

Conflict Resolution and United States History

Cherokee Removal

Objectives

- Understand the political, cultural and economic development of the Cherokee Nation in the early 1800s
- Analyze the political, economic and ideological reasons pushing the idea of Cherokee Removal
- Understand the positions and interests of the leading individuals involved in the conflict over the land of the Cherokee Nation in Georgia
- Consider what alternative resolutions might have been possible
- Recognize the suffering by the Cherokees on their forced westward march, known as the “Trail of Tears”

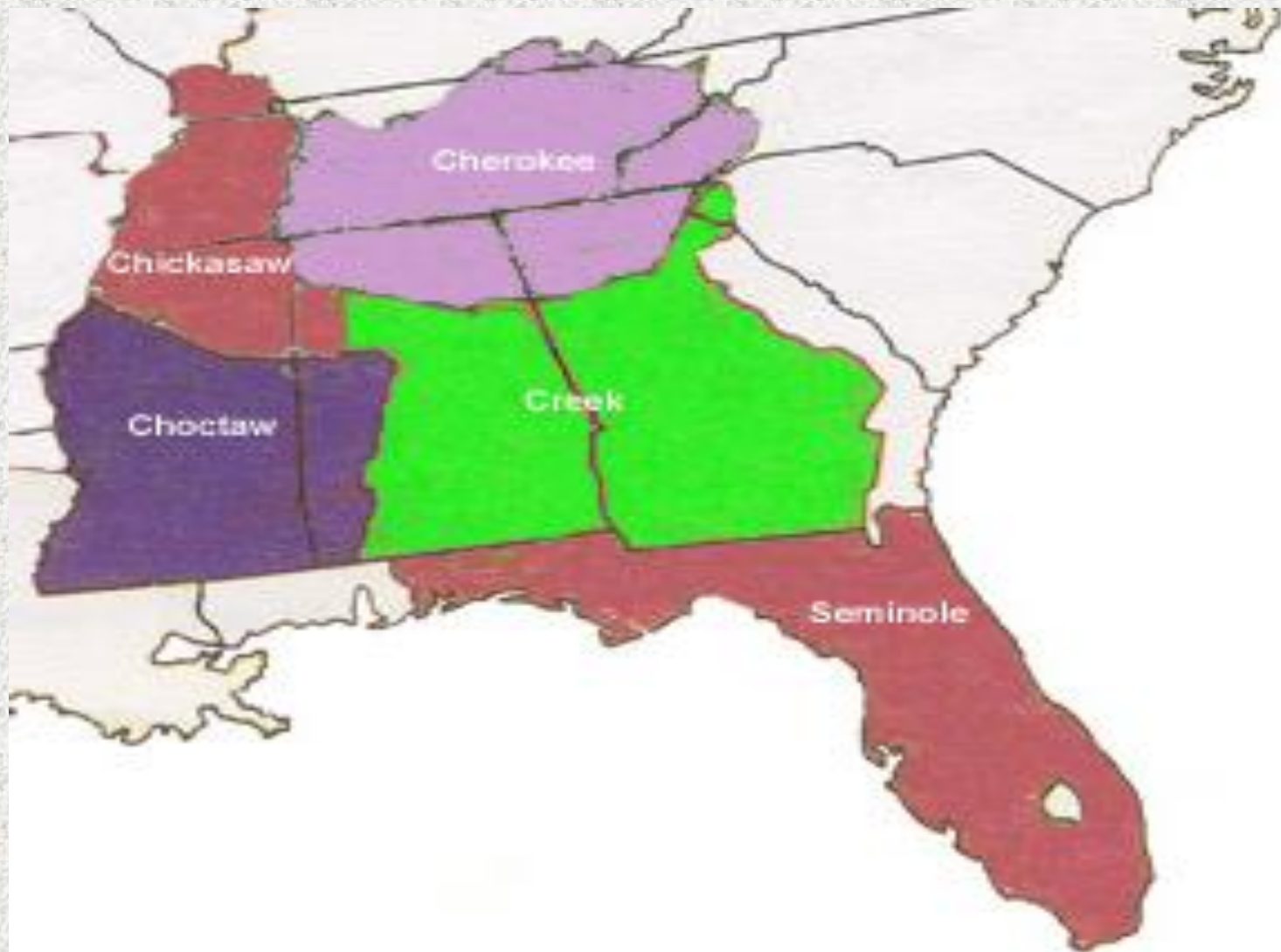
Historical Background

- Cherokees inhabited a vast area in southeastern US during colonial period, including most of present-day Georgia
- Cherokees sided with the British during the American Revolution
- 1785 Treaty of Hopewell: US proclaimed sovereignty over Cherokees and recognized tribal claims to most of their land
- 1791 Treaty of Holston: conceded a degree of Cherokee sovereignty and recognized some tribal laws and customs
- Federal Trade and Intercourse Acts, 1790, 1802 and 1834 sought to prevent exploitation of Indians

Historical Background

- Thomas Jefferson's federal policy towards Indians: try to "civilize" (assimilate) them and open Indian land east of the Mississippi to white settlement
- In early 1800s, the federal government was sponsoring attempts to civilize and assimilate the Cherokees, Chickasaw, Choctaws and Creeks
- 1813-14, Cherokees fought alongside Gen. Jackson against the Creeks
- Treaties of 1817 and 1819 Cherokees ceded territory in east in exchange for western lands, asserting that it would be their last land sale
- Missionaries with \$10,000 annual appropriation from Congress established mission schools to teach skills and convert Cherokees to Christianity

Major Southeastern Tribes, 1820s



Cherokee Renaissance, 1819-1829

- The Cherokee elite educated at white missionary schools became wealthy by shifting to white forms of agriculture, including cotton plantations with slaves
- The Cherokee Nation became economically self-sufficient and developed tribal pride
- The Nation became politically self-governing with a Constitution modeled after that of the southern states and the United States
- Land was held in common by the Nation—unoccupied land could be used by any members but could not be sold

Cherokee Renaissance

1822: A Cherokee, Sequoyah, developed a Cherokee syllabary

1828: The Cherokee Nation began publication of a national newspaper, *The Cherokee Phoenix*



Sequoyah

Home of John Ross, president of Cherokee National Committee



Home of John Ross in Rome, Georgia, originally built in 1827

Cherokee Resistance to Georgia's assertions of sovereignty

- Georgia settlers continued to encroach upon Cherokee and Creek lands
- 1824: Cherokees presented a memorial to Congress declaring their policy against leaving their eastern lands
- 1826-27: Creeks ceded their last piece of land in Georgia
- 1828: The state of Georgia asserted sovereignty over Cherokee land, pronouncing the laws of the Cherokee Nation null and void
- 1829: The Cherokees passed a law making it a capital crime for anyone to sell any of the nation's land
- 1829: Gold was discovered on Cherokee lands in Georgia and there was a land stampede. Georgia required a permit from the state to go onto Cherokee land

Andrew Jackson is elected President, 1828



- Jackson did not believe that native tribes were sovereign entities entitled to self-government
- He pursued a policy of Indian Removal and won Congressional approval for Indian Removal in May 1830

U.S. Supreme Court Supports the Cherokees

- In 1832, the U.S. Supreme Court held in *Worcester v. Georgia* that the Georgia acts were void and recognized the Cherokee Nation as a “domestic, dependent nation” where the laws of Georgia had no force.
- The state of Georgia ignored this decision and surveyed Cherokee land in preparation for its distribution by lottery to Georgia citizens.
- Andrew Jackson, re-elected in 1832, ignored the Court’s decision and the United States ratified over 70 treaties, acquiring 100 million acres of Indians land between 1830 and 1836.
- In 1834, a special Indian territory was established in the area that became Oklahoma.

Split in Cherokee Resistance

- Led by Major Ridge, a prominent Cherokee leader, his son John Ridge and nephew Elias Boudinot, a group of Cherokees (the “treaty” or “removal” party) believed that the Cherokees should move west
- This small group agreed to the Treaty of New Echota in Dec. 1835 which called for the sale of Cherokee lands in the east, the purchase of new lands in the area that became Oklahoma and removal to the west at federal expense
- Cherokee president John Ross and his followers remained steadfast in their refusal to vacate their lands in Georgia
- On Feb. 22, 1837 John Ross sent another memorial and petition to Congress

Directions for Mock Negotiations, March 1837

John Ross has sent a final memorial and petition to the Senate and House of Representatives on February 22, 1837. He receives no response. We will imagine instead that President Jackson has responded and has agreed to have his secretary of War, Lewis Cass, Senators Theodore Frelinghuysen and George Troup, Georgia Governor Wilson Lumpkin and Reverend Evan Jones meet with Cherokee Chief John Ross, Nancy Ward and Elias Boudinot.

Divide into groups of nine or ten:

1s = Nancy Ward

2s = Chief John Ross

3s = Senator Frelinghuysen

4s = Lewis Cass

5s = Senator George Troup

6s = Governor Lumpkin

7s = Elias Boudinot

8s = Reverend Evan Jones

9s-10s = One or two observer/recorder/reporters.

Nancy Ward

Cherokee leader

Nancy Ward was a “War Woman,” a title traditionally awarded to women who distinguished themselves while accompanying war parties to cook food, carry water and perform other gender specific tasks, and later a “Beloved Woman.” After her husband’s death in battle in 1755, Ward had rallied the warriors. She also had aided the patriot cause during the American Revolution. In 1817, 1818, and later in 1831, Nancy Ward, now an elderly woman, and other women, prepared petitions to the National Council, arguing against the ceding of more land, then against the allotment of land to individuals, and finally against removal (See Document 5: Nancy Ward Petition.)



Position: Opposed Removal

John Ross, Cherokee Chief

John Ross was born to a Scottish father and a one-quarter Cherokee mother. He grew up in a well-off Anglo-Indian world where his father provided his children tutors and other educational advantages. His Cherokee mother instilled in him pride in his Indian ancestry. He established Ross Landing (now Chattanooga, Tennessee) for trading traffic on the Tennessee River, gained lucrative government contracts to supply the Indians and soldiers, and expanded his agricultural holdings and his slaves. Ross began his political career as an occasional clerk to the Cherokee chiefs, became a delegate to Washington in 1816, and in 1819 became president of the National Committee, the Cherokee legislature. After service in the Creek War, he married Elizabeth (Quatie) Brown-Henley, a full-blooded Cherokee, and moved to Coosa (now Rome), Georgia, where he built a two-storied house, and became quite wealthy with his fields and ferry. He oversaw the development of the first constitutional governor of an American Indian tribe, which placed premier importance on maintaining the Cherokees' homelands. In 1828, Ross was elected the first chief under the new constitution. (See Document 6: June 22, 1836 Memorial to Congress and Feb. 22, 1837 Petition and Memorial to Congress.)

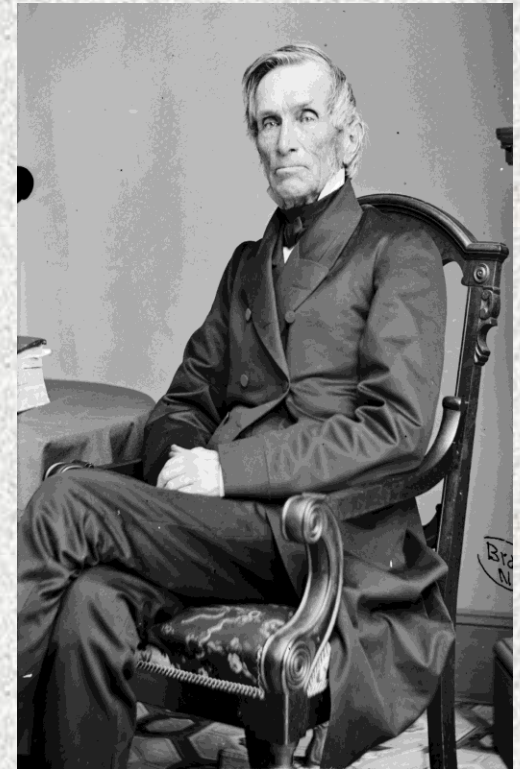


Position: Opposed Removal

U.S. Senator Theodore Frelinghuysen

Senator Theodore Frelinghuysen was a devoutly religious, anti-Jacksonian freshman senator from New Jersey, who had been president of the American Board of Commissioners for Foreign Missions. In 1830, he argued for six hours over a period of three days against the removal bill. He based his arguments on the equality of all men, natural law, the United States Constitution, prior treaties, fairness and justice. "Do the obligations of justice change with the color of the skin?" he asked. He became known as the "Christian statesman." Frelinghuysen and other northern congressmen tried to add provisions guaranteeing Indians rights provided by treaties. Frelinghuysen went on to become president of the American Bible Society, chancellor of New York University, vice-presidential candidate for the Whigs in 1844, and president of Rutgers College. (See Document 7: Speech before the Senate, April 30, 1830.)

Position: Opposed Removal



Reverend Evan Jones

Reverend Evan Jones was a Baptist minister, born in Wales and educated in London, who emigrated to Philadelphia. He had no sympathy for slavery and even less for the white frontier people of the South who kept trying to drive the Cherokees to the west. A man of great energy and a domineering personality, Jones headed the Baptist mission to the Cherokees for forty years. By 1827, he had concluded that the Cherokees had made great advances toward civilization, and shifted his principal effort from farming and education towards evangelism. He collected an every-expanding team of Cherokee converts to assist him in spreading Christianity among the Cherokees in North Carolina, northern Georgia and a small area in Tennessee. He was perhaps the only white missionary to learn to speak and write in Sequoyan. Even after many of the other missionaries stopped their resistance to Cherokee removal after 1832, Jones continued wholeheartedly in support of Cherokee Chief John Ross. He was chosen to draft a response to Boudinot's 1937 pamphlet defending the actions of the Removal Party. (See Document 8: Excerpt from "william Penn" essays in Defense of Cherokees, 1829.)

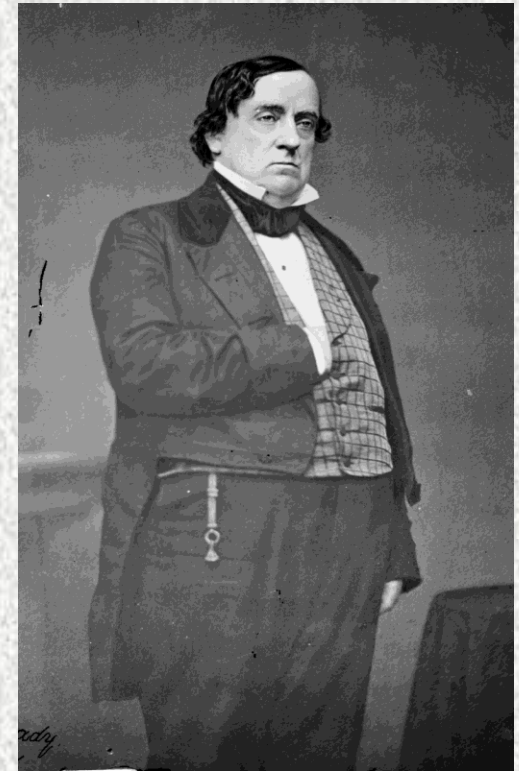


Position: Opposed Removal

Lewis Cass

Secretary of War

Lewis Cass was President Jackson's Secretary of War (1831-1836), which included responsibility for the management of Indian affairs. He had previously been Governor of the Michigan Territory, 1813-31, where he gained a great deal of experience working with Indian tribes. By the mid 1820s, Cass had become widely regarded as one of the best informed, most experienced and thoughtful experts in the country on Indian policy. He was reputed to be a hardheaded, tough, but fair, negotiator. By 1830, he believed that, as a practical necessity, the Indians must all be removed west of the Mississippi, but advanced humane ideals for organizing the new Indian territory. He published several articles explaining that the land could not be held by the Indians solely for hunting, but must give way to the needs of "providence" in using the land for production. Although he was not a racist, his writings were used by the government to rationalize highly discriminatory policies. (See Document 8: Lewis Cass's article, "Removal of Indians," in the *North American Review*, 1830.)



Position: Supported Removal

George Troup

U.S. Senator from Georgia

George M. Troup was born in the part of Georgia that later became Alabama. He was educated at Princeton University. During the 1820s, while governor of Georgia, Troup orchestrated a campaign of bluster, threat and audacity that enabled him to acquire the rich lands of the Creek Indians for the state of Georgia and earned him great political popularity. He believed that the Indians were an inferior race to the white man, one step above the African slaves, and feared that the North would deal with the Indians in a way that would set a precedent for dealing with the slaves. In the early 1830s, as U.S. Senator from Georgia, Troup wanted the Cherokees removed. Troup was supported by wealthy coastal planters and merchants. Although Troup and Lumpkin both favored Indian removal, they were political rivals. (See Document 9: Troup's March 5, 1832 letter to the *Georgia Journal*.)



Position: Supported Removal

Wilson Lumpkin, Governor of Georgia

Wilson Lumpkin grew up on the Georgia frontier. He was U.S. Commissioner among the Creek and Cherokee Indians 1818-21. Lumpkin was Congressman from Georgia 1824-31, Governor of Georgia 1831-35 and U.S. Senator from Georgia 1837-41. He was a devout Baptist, and often had the missionaries as well as the traders and smaller planters behind him. Lumpkin had participated in a survey of the northwest corner of Georgia which was claimed by the Cherokee, and became an enthusiast for the construction of a railroad link from the agricultural heartland of the state to her river network in the northwest. He strongly favored removal of the Cherokees. (See Document 10: Nov. 24, 1832 Message to Georgia Legislature.)



Position: Supported removal

Elias Boudinot

Cherokee Removal leader

Elias Boudinot was a full-blooded Cherokee who had studied as an adolescent at the missionary boarding school in Cornwall, Connecticut. In 1826, he married Harriet Gould, one of the daughters of the white school employees. The managers of the school disavowed these actions, but adverse public opinion forced the school to close. Boudinot was the editor of the Cherokee Phoenix from 1828 to 1832. By 1832, Boudinot and his cousin, John Ridge, had concluded that removal was inevitable and that delaying the inevitable might destroy the wealth and moral fiber of the Cherokee Nation. They tried to persuade John Ross to make a treaty. After 1832, Boudinot argued for removal, and became a leader of the “Treaty or Removal Party.”



Position: Supported Removal

Positions and Interests: Georgians (Governor Lumpkin and Senator Troup)

Position: Pro-Removal

- Most of the Natives in northeastern areas had already been either killed or removed.
- Federal government had promised removal of Indians from Georgia since 1802.
- Cherokees were not a sovereign entity (because you cannot have a sovereign state within a sovereign state) and were subject to the laws of Georgia.

Interests: Land

- States rights
- Fear of setting a precedent regarding the African slaves
- Economic development in western Georgia (prevented by the presence of the Indians)
- The frontier folk felt that the Indians were savages and wanted them removed because they had been victims of Indian attacks.

Positions and Interests: The federal government (Secretary Cass)

Position: Pro-Removal

Interests:

- **Lewis Cass:** Indian removal legally, economically and morally justified but also morally necessary to help Native Americans survive as a race and become civilized.
- **President Jackson:**
 - National growth, unity and security
 - Wanted limited federal power but was a fervent nationalists
 - Federal government was offering extremely generous terms to the Indians
 - Removal was the only way to safeguard tribal integrity from white laws.

Positions and Interests: The Treaty or Removal Party (Elias Boudinot)

Position (after 1832): Pro-Removal

Interests:

- Better to work with the federal government in order to preserve the Cherokee Nation
- Make the best deal for their holdings in Georgia.

Positions and Interests: Majority of Cherokees (John Ross and Nancy Ward)

Position: Anti-Removal

- Cherokees had been in Georgia long before the white man arrived
- Federal government had made repeated promises that it would help the Indians, not move them to other lands.
- Series of treaties with the federal government since 1785 recognized their sovereignty.

Interests:

- Continuing to live on their traditional lands in Georgia
- Recognition as a sovereign people
- Fair treatment
- Fear that if they could not sustain their legal rights in Georgia, they would not be able to sustain them anywhere.
- Fear that bribes, intimidation and fraud would be involved in removal as it had been in the expropriation of Creek and Cherokee lands in 1814-17.

Positions and Interests

Missionaries (Reverend Evan Jones)

Position: Anti-Removal

- Christian benevolence
- Fairness

Interests:

- Lucrative missionary (“civilizing”) activities with the southeastern Indians
- Long personal connections with the Cherokees

Northern Congressmen (Senator Frelinghuysen)

Position: Anti-Removal

- The Constitution and prior treaties
- Fairness

Interests:

- Political interest in making Jackson look bad
- Geopolitical interest in NOT allowing southern states to benefit from grab of Indian lands.
- Precedent for slavery

The roles

The role of the MEDIATOR is to help the delegates come to agreements regarding the expansion of slavery, the Texas border, the payment of Texas debts, state enforcement of fugitive slave laws, and slavery in the District of Columbia. The mediator may:

1. ask each participant to state his initial position;
2. restate what has been said in order to clarify positions;
3. speak with one or more participants separately (caucus); and try to bring participants to agreement on the interrelated issues.

The role of the OBSERVER/RECORDER/REPORTER is to objectively observe, record and report about what happened both in terms of

1. the process (active listening skills, identifying interests and positions, brainstorming and evaluating possible solutions) and
2. the results (write down any agreements reached).
3. The observers may simply be “observer, recorder/rep[orters,” or we could hypothesize that Frances Trollope, a British novelist, and Alexis De Tocqueville, a liberal French aristocrat, who did both travel through the United States in 1830 and write about what they saw, are invited to observe the negotiations and to write about them. (In fact, neither was in the United States in 1837.)

The role of the DISPUTANTS is to use conflict resolution skills to come to an agreement consistent with their needs and interests, without losing track of the bigger picture.

Debriefing

The Process:

- To what extent did the parties use active listening skills?
- To what extent did the parties brainstorm and evaluate possible alternatives?
- To what extent were the parties able to articulate their interests?
- To what extent did rhetoric get in the way of pursuing the parties' interests?

The Results:

- Were the parties able to reach a mutually acceptable solution? Why or why not?
- To what extent were the roles played with historical accuracy?

Compare the process and results from the different groups:

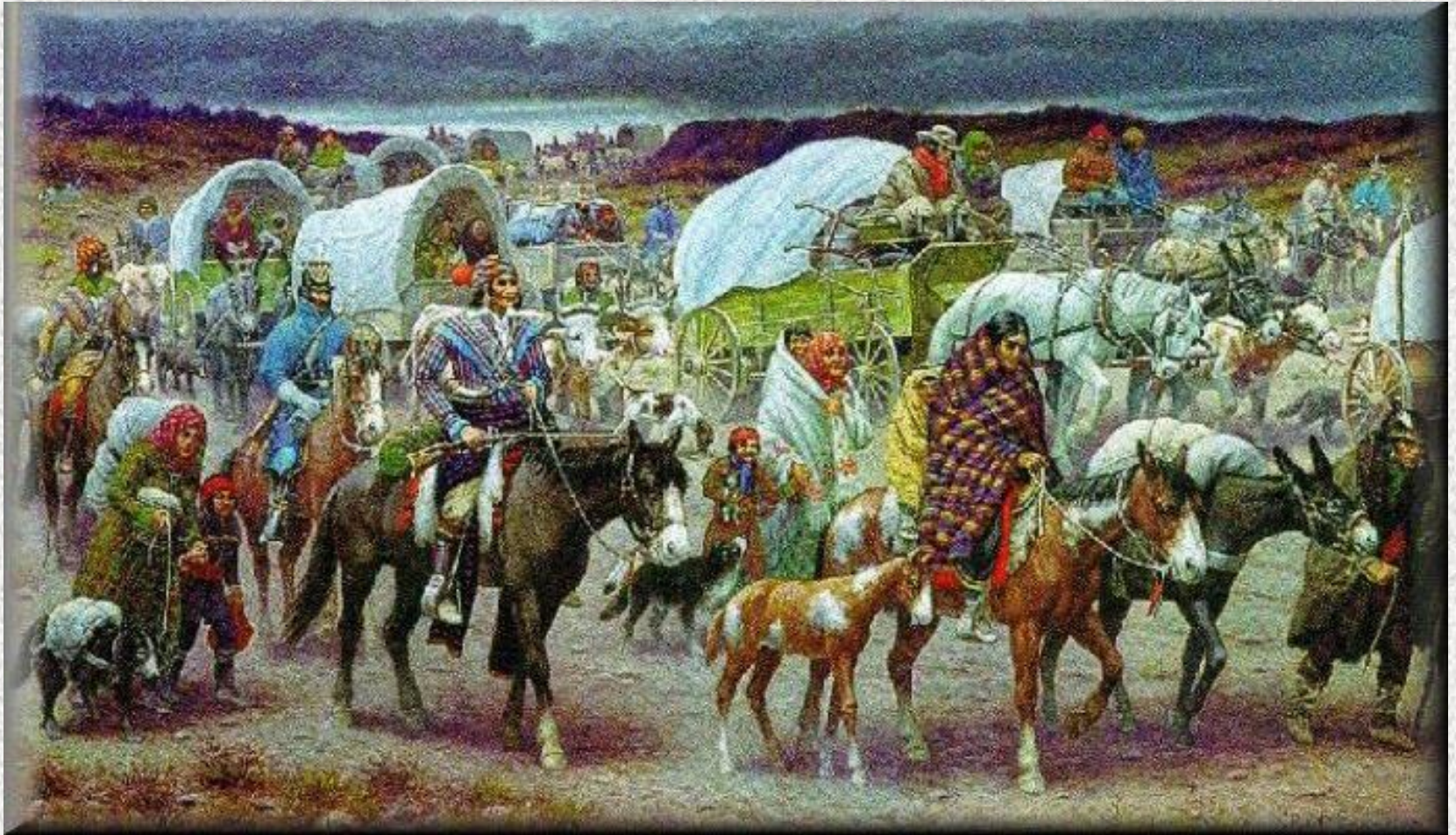
- Discuss similarities and differences
- Discuss reasons for similarities and differences

Compare with what actually happened in history

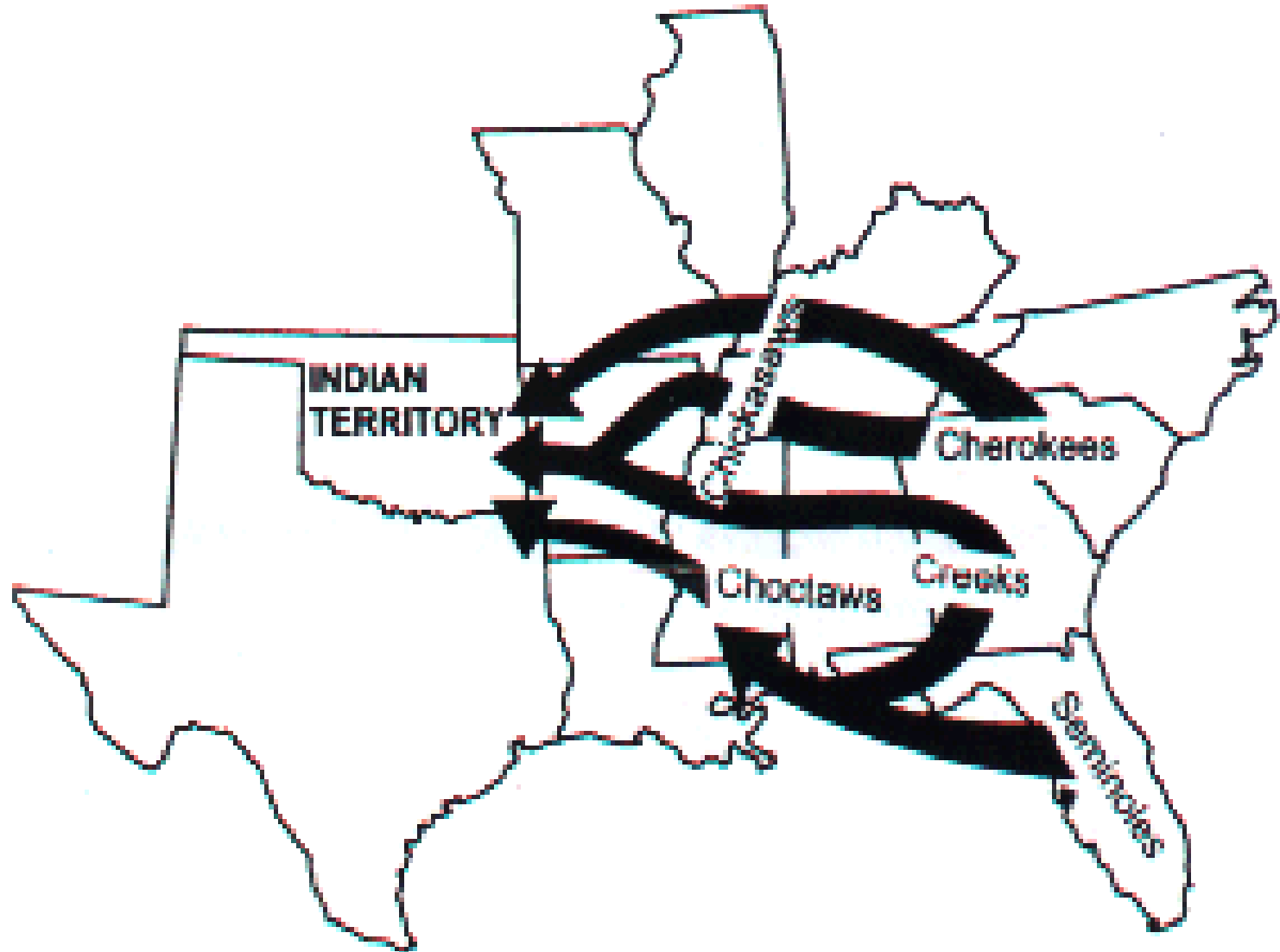
What Really Happened?

- Chief John Ross' efforts to overturn the Treaty of Echota and to avoid removal failed
- U.S. Maj. Gen. Winfield Scott continued to build stockade forts at various points on the route from Georgia to Oklahoma
- In the summer of 1838, thousands of Cherokees were herded into camps and onto steamboats and moved west
- The federal government wanted to demonstrate that removal would not be a big burden and limited the amount of funds
- There were inadequate provisions made by the federal government and the Cherokees had undertaken no planning because they did not want to go
- By fall 1838, John Ross and other leaders had convinced Maj. Gen. Scott to permit the Cherokees to conduct their own removal
- Thirteen parties left for the west in October; the last party arrived in March 1839

Trail of Tears



Cherokees move to Oklahoma



The Legacy

- More than 4000 Cherokees (more than a fifth of the entire Cherokee population) died during Removal (the exact count of deaths is uncertain)
- Political strife between members of the Removal Party and other Cherokees continued after Removal.
- In 1839 members of the clan to which John Ridge, Major Ridge and Elias Boudinot belonged killed them.
- Although the Cherokees negotiated a fairly lenient treaty with President Johnson during Reconstruction, they never attained the economic or political stability that they had had prior to Removal.
- Removal deepened Indian mistrust of the federal government
- By forcibly removing the Cherokees from their ancestral lands in the east to land set aside for Indians in the west, the federal government established the precedent for creating Indians reservations on non-Native lands.

Cherokees today

- However, the Cherokee culture did not die with removal.
- The 2000 census showed 250,000 Cherokees nationwide.
- The Cherokee Nation of Oklahoma is the largest. There is also an Eastern Band of Cherokee in North Carolina.
- The Cherokee population grew to around 392,000 in the 2020 census
- Most Cherokees are totally assimilated but take pride in their heritage and Cherokee identity

Questions for Discussion

1. Do you believe that it was inevitable that the Cherokees would be forced out of their ancestral lands? Why or why not?
2. At what point did the Cherokees lose their struggle to maintain their lands?
3. Were there alternative strategies that the Cherokees might have pursued that might have enabled them to maintain their lands?
4. Could the Cherokees have created a broader coalition of influential allies to support them? If so, what groups might have joined?
5. What were the most influential factors behind the Indian Removal policy: race, economics, or culture?
6. Are there ways that groups with less power, such as the Cherokees, can enhance their power to make their bargaining position more symmetrical?
7. Were removal, assimilation or eradication the only alternatives available for the Cherokees? For Native Americans in general? Have there been instances in the United States or other countries when indigenous populations have maintained their lands, cultures and communities?