

The Cherokee versus the United States

Lesson plans for primary sources at the Tennessee State Library & Archives

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Grade Level: 5th grade

Date Created: January 2018

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Introduction

Throughout the early 1800's American settlements west of the Appalachian Mountains continued to expand. This expansion led to numerous conflicts between Native Americans and the government of the United States.

Guiding Questions

- How does John Ross feel about the Treaty of New Echota? Why does Ross believe the treaty will be overturned?
- How does Van Buren reply to Ross's argument that the treaty is not valid? What will happen to those who oppose the treaty?
- Why does Brigadier General John E. Wool encourage the Cherokee to consent to removal?
- How is John Ross affected by removal? How are Elias Boudinot and the other treaty signers affected by their decision to sign the treaty?

Learning Objectives

The learner will analyze primary source documents to determine the arguments for and against the Treaty of New Echota and its long term effects on Cherokee leaders including John Ross, Major Ridge, John Ridge and Elias Boudinot.

Standards

8.47 Describe the impact of the Indian Removal Act of 1830 and the struggle between the Cherokee Nation and the U.S. government, including the significance of *Worcester vs. Georgia* and the Trail of Tears.

Materials Needed:

[Letter from John Ross to Majors Irwin and Barron regarding the Treaty of New Echota](#)

Adapted transcription provided at the end of the lesson plan

[General Order No. 74 to the Cherokee Nation](#)

[Circular to the Cherokee Nation encouraging voluntary removal](#)

[Letter from wife of Henry Benton Henegar to Ed Porter Thompson regarding Indian removal](#)

Adapted transcription provided at the end of the lesson plan

Task Cards (*at the end of this lesson plan*)

Note on Materials: The transcriptions of the Ross and Henegar letters provided at the end of the lesson plan have been adapted for readability by students. Adaptations include adding punctuation, correcting misspelled words, replacing pronouns with nouns for clarity, replacing challenging vocabulary with synonyms and omitting irrelevant sections of the letters. Teachers are encouraged to look at the original documents and their transcriptions and to consider using the original documents along with the adapted transcriptions in the lesson.



Extensions

1. Provide students with the original [Letter from John Ross to Majors Irwin and Barron regarding the Treaty of New Echota](#). Have them complete their own transcription and compare it to the adapted transcription provided with the lesson. Lead a discussion on the pros and cons of adapting sources for use in the classroom.
2. Have students read [Newspaper article containing a letter from President Andrew Jackson to the Cherokee Nation East concerning the treaty](#). Ask them to compare the arguments Wool made in favor of removal with those made by Jackson. Discuss the similarities and differences.

Background Information:

[Trail of Tears, or Nunna-da-ul-tsun-yi](#) in [Tennessee Encyclopedia of History and Culture](#)

[Worcester v. Georgia \(1832\)](#) in [New Georgia Encyclopedia](#)

Additional information:

Throughout the early 1800's American settlements west of the Appalachian Mountains continued to expand. This expansion led to numerous conflicts between Native Americans and the government of the United States. The election of Andrew Jackson in 1828 ushered in a new era in American politics and in particular in the governments' relationship with Native Americans. The Indian Removal Act, proposed by early 1830, called for the removal of all Native Americans to lands west of the Mississippi. The act drew great criticism from many northern Congressmen and was hotly debated before the House of Representatives finally passed the bill by a vote of 102 to 97 in May of 1830. Jackson signed the bill into law May 28, 1830. The Cherokee, who had adopted many aspects of white culture including writing a constitution, decided to fight the removal act through the courts. The Cherokee won an important victory in the 1832 Supreme Court case, Worcester versus Georgia. Samuel Worcester, a northern missionary was arrested by Georgia authorities in March 1831 for refusing to leave Cherokee lands. Worcester appealed his case to the Supreme Court which ruled that Georgia had no authority in Cherokee lands. Chief Justice Marshall wrote that Indian nations such as the Cherokee were "distinct, independent political communities retaining their original natural rights." While the decision seemed to be a complete victory for the Cherokee, it soon became clear that President Jackson would not enforce the court's ruling. This led to a split within the Cherokee leadership. John Ross and the majority of the Cherokee wanted to continue to fight removal. Major Ridge, John Ridge, Elias Boudinot and a minority of other Cherokee leaders came to believe that removal was inevitable. They urged their Cherokee brethren to voluntarily move west in order to maintain their political autonomy. The Ridges, Boudinot and several others signed the Treaty of New Echota in 1835 in opposition to the wishes of the majority of the Cherokee. From 1835 to 1838 John Ross worked tirelessly to have the treaty overturned on the basis that its signers had no right to speak for the Cherokee nation. However his efforts were in vain and in 1838 the United States army began to round up Cherokee for the long trek west that became known as the Trail of Tears.

Lesson Activity

Divide the students into groups of 3 or 4. Print one set of documents and task cards for each group. Students will need to be familiar with the events leading up to the signing of the Treaty of New Echota prior to completing this lesson. You may wish to assign the background readings or relevant passages from the student textbook prior to the lesson. Review the information with the students before the groups begin to analyze the documents. Students should work in their groups to analyze each document and record their answers to the task card questions in the graphic organizer. After students have analyzed all four documents, review their findings with the class.

Key points for discussion

- John Ross believes that the Treaty of New Echota will be overturned because he has faith in the justice of the United States government.
- Martin Van Buren did not accept the argument that the treaty was invalid and intended to enforce it.
- Anyone who was caught speaking out against the treaty was arrested and removed from Cherokee lands.
- Brigadier General Wool tries to convince the Cherokee that there is no hope in stopping removal and that they should make the most of their remaining time by selling their property and preparing for removal. Wool argues that the lands in the west are better suited for farming. He also says that the Cherokee cannot live with the whites as their customs are too different.
- John Ross loses his wife during removal, but retains a position of leadership in the Cherokee nation.
- All the signers of the Treaty of New Echota are all killed according to the blood law except for Jack Bell.
- Henry Benton Henegar has a high opinion of John Ross and does not believe that he plotted to kill the treaty signers.

Assessment

Have each group select a sentence or phrase from one of the documents that they feel is key to understanding the impact of the Indian Removal Act on the Cherokee. Students should write the phrase on the back of the graphic organizer (*at the end of this lesson plan*) and then write a 2-3 sentence explanation of the quote and why they feel it is significant.

Letter from John Ross to Majors Irwin and Barron regarding the Treaty of New Echota—(Adapted Transcription)

Red Clay Cherokee Nation

October 3rd 1836

Majors [Irwin ?] and Barron,

Gentlemen -

The Cherokee people in General Council assembled have disclaimed and most solemnly rejected the Schermerhorn's despicable "treaty" [of New Echota] and declared it to be a fraud upon the United States and an act of oppression on the Cherokees, and they have appointed another delegation with full powers to bring the subject again before the Government of the United States for a final and satisfactory adjustment. This delegation is instructed to confer with the Cherokees West [of the Mississippi] so that we can work together on this important occasion. It is to be hoped, that we may be able to convince the high officers of Government that they have been too long deceived and misled by some of their own agents and certain manipulative Cherokee, in reference to Cherokee affairs. If we can do this, something decisive will be done, more to the honor of the U.S. Government and to the satisfactions and welfare of the suffering Cherokees. Policy, common justice and the claims of humanity under existing circumstances, surely cannot longer turn a deaf ear to the cries of the oppressed. If we succeed, you may depend upon the integrity of the Nation to act with liberal justice toward you for your legal services to the Cherokees. Nevertheless, "it is hard to kick against the pricks,"¹ but my abiding confidence in the magnanimity and ultimate justice of the United States, will not, yet permit me to believe that the Cherokees will be drove away from their homes, their native land, under the provisions of a fraudulent and unrighteous "treaty." I feel obligated to comply with the wishes of the great mass of the Cherokees to make a further effort in their behalf [to stop removal]. In doing so, I claim to be vindicating the faith and integrity of the U.S. Government as well as the rights and salvation of a weak and dependent people. If I fail, the disgrace will not be at my hands - nor will the sting of retributive justice pierce my heart.²

I am Gentlemen, very respectfully

Your Obedient, Humble Servant,

John Ross

¹Biblical phrase from Acts 26:14. A prick was a stick used to prod an ox while it was plowing. Ross uses the phrase figuratively here to mean that it is difficult to struggle against one's fate.

²This may be a reference to a change in the Cherokee Blood Law that Ross authored and the Cherokee Council approved. The original Blood Law called for an "eye for an eye" in cases of murder. Ross amended it so that any Cherokee who signed away Cherokee land without the consent of all Cherokee was subject to death at the hands of any other Cherokee.

Letter from wife of Henry Benton Henegar to Ed Porter Thompson regarding Indian removal - (Adapted Transcription)

Henry Benton Henegar was part of the militia that took part in the removal of the Cherokee. By the time that Ed Porter Thompson wrote to Henegar in 1897, Henegar was eighty three years old and had poor eyesight. As a result he dictated his recollections of events to his wife.

Charleston, Tenn
Oct 25th, 1897.
Mr. Ed Porter Thompson

Dear Sir,

Charleston Bradly Co Tennessee on the Hiwassee River was the starting point and the place where the Ross party was collected. General Scott was stationed here with U.S. Troops. The regular soldiers were assisted by several companies of Militia but not much difficulty was encountered in collecting [the Cherokee] as John Ross's influence was so great that they came in at his request. Ross had worked out an agreement with government that the Indians would be well paid for their possessions. John Ross took the contract to provide supplies for their removal. There was supposed to be ten thousand Indians that went from here, they were divided into detachments of a thousand each.

The first detachment started from here in Oct. 1838. There was some five or six days difference between the start of the different detachments. I left here Nov 10th. The Indians all went the same route, we crossed the Tennessee River at the mouth of the Hiwassee at Blyth's ferry went across Walden's Ridge to Pikeville thence to McMinnville then on to Nashville. After crossing the river there we went to Hopkinsville KY, crossed the Ohio River at Golconda then Southern Illinois to Green's Ferry on the Mississippi River. Our detachment ...commenced to cross but the river froze over when our detachment was partly across and we were detained over three weeks. ... after that we continued our journey through Southern Missouri by the way of Springfield thence to Fayetteville, Arkansas then to the Nation arriving at Park Hill, where John Ross has located himself, on March 25th, 1839...John Ross retained me in his employ to sell off the public property. He took his family and others out by water having purchased a [a steam-boat for that purpose. They started from Chattanooga then called Ross's Landing; his wife died on the way out and was buried at Little Rock ,Ark. He was kindly received by the old settlers, that is the Cherokees that had gone out some years previous but not so by the Ridge party. It was agreed on between the old settlers Ross that they should be wiped out and elect there officers by the people and form a new constitution. They met in council as agreed upon but the old settlers backed out and wanted the Ross party to come under them. This aroused the old grudges between the Ridge and Ross parties. The Ross party felt that the Ridges was interfered with the old settlers and used their influence against the Ross party. After remaining in ten or twelve days Ross came home without accomplishing anything.

Two days later news came over from the mission a mile away, where Boudinot lived that he had been killed. Mr. Ross sent men to ascertain the facts in the case they found him dead lying between the mission and a new house he was having erected. Boudinot had charge of the frontier medicine. That morning three Indians called for medicine and he started to the new house to get it for them, his wife stated that two walked with him and one dropped behind and struck him in the head with a [hatchet] killing him. Mrs.Boudinot was a white woman and

Letter from wife of Henry Benton Henegar to Ed Porter Thompson regarding Indian removal - (Adapted Transcription) (Continued)

as most excellent lady she directed Rosses men to hasten back and tell him he had best go to the Fort for protection as Standwaty (Boudinot's half brother) had gone to Flint to get Jack and Sam Bell to raise a company to come and kill Ross for revenge as she did not want any further bloodshed. As custodian of frontier property and Ross felt as if he could not go to the Fort but requested Tom Clark his principal clerk to write to Gen Arbuckle (who was in command at Fort Gibson) to send Troops for his protection. The clerk was so excited he could not write he then directed another he also failed in the attempt, he himself then wrote it and turning around said who will take this. No one replied turning to me he said Henegar will you? I answered I would. He then directed me to go to the lot and get the best mule or horse there and get back as soon as possible. I left at one o'clock. It was twenty miles to the Fort. I struck a gallop and kept it up most of the way. I delivered the letter to Gen Arbuckle, he said "Tell Ross I cannot send troops there but if he will come here I will protect him," I again struck a gallop and kept it up most of the way gallop and when about half way back the mule I was riding fell down from exhaustion I pulled the saddle from him and went to a home nearby. There I procured a horse and continued my journey reaching P. H. at 5 o'clock. When I got there about fifty armed Indians had arrived to protect Ross by the next morning there was two hundred on the ground that morning Standwaty Jack and Sam Bell came with their party came in sight, but finding they were outnumbered turned and went around to the mission. We afterwards learned they went to the Fort. By the next day there were six hundred of Rosses' friends there. Ross made a speech in which he advised moderation and to act in the defensive [sic] after he returned Ned Gunter a halfbreed made a war speech and said all in favor of pursuing them to make it known. They all gave a grunt and mounted their horses in pursuit. The Bell party having gone into the Fort no trouble ensued.

In the meantime it was learned that two other signers of the treaty [of New Echota] had been killed the same morning in accordance with a secret understanding. Jack Bell was the only signer of the treaty that escaped, he being absent from home. Jack Walker having been killed in Tennessee. He was mortally wounded near his home a few days after the treaty was signed. It was claimed by the Ross party that [the signers] had treated away their land without due authority and it was a law of the general council that if any men or should treat away their country without being authorized that the men should be killed at any time or place they should be found. Jack Walker was an educated man; his wife was Miss Emily S. Meigs a granddaughter of Return J Meigs of revolutionary fame. All the signers of the treaty were men of education and considerable wealth. Boudinot in particular was a man of high attainments and generally beloved. Many people have the impression that Ross was an overbearing and unscrupulous man. I was in his employ for fifteen months and at all times found him to be an honorable upright man. I am firmly of the opinion that he had nothing to do with putting to death the signers of the treaty. I once heard Sam Houston say that John Ross was as great a statesman as John C. Calhoun, Daniel Wilder, or Henry Clay. He had been with him at Washington and in their younger days in Tennessee.

Task Card 1

Letter from John Ross to Majors Irwin and Barron regarding the Treaty of New Echota

How does Ross feel about the Treaty of New Echota?

Why does Ross believe the treaty will be overturned?

Task Card 2

General Order No. 74 to the Cherokee Nation

How does Van Buren reply to Ross's argument that the treaty is not valid?

What will happen to those people who oppose the treaty?

Task Card 3

Circular to the Cherokee Nation encouraging voluntary removal

Why does General Wool encourage the Cherokee to consent to removal?

Task Card 4

Letter from wife of Henry Benton Henegar to Ed Porter Thompson regarding Indian removal

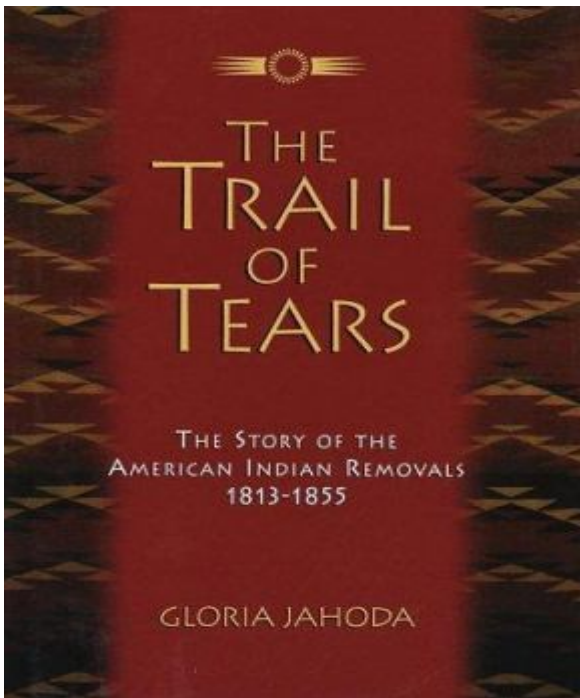
How is John Ross affected by removal?

How are Boudinot and the other treaty signers affected by their decision to sign the treaty?

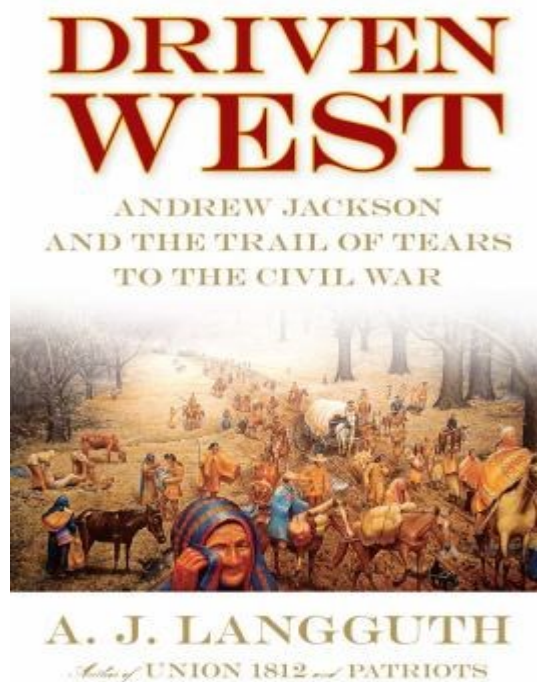
Indian Removal Graphic Organizer

	John Ross Letter	General Order No. 74	Circular to the Cherokee Nation	Henegar Letter
Question 1				
Question 2				

Suggested Resources



Discusses the American government's nineteenth-century policy of Indian removal, in which over fifty tribes were relocated from their homelands to the West, from the perspective of the Native Americans.



Driven West presents wrenching firsthand accounts of the forced march across the Mississippi along a path of misery and death that the Cherokees called the Trail of Tears. Survivors reached the distant Oklahoma territory that Jackson had marked out for them, only to find that the bloodiest days of their ordeal still awaited them.