

Migration from the original Cherokee Nation began in the early 1800's. Some Cherokees, wary of white encroachment, moved west on their own and settled in other areas of the country. A group known as the Old Settlers previously had voluntarily moved in 1817 to lands given them in Arkansas where they established a government and a peaceful way of life. Later, however, they were forced to migrate to Indian Territory.

White resentment of the Cherokee had been building and reached a pinnacle following the discovery of gold in northern Georgia. This discovery was made just after the the creation and passage of the original Cherokee Nation constitution and establishment of a Cherokee Supreme Court. Possessed by "gold fever" and a thirst for expansion, many white communities turned on their Cherokee neighbors. The U.S. government ultimately decided it was time for the Cherokees to be "removed"; leaving behind their farms, their land and their homes.

President Andrew Jackson's military command and almost certainly his life were saved thanks to the aid of 500 Cherokee allies at the Battle of Horseshoe Bend in 1814. Unbelievably, it was Jackson who authorized the Indian Removal Act of 1830 following the recommendation of President James Monroe in his final address to Congress in 1825. Jackson, as president, sanctioned an attitude that had persisted for many years among many white immigrants. Even Thomas Jefferson, who often cited the Great Law of Peace of the Iroquois Confederacy as the model for the U.S. Constitution, supported Indian Removal as early as 1802.

The displacement of native people was not wanting for eloquent opposition. Senators Daniel Webster and Henry Clay spoke out against removal. The Reverend Samuel Worcester, missionary to the Cherokees, challenged Georgia's attempt to extinguish Indian title to land in the state, actually winning his case before the Supreme Court.

Worcester vs. Georgia, 1832 and Cherokee Nation vs. Georgia, 1831 are considered the two most influential legal decisions in Indian law. The U.S. Supreme Court ruled for Georgia in the 1831 case, but in Worcester vs. Georgia, the court affirmed Cherokee sovereignty. President Andrew Jackson arrogantly defied the decision of the court and ordered the removal, an act that established the U.S. government's precedent for the future removal of many Native Americans from their ancestral homelands.

The U.S. government used the Treaty of New Echota in 1835 to justify the removal. The treaty, signed by about 100 Cherokees known as the Treaty Party, relinquished all lands east of the Mississippi River in exchange for land in Indian Territory and the promise of money, livestock, various provisions, tools and other benefits.

When these pro-removal Cherokee leaders signed the Treaty of New Echota, they also signed their own death warrants, since the Cherokee Nation Council had earlier passed a law calling for the death of anyone agreeing to give up tribal land. The signing and the removal led to bitter factionalism and ultimately to the deaths of most of the Treaty Party leaders once the Cherokee arrived in Indian Territory.

Opposition to the removal was led by Chief John Ross, a mixed-blood of Scottish and one-eighth Cherokee descent. The Ross party and most Cherokees opposed the New Echota Treaty, but Georgia and the U.S. government prevailed and used it as justification to force almost all of the 17,000 Cherokees from their southeastern homeland.

Under orders from President Jackson the U.S. Army began enforcement of the Removal Act. The Cherokee were rounded up in the summer of 1838 and loaded onto boats that traveled the Tennessee, Ohio, Mississippi and Arkansas Rivers into Indian Territory. Many were held in prison camps awaiting their fate.

An estimated 4,000 died from hunger, exposure and disease. The journey became a cultural memory as the "trail where they cried" for the Cherokees and other removed tribes. Today it is widely remembered by the general public as the "Trail of Tears". The Oklahoma chapter of the Trail of Tears Association has begun the task of marking the graves of Trail survivors with bronze memorials.

This Information is provided by the Cherokee Nation Cultural Resource Center. For information regarding culture and language, please contact: cultural@cherokee.org.

Retrieved from: <http://www.cherokee.org/About-The-Nation/History/Trail-of-Tears/A-Brief-History-of-the-Trail-of-Tears> 4/18/18