of the Cherokee

Nation by a fraudulent treaty signed at New Echota on December 29, 1835, by less than one hundred Cherokee stemmed from a secret alliance made by the Treaty party with the Jackson-Georgia removal machine sometime between 1832-35” (Woodward PG, 174-175). Although never confirmed, U.S actions during this time period have raised some suspicions of a type of alliance between the minority group of Cherokee and the U.S. Some of the most compelling evidence of said alliance would be the treatment of Chief John Ross during the Georgia Land Lotteries. Once Georgia sold the land collected from the Compact of 1802, the state began to command the control and the rights to a Cherokee household, and then the state would promptly sell it to Americans willing to pay for the land. In April of 1833, Chief John Ross’s land was confiscated for the lottery. This condemned his family to immediate homelessness until they relocated shortly after. In February of 1833, President Andrew Jackson wrote a letter to the Governor of Georgia, Wilson Lumpkin, and informed him that certain men shall not have their land taken for the lottery. The men he named were all members of the Treaty Party. The party initially grew slowly, and did not reach a massive following. With a small group of supporters, the party was able to accomplish their goals. The creation of this treaty was a timely event, for it started months before the signage of the document.

In the year of 1834, Andrew Ross attempted to make a treaty with U.S Secretary of War, John Eaton. The treaty entailed that the Cherokee would sell their land to the U.S in exchange for a payment from the U.S. “By this treaty, the Cherokee Nation was to sell its lands for a consideration so small as to be ridiculous” (Woodward PG 177). When Andrew Ross came forth to the Cherokee Nation with this treaty, they were infuriated. The Anti-Treaty party, Chief Ross’s followers, were so outraged, they suspectedly murdered a Treaty Party member, John

Walker Jr, in September of 1834. After the news of Walker's death, Jackson advised Colonel Hugh Montgomery that the U.S government will provide protection for the Treaty party. John Ross would be held responsible for any further murders of the Treaty Party. This is another piece of possible evidence of a secret alliance between the U.S government and the Treaty Party. While no more attempts on the lives of the Treaty Party occurred at that time, the signing of the treaty introduced a radical change in Cherokee history.

The Treaty of New Echota was scripted and signed on December 29, 1835. “The ratification of the Treaty of New Echota ‘legalized’ the forced removal of Cherokees from their Georgia and Tennessee homeland and led directly to the infamous Trail of Tears” (Rosser). The creation of a treaty began in the winter of 1834. The Treaty Party and the Ross Party departed to Washington D.C to attend a conference about a possible land treaty. During the meeting, the U.S offered \$3,250,000 for the Cherokee land, this amount was later raised to \$4,500,000, but this monetary amount was not deemed fair by Chief John Ross. Ross demanded a minimum of \$20,000,000 for the land. The U.S promptly refused to agree to that amount of money. The conference lasted until March of 1835; they had not reached an agreement while in Washington D.C. On the journey back to the Nation, a U.S Commissioner, Reverend John F. Schermerhorn, was appointed to travel with the Treaty Party under the instruction of President Jackson. He was directed to get a treaty ratified by Ridge’s party before the presidential election that was coming within that year. On the night of March 29, 1835, a sort of treaty draft of Cherokee removal was scripted and signed by the Party in the home of Elias Boudinot in New Echota. During the following months, more meetings were held. During the council meeting at Red Clay, Tennessee, Schermerhorn projected an offer of a treaty to both parties. The Ross party was still

dissatisfied with the terms of the treaty, and they refused agreement. The Treaty Party also refused to agree to this treaty. Those who represented the Treaty Party at this council, John Ridge, who was the son of Major Ridge, and Elias Boudinot, were scared of the lethal consequences that might have come with agreeing to the Treaty whilst in the presence of the Ross Party. The conclusion of the Red Clay Council came and went, but the next meeting had already been scheduled. The December of 1835 arrived and only the Treaty party attended this conference. Participants of the Ross Party refused to attend the New Echota council.

Approximately 500 Cherokees arrived at this meeting to witness this Treaty though barely 100 Cherokees signed away their Nation by completing the Treaty. Under the terms, the U.S gave \$5,000,000 to the Cherokee Nation for the entirety of their Native lands and two years to relocate. The Cherokee received an allotted plot of land west of the Mississippi river for their civilization. “Despite Cherokee protests, the United States Senate ratified the Treaty of New Echota in the spring of 1836, and the government prepared to enforce its provisions” (Green). The Cherokee Nation furiously disagreed with the Treaty. Alas, there was nothing to be done in order to halt the Treaty. It was ratified by the United States in 1836, and two years later, Martin Van Buren initiated the forced removal of the Cherokee Indians.

Trail of Tears

During the beginning of the Cherokee migration, men, women, and children were violently stripped from their homes. Soldiers from the U.S invaded villages, tore families apart, and caused great despair among Cherokee natives. Members of the tribe were grouped during the travels. These groups consisted of a few hundred to over a thousand Cherokees and were referred to as detachments by the U.S government. A doctor, G.S Townsend, who accompanied 365

Cherokees during the trek to their destination wrote letters to C. A Harris, a member of the Bureau of Indian Affairs. The majority of these letters focused on the health of the detachment and deaths that had occurred along the long trip. The letters were compiled into a journal article published in 2003 by *Voices from the Trail of Tears*. “The detachment left the Agency, in general good health, the only cases of disease were confined to six or seven children, who had been labouring for several months, under Cholera Infantum, and whose emaciated appearance gave but little hopes of recovery” (“A Distance short of 800 Miles”). According to *The British Medical Journal*, Cholera Infantum is an acute gastro-intestinal disease in which the mortality rate is very high that typically follows those with poor hygiene. Once the child contracts the disease, vomiting, fever, coma, and death may occur. The doctor for this detachment was responsible for taking care of Cherokee of all ages. During his report, Townsend wrote that at one point during the trip 60 Cherokee were dangerously ill and could not bear the stress of the trail. 11 adults and 4 children died in his detachment. These deaths were not the only losses during the Trail of Tears. In another detachment, there was a reverend who was familiar with those in his particular group. Reverend Daniel Sabin Butrick had journalled a few accounts of illness and Cherokee treatment.

“But now the limits were somewhat enlarged, yet it is evident that from their first arrest they were obliged to live very much like brute animals; and during their travels, were obliged at night to lie down on the naked ground, in the open air, exposed to wind and rain, and herd together, men women and children, like droves of hogs, and in this way, many are hastening to a premature grave” (“A Year of Spiritual Darkness”).

Many infants and elderly Cherokees caught sickness during the nights of the travel or the rough trails of the day. Reverend Butrick was witness to the death of a young 10 year old Cherokee boy, and he journalled that the boy’s coffin was made of puncheons. The horrors of the trail

seemed to make the Reverend stray from his beliefs; after two children died from bowel complications, the Reverend did not attend the prayer service held for the departed.

The removal created hundreds of premature deaths within the Cherokee Nation. The exact number of those who perished on the trail will never be truly known. Deaths on the trail were extremely frequent, and they had various causes. Some of the Natives Americans starved to death, some were killed by the cold, and some were killed by disease. According to Russell Thorton's research on the Cherokee removal, the diseases or illnesses commonly faced were measles, cholera, dysentery, whooping cough, colds, fevers, and gonorrhea, and those most affected by disease were the young and the elderly. A few of the ailments that the Cherokee faced were able to be cured with a vaccination, but there was no government assistance or budget made for the Cherokee health. Widely accepted by recent scholars, the approximate range of the number of deaths that came as a direct or indirect result of the Trail of Tears is between 2,000 and 4,000. During the beginning stages of the migration, Cherokee died while waiting in containment camps. Rations were run extremely thin; men, women, and children would be starving whilst waiting for their eventual long trek. Thousands of members from the Cherokee tribe died due to the harsh conditions and disease that they were forced into during the removal, and the Trail of Tears is often referred to as a genocide by scholars. Although the exact number of deaths caused by the migration may never be known, the records of this event makes it abundantly clear that the removal was remarkably traumatizing on hundreds of Cherokee.

The End of Migration & The Beginnings of Resettlement

Through the years of the active attempt and action of the Cherokee Removal, 1834-1839, the Cherokee have remained a strong force of people. The Treaty of New Echota was created by

men with fair intentions, but it directly caused an infamous event. The Treaty Party wanted to forfeit the fight over the Cherokee land, and afterwards, the Cherokee faced the consequences of the party by suffering through the Trail of Tears. Fortunately, they never gave up the hope that they held in their culture. The trauma that the Cherokee endured brought unity through loss and despair. Thousands of Cherokee people traveled from northern Georgia to Oklahoma, where they would reestablish as home.

After the official signing of the Treaty of New Echota, the members of the Treaty Party began their westward migration. The members of the party were some of the few who had left Cherokee soil prior to 1838, so they were not forced to endure the obscenities of the Trail of Tears. This allowed them to receive the best of the newly obtained land alongside the Old Settlers, members of the Cherokee who had lived in the Oklahoma land prior to 1838. The members of the Treaty Party were living lavishly until June 22, 1839. No longer under the protection of the United States of America, the members of the Treaty Party were brutally slaughtered by the hands of other Cherokees. Reestablishment of the Cherokee Nation occurred in the early 1840's, but the land brought massive difficulties due to its infertile and ridged properties.

The Cherokee Nation was relocated to a Northern strip of land located on present day Oklahoma. "Of this at least two-thirds are entirely unfit for cultivation. A large share of the tillable land is of an inferior quality. Most of the untillable land is entirely worthless even for timber, as it consists of stony ridges and valleys covered with a scrubby growth, mostly a scrubby oak called black jack" (McLoughlin). The Cherokee economy crumbled during the travels to new land, and a majority of the Cherokee Nation had to rebuild their lives with very

little money. American traders had come to the Nation from Arkansas and Missouri, and they had come with hopes of trading manufactured goods with the Cherokee. Since many families in the Nation were extremely poor, it was not uncommon for a Cherokee to spend what little money they had on whiskey in order to simulate an escape from reality. Families began to rely on each other to share what little was had within the community. Poor people in the community shared food, helped raise livestock, loaned animals to different farmers, shared crop seeds, made clothing, and nursed the ill. The poor asked for help from the better well off, and those requests were always fulfilled due to the Cherokee's hospitable nature. The Cherokee people struggled to revive their economy, and Chief Ross had to determine a plan of action in order to save his people. In July 1839, the first year of the resettlement, the Cherokee scripted a new constitution for their Nation. Ross was hoping to establish a sense of community and union, and this was a priority for the desperate Nation. The constitution created a new government and allowed the Nation to hold elections in October of 1839. Although Ross tried to create more structure for his people, the availability of food was a detrimental issue. For the first year, the United States provided barely enough food, usually of poor quality, to help the Cherokee settle into their new location. In order to survive the first months of settlement, Chief Ross had put the Nation in debt to the people of Arkansas. This allowed the Nation to escape from a close famine, but by the end of 1840, thousands of Cherokee were near starvation. Paired with a lack of food, diseases began to spread rapidly among the Nation. Once again, these epidemics included diseases such as malaria, typhoid, smallpox, and a disease which they called "summer fever", a highly contagious respiratory infection. To make living matters worse, the Cherokee had to abandon their regular medical practices because the plants and herbs previously used were not available at their new

location. It was nearly impossible for the Cherokee to re-root their culture and life in new soil. They had continuously moved to different regions within their allotted territory, searching for fertile soil and sustainable land. The Cherokee established a new capitol in Tahlequah, Oklahoma.

The Cherokee Nation had lost thousands of people due to the migration, and the population of full-blood Cherokee Indians was still declining due to disease, travels, and starvation. With a lessening population, the Nation managed to begin building their sense of community and unity by initiating the construction of towns. “By 1842 Tahlequah had four stores and was a thriving business community. In 1843 the town was surveyed with 160 acres in the town site. The Great Indian Intertribal Council of 1843 brought an influx of ten thousand people, with twenty-one tribes represented” (Harrington). In 1844, the Cherokee Supreme Court building and a hotel were constructed in Tahlequah. The people also established the *Cherokee Advocate*, the newspaper to replace *Cherokee Phoenix*. The *Cherokee Advocate* was seen as a prideful symbol to the Nation because it expressed their freedom of speech and their passion for education. The following year, the first school for children of the Nation was built. The Cherokee Nation had adopted many traditions from the Americans, and formal school education for children was within those traditions. Basic education was taught in Cherokee schools, and in 1847, two seminaries were built for boys and girls in order to offer higher education.

The seminaries were built by the Cherokee National Council, and they mirrored what would be seen as modern-day high schools. The first class to enter the seminaries had approximately 25 students each, and they were accepted to the school in 1851 after a general education exam. The boys seminary was primarily focused on providing the children with an

education substantial enough to move onto a university, while the girls seminary was interested in training young Cherokees to become teachers. Men who graduated from the seminary were typically principal chiefs, lawyers, physicians, or bankers, so the curriculum for the boys seminary was rather in-depth. “Depending on their level of ability, boys studied Greenleaf's National Arithmetic, Davies's Algebra, McEllicott's Analytical Manual, Newman's Rhetoric, Russell's Elocution, bookkeeping, reading, French, Greek, Latin, grammar, composition, geography, and physiology” (Mihesuah). The men of the Cherokee Nation were becoming highly educated and put into honored positions, while the women were educated but placed back into the education system to become teachers. The first class of women to complete their studies at the seminary were self titled the “Rose buds.” Decades after the graduation of the first class, the female seminary burned to the ground in April of 1887. The Cherokee Nation had rebuilt itself from nothing but infertile land and created an advanced society.

Conclusion

The Cherokee Nation was built on pride, intelligence, peace, and resilience. The members of the tribe faced constant battles with the United States government. Promises of peace and respect for land boundaries were hardly ever taken seriously by European settlers. George Washington did not accept Native American people or their varying cultures. These beliefs were further instilled into the preexisting foundation of racism in America. The aggressive nature of the first president can be found in a few other leaders. Andrew Jackson can be considered the American with the worst actions towards the Native peoples. The Indian Removal Act forced thousands of Southeast Indians from their land, subsequently, killing large amounts of tribal populations. Not only did the Cherokee Nation face the United States federal government, but

the state of Georgia. When the governor of Georgia attempted to obtain Cherokee land through unethical and illegal ways, the disrespect for the Cherokee became very obvious. Court cases allowed the Nation to speak on their concerns and their rights to their land. Unfortunately, their multiple attempts to secure their rooted lands proved to be somewhat useless due to the actions of the Treaty Party. The long trek forced upon the Cherokee directly killed over two thousand tribe members, and the immediate resettlement period intensified the decline of Cherokee mental and physical health. Although the Nation was faced with tragic and deadly events, the Cherokee Nation held their culture and their pride, which assisted in the unity of the Nation. To this day, the members of the resilient Cherokee Nation tell their story to those who will listen in order to maintain the fruitful life of their culture.

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