

Bridgett L. Talley

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The Indian Removal Act and Resulting Factions among the Cherokee Nation

On May 28, 1830 President Andrew Jackson signed the Indian Removal Act, authorizing the forcible relocation of southern Indian tribes to the flatlands of America. While this signature only took a moment, consequences of it would change the Cherokee nation forever. Even before the Act was signed into law strong opinions on it were rampant among both American citizens and tribal members. Residents of Georgia wanted the entirety of the land in their state ceded to them; they did not see their native neighbors as friends or equals, though they were considered one of the five “civilized” tribes. The idea of Manifest Destiny aided the American opinion that they were entitled to this land despite the fact it was home to Natives. Following the legislation, many Cherokees were divided on how to proceed. This created factions within the tribe, causing hostilities between them. While a relatively small percentage agreed to make the move, most were insistent on staying in their ancestral lands. Ultimately, the Trail of Tears brought the thousands of Natives who did not agree to move west of the Mississippi involuntarily to new lands, killing many in the process and causing strained relations between the factions that had previously separated. The Indian Removal Act of the 1830s factionalized the Cherokee Nation into the Patriot Party, Treaty Party, and the Old Settlers because of conflicting land disputes in Georgia and Indian Territories.

From the beginning of colonization, American colonists believed in Manifest Destiny, even if the term was not coined until much later. This was the idea that westward expansion was

not only unavoidable, but fated by God.¹ Unsurprisingly, many conflicts arose due to this doctrine from Native Americans who were living in the western land the English hoped to inhabit. Beginning with coastal tribes, British colonists forced Indians farther into the continent, causing discontent between the two and banding previously individual tribes into one identity against colonists. Expansion was a core theme within the budding nation as the population and economy grew rapidly. This way of thinking, combined with newly acquired territory, brought Colonists into the 1830s with a feeling of validation in moving across and throughout North America, though the issue of Native American settlements stood between Americans and the land they wanted.

During the late 1820s, land was one of the most valuable commodities in the state of Georgia. The cotton industry was booming, allowing plantations the capital to grow their productions. To do so required more land to plant, causing owners to seek out ground to purchase. Exponentially adding to the value of land was the discovery of gold within the state, causing what some refer to as the first Gold Rush.² The problem at hand for Georgians was that much of this fertile, gold rich land was where the Cherokee Nation called home. The state went through a complex dance of laws, attempting to obtain tribal land and move Cherokees out of the area without approval from the President. These laws were both degrading and unfair to Cherokees, who had been accepting, to a point, of cultural assimilation.³ Georgia authority over Cherokees was eventually overthrown by the Supreme Court in *Worcester v. Georgia* and given

¹ Heidler, David S., and Jeanne T. Heidler. "Manifest Destiny." Encyclopedia - Britannica Online Encyclopedia. Accessed April 22, 2016. <http://academic.eb.com/EBchecked/topic/362216/Manifest-Destiny>.

² Williams, David, and Chris Dobbs. "Gold Rush." New Georgia Encyclopedia. January 21, 2003. Accessed April 23, 2016. <http://www.georgiaencyclopedia.org/articles/history-archaeology/gold-rush>.

³ "Our Hearts Are Sickened." John Ross to Senate and House of Representatives. September 28, 1836. Georgia.

to the federal government.⁴ The series of trials leading up to this ruling gave way to a new definition of the relationship between the government and the Cherokees, as well as other southern tribes. The court described these tribes as “domestic dependent Nations.”⁵ This meant that while the tribes were given the distinction of being their own nation, they ultimately had to rely on the United States because their boundaries were within the area of American sovereignty.

With the federal government in control of relations with Indian Nations, President Andrew Jackson took charge of the situation. In the spring of 1830, the Indian Removal Act was ratified, which allowed the United States to relocate Native Americans to new areas west of the Mississippi River, in and around present day Oklahoma, in exchange for Indian Land in the south.⁶ Although support for this varied in degree, many Americans favored the Act. The consensus came to believe that Indians “could not succeed in competition against the Aryan or Teutonic races.”⁷ This racism was a strong factor in the American justification for Indian Removal. Americans did not believe that Natives could rise socially to the level of American citizen with their traditional ways, but the Cherokees made an attempt. They adopted a new constitution, which looked quite similar to the United States Constitution, as well as learning English, creating a written Cherokee language, and practicing Christianity.⁸ The Cherokee had

⁴ Samuel A. Worcester, plaintiff in error v. The State of Georgia (January, 1832) (Ebscohost, Dist. file).

⁵ The Cherokee Nation v. The State of Georgia (March 18, 1831).

⁶ U.S. Congress. *Indian Removal Act*. 21st Cong., 1st sess. Cong. Bill. 1830. November 5, 2015. Accessed April 20, 2016. <https://www.loc.gov/rr/program/bib/ourdocs/Indian.html>.

⁷ McLoughlin, William G. *After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1839-1880*. Chapel Hill: University of North Carolina Press, 1993. XII Introduction.

⁸ Ibid. XII Introduction.

hoped that by appearing more like their white neighbors, they could be seen as equals and allowed to stay on their home lands.

Cherokees were very vocal about their opposition to moving west of the Mississippi. They covered tribal feelings extensively through newspaper and letters. In a July 1830 edition of a newspaper called *The Cherokee Phoenix*, which featured articles in both English and their newly written form of the Cherokee language, writers captured the feelings of Natives towards the Indian Removal Act when they said “the page of human sufferings is black already with the records of the wrongs done to the Indians of this continent: the disgrace these wrongs have brought upon this land is enough, without enhancement.”⁹ This is to say that the Cherokees believed Americans had already disrupted Native American life unjustly by colonizing the coast and that completely relocating their tribe would be adding more insult to injury than allowable. In an 1836 letter to the United States Government, John Ross, chief of the Cherokee Nation, pleaded for understanding. He wrote, “in truth, our cause is your own; it is the cause of liberty and of justice; it is based upon your own principles, which we have learned from yourselves.”¹⁰ Ross asked for the federal government to see the situation from a different perspective. He pointed out how his tribe has conformed to American ideals, drawing parallels between the Cherokee population to their American counterparts. Followers of Ross became known as the Patriot Party.¹¹ Loyal to Ross and wanting to stay in their Georgia land, the Patriot Party resisted removal for as long as possible.

⁹ "Where Are the Indians to Be Driven?" *The Cherokee Phoenix*, July 17, 1830, 3rd ed., sec. 13. Accessed April 16, 2016. http://www.wcu.edu/library/DigitalCollections/CherokeePhoenix/Vol13/no13/3no13_p2-c1A.htm.

¹⁰ "Our Hearts Are Sickened." John Ross to Senate and House of Representatives. September 28, 1836. Georgia.

¹¹ McLoughlin, William G. *After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1839-1880*. Chapel Hill: University of North Carolina Press, 1993. Page 4.

Very few Americans entertained the thought that Natives should be allowed to stay in their lands, but there were a few. One House of Representatives member from Tennessee spoke out against the Indian Removal Act, citing God as grounds for his dissent. He said that he had a duty to God to be an honest man and that by allowing this Act to be passed, he would be letting God down for the United States would be breaking previously established treaties with Natives. *The Cherokee Phoenix* reported on this Representative's argument, concluding by saying "He knew that he stood alone, having perhaps none of his colleagues from his State agreeing."¹² This type of support brought a little hope to the Cherokees, but they were realistic in understanding that the United States Government would more than likely push them from their homes eventually.

In contrast to the resistance to the Indian Removal Act from the Patriot party, a new faction of Cherokees emerged, The Treaty Party.¹³ This group of Natives followed John Ridge, Major Ridge, and Elias Boudinot, Cherokee citizens, in the belief that the Cherokees should act swiftly and cooperatively with the American government to secure a favorable deal in moving west of the Mississippi River. While this was a minority opinion, there were enough believers to change the course of Indian Removal for the tribe. In December of 1835, Treaty Party members struck a deal with the United States in the Treaty of New Echota.¹⁴ This deal agreed to give up all Cherokee land East of the Mississippi and for its inhabitants to move into Oklahoma land in exchange for no more than five million dollars. The only problem with this treaty was that it was

¹² "Speech of Mr. Crockett of Tennessee." *The Cherokee Phoenix*, July 3, 1830, 3rd ed., sec. 11. Accessed March 16, 2016. http://www.wcu.edu/library/DigitalCollections/CherokeePhoenix/Vol13/no11/3no11_p2-c1A.htm.

¹³ McLoughlin, William G. *After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1839-1880*. Chapel Hill: University of North Carolina Press, 1993. Page 4.

¹⁴ Treaty of New Echota, § Article I (1835).

not made by governing officials of the Cherokee Nation. The United States put the treaty into action nevertheless, using it to bring life to the Indian Removal Act and force all of the Cherokees to move westward.¹⁵ John Ross and his followers protested this endlessly, before finally accepting their defeat, but maintaining that they would continue their way of life in their new home.

After the Treaty of New Echota, approximately 2,000 members of the Treaty Party removed themselves westward in compliance with the deal, as they were no longer accepted by Ross and the Patriot Party as members of the same tribe. Arriving in Oklahoma, they found themselves a new home among the Western Cherokee, sometimes referred to as the Old Settlers.¹⁶ This faction of Cherokees moved themselves in small groups west of the Mississippi beginning in the 1790s, for they predicted the painful removal that would come. There they established their own government, electing a new Chief and not affiliating themselves with the Cherokees who remained in the South East. The Treaty Party assimilated into the Western Cherokee lifestyle easily, but once the Patriot Party arrived in the late 1830s, they would not find this to be as simple.

After years of struggle to resist removal and become more like their white neighbors, the Patriot Party lost its battle. They accepted their defeat and began moving towards their allotted lands in northeastern Oklahoma, through Tennessee, Missouri, and Arkansas on foot.¹⁷ Along the way, around 5,000 Cherokees lost their lives due to diseases and famine.¹⁸ Once the remaining

¹⁵ McLoughlin, William G. *After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1839-1880*. Chapel Hill: University of North Carolina Press, 1993. Page 5.

¹⁶ *Ibid.* Page 4.

¹⁷ *Ibid.* Map I.

¹⁸ "Trail of Tears." History.com. 2009. Accessed April 19, 2016. <http://www.history.com/topics/native-american-history/trail-of-tears>.

Cherokees reached their new home, they were met by the Western Cherokee and their old friends, the Treaty Party, who had betrayed them. The Old Settlers offered to allow them to join into their settlement and become a part of their tribe, but Ross and his people wanted to preserve and maintain their culture. For years following, these three factions of Cherokee had strained relations as they tried to work out their differences after being put together on the same Oklahoma land.

Throughout the 1820s, Georgians, fueled by the theory of Manifest Destiny, wrestled with the law in an attempt to obtain Cherokee land within the state's boundaries. After a Supreme Court ruling, the federal government was awarded the sole right to deal with Native Americans. President Andrew Jackson signed the Indian Removal Act, giving the government the authority to relocate Native American tribes in the southern United States to land west of the Mississippi River in exchange for their ancestral lands. Members of the Cherokee nation responded to this Act differently, creating the Treaty Party, who favored working with Jackson to move westward, the Patriot Party, who strongly resisted removal, and the Old Settlers, who moved West before the Indian Removal Act was ever established. These factions, caused by disagreements on what to do with land, tore the Cherokee tribe apart. In Oklahoma after the Trail of Tears, they would be reunited, but faced conflicts in how to govern on their new land.

References

Heidler, David S., and Jeanne T. Heidler. "Manifest Destiny." Encyclopedia - Britannica Online Encyclopedia. Accessed April 22, 2016.

<http://academic.eb.com/EBchecked/topic/362216/Manifest-Destiny>.

U.S. Congress. *Indian Removal Act*. 21st Cong., 1st sess. Cong. Bill. 1830. November 5, 2015. Accessed April 20, 2016. <https://www.loc.gov/rr/program/bib/ourdocs/Indian.html>.

McLoughlin, William G. *After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1839-1880*. Chapel Hill: University of North Carolina Press, 1993.

"Our Hearts Are Sickened." John Ross to Senate and House of Representatives. September 28, 1836. Georgia.

Samuel A. Worcester, plaintiff in error v. The State of Georgia (January, 1832) (Ebscohost, Dist. file).

The Cherokee Nation v. The State of Georgia (March 18, 1831).

"Where Are the Indians to Be Driven?" *The Cherokee Phoenix*, July 17, 1830, 3rd ed., sec. 13. Accessed April 16, 2016. http://www.wcu.edu/library/DigitalCollections/CherokeePhoenix/Vol3/no13/3no13_p2-c1A.htm.

"Speech of Mr. Crockett of Tennessee." *The Cherokee Phoenix*, July 3, 1830, 3rd ed., sec. 11. Accessed March 16, 2016. http://www.wcu.edu/library/DigitalCollections/CherokeePhoenix/Vol3/no11/3no11_p2-c1A.htm.

Treaty of New Echota, § Article I (1835).

Williams, David, and Chris Dobbs. "Gold Rush." New Georgia Encyclopedia. January 21, 2003. Accessed April 23, 2016. <http://www.georgiaencyclopedia.org/articles/history-archaeology/gold-rush>.