



## Determining the Facts

### Reading 2: "You cannot remain where you now are...."

The Cherokees might have been able to hold out against renegade settlers for a long time. But two circumstances combined to severely limit the possibility of staying put. In 1828 Andrew Jackson became president of the United States. In 1830--the same year the Indian Removal Act was passed--gold was found on Cherokee lands. There was no holding back the tide of Georgians, Carolinians, Virginians, and Alabamians seeking instant wealth. Georgia held lotteries to give Cherokee land and gold rights to whites. The state had already declared all laws of the Cherokee Nation null and void after June 1, 1830, and also prohibited Cherokees from conducting tribal business, contracting, testifying against whites in court, or mining for gold. Cherokee leaders successfully challenged Georgia in the U.S. Supreme Court, but President Jackson refused to enforce the Court's decision.

Most Cherokees wanted to stay on their land. Chief Womankiller, an old man, summed up their views:

My sun of existence is now fast approaching to its setting, and my aged bones will soon be laid underground, and I wish them laid in the bosom of this earth we have received from our fathers who had it from the Great Being above.<sup>1</sup>

Yet some Cherokees felt that it was futile to fight any longer. By 1832, Major Ridge, his son John, and nephews Elias Boudinot and Stand Watie had concluded that incursions on Cherokee lands had become so severe, and abandonment by the federal government so certain, that moving was the only way to survive as a nation. A new treaty accepting removal would at least compensate the Cherokees for their land before they lost everything. These men organized themselves into a Treaty Party within the Cherokee community. They presented a resolution to discuss such a treaty to the Cherokee National Council in October 1832. It was defeated. John Ross, now Principal Chief, was the voice of the majority opposing any further cessions of land. The two men who had worked so closely together were now bitterly divided.

The U.S. government submitted a new treaty to the Cherokee National Council in 1835. President Jackson sent a letter outlining the treaty terms and urging its approval:

My Friends: I have long viewed your condition with great interest. For many years I have been acquainted with your

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people, and under all variety of circumstances in peace and war. You are now placed in the midst of a white population. Your peculiar customs, which regulated your intercourse with one another, have been abrogated by the great political community among which you live; and you are now subject to the same laws which govern the other citizens of Georgia and Alabama.

I have no motive, my friends, to deceive you. I am sincerely desirous to promote your welfare. Listen to me, therefore, while I tell you that you cannot remain where you now are. Circumstances that cannot be controlled, and which are beyond the reach of human laws, render it impossible that you can flourish in the midst of a civilized community. You have but one remedy within your reach. And that is, to remove to the West and join your countrymen, who are already established there. And the sooner you do this the sooner you will commence your career of improvement and prosperity.<sup>2</sup>

John Ross persuaded the council not to approve the treaty. He continued to negotiate with the federal government, trying to strike a better bargain for the Cherokee people. Each side--the Treaty Party and Ross's supporters--accused the other of working for personal financial gain. Ross, however, had clearly won the passionate support of the majority of the Cherokee nation, and Cherokee resistance to removal continued.

In December 1835, the U.S. resubmitted the treaty to a meeting of 300 to 500 Cherokees at New Echota. Older now, Major Ridge spoke of his reasons for supporting the treaty:

I am one of the native sons of these wild woods. I have hunted the deer and turkey here, more than fifty years. I have fought your battles, have defended your truth and honesty, and fair trading. The Georgians have shown a grasping spirit lately; they have extended their laws, to which we are unaccustomed, which harass our braves and make the children suffer and cry. I know the Indians have an older title than theirs. We obtained the land from the living God above. They got their title from the British. Yet they are strong and we are weak. We are few, they are many. We cannot remain here in safety and comfort. I know we love the graves of our fathers. We can never forget these homes, but an unbending, iron necessity tells us we must leave them. I would willingly die to preserve

them, but any forcible effort to keep them will cost us our lands, our lives and the lives of our children. There is but one path of safety, one road to future existence as a Nation. That path is open before you. Make a treaty of cession. Give up these lands and go over beyond the great Father of Waters.<sup>3</sup>

Twenty men, none of them elected officials of the tribe, signed the treaty, ceding all Cherokee territory east of the Mississippi to the U.S. in exchange for \$5 million and new homelands in Indian Territory. Major Ridge is reported to have said that he was signing his own death warrant.

The Treaty of New Echota was widely protested by Cherokees and by whites. The tribal members who opposed relocation considered Major Ridge and the others who signed the treaty traitors. After an intense debate, the U.S. Senate approved the Treaty of New Echota on May 17, 1836, by a margin of one vote. It was signed into law on May 23. As John Ross worked to negotiate a better treaty, the Cherokees tried to sustain some sort of normal life--even as white settlers carved up their lands and drove them from their homes. Removal had become inevitable. It was simply a matter now of how it would be accomplished.

### Questions for Reading 2

1. Based on the quotations from Chief Womankiller and Major Ridge, how did the Cherokee feel about their land? Why did the majority of the Cherokees oppose the treaty?
2. In Andrew Jackson's letter of 1835 to the Cherokee council, he says that the tribal fathers were well-known to him "in peace and in war." What war is he referring to? What was his relationship to the Cherokees during that war? What is the tone of his letter? If needed, refer to Reading 1.
3. What points does Major Ridge make in his speech to the tribal council? Why was Ridge in favor of the treaty? Do you think he makes a persuasive case for approval?
4. Why was the Treaty of New Echota so widely criticized? The U.S. Constitution required that the treaty be ratified by the U.S. Senate. Under the Cherokee Constitution, treaties had to be approved by the Cherokee National Council. Did this occur with the treaty of 1835? Do you think the U.S. government had the right to enforce this treaty?

*Reading 2 was adapted from Benjamin Levy, "Major Ridge House" (Floyd County,*

*Georgia, National Historic Landmark documentation, Washington, D.C.: U.S. Department of the Interior, National Park Service, 1973; James F. Corn, "Red Clay Council Ground" (Bradley County, Tennessee), National Register of Historic Places Registration Form, Washington, D.C.: U.S. Department of the Interior, National Park Service, 1972; and John Ehle, Trail of Tears: The Rise and Fall of the Cherokee Nation, (New York: Doubleday, 1988).*

<sup>1</sup> Cherokee Phoenix (October 28, 1829); cited in Ehle, Trail of Tears, 224.

<sup>2</sup> Allegheny Democrat (March 16, 1835); quoted in Ehle, Trail of Tears, 275-278.

<sup>3</sup> Thurman Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People (New York: Macmillan, 1970), 276-77; quoted in Ehle, Trail of Tears, 294.

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