

THE BEDFORD SERIES IN HISTORY AND CULTURE

The Cherokee Removal

A Brief History with Documents

SECOND EDITION

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BEDFORD/ST. MARTIN'S

Boston • New York

For Bedford/St. Martin's

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www.dorothyart.com

Composition: Stratford Publishing Services

Printing and Binding: Haddon Craftsmen, an RR Donnelley & Sons Company

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Library of Congress Control Number: 2004101944

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Manufactured in the United States of America.

0 9 8 7 6 5
f e d c b a

For information, write: Bedford/St. Martin's, 75 Arlington Street, Boston, MA 02116
(617-399-4000)

ISBN: 0-312-41599-0

EAN: 978-0-312-41599-0

Acknowledgment

Wilma Mankiller, "Reflections on Removal." From *Mankiller: A Chief and Her People* by Wilma Mankiller and Michael Wallis. Reprinted by permission of St. Martin's Press, LLC.

Foreword

The Bedford Series in History and Culture is designed so that readers can study the past as historians do.

The historian's first task is finding the evidence. Documents, letters, memoirs, interviews, pictures, movies, novels, or poems can provide facts and clues. Then the historian questions and compares the sources. There is more to do than in a courtroom, for hearsay evidence is welcome, and the historian is usually looking for answers beyond act and motive. Different views of an event may be as important as a single verdict. How a story is told may yield as much information as what it says.

Along the way the historian seeks help from other historians and perhaps from specialists in other disciplines. Finally, it is time to write, to decide on an interpretation and how to arrange the evidence for readers.

Each book in this series contains an important historical document or group of documents, each document a witness from the past and open to interpretation in different ways. The documents are combined with some element of historical narrative—an introduction or a biographical essay, for example—that provides students with an analysis of the primary source material and important background information about the world in which it was produced.

Each book in the series focuses on a specific topic within a specific historical period. Each provides a basis for lively thought and discussion about several aspects of the topic and the historian's role. Each is short enough (and inexpensive enough) to be a reasonable one-week assignment in a college course. Whether as classroom or personal reading, each book in the series provides firsthand experience of the challenge—and fun—of discovering, recreating, and interpreting the past.

Natalie Zemon Davis
Ernest R. May
Lynn Hunt
David W. Blight

Preface

In December 1828, a young Cherokee student attending a mission school in her homeland polled her playmates on the issue of Indian removal. Andrew Jackson, an advocate of removal, had just been elected president of the United States, and the possibility of being forced west of the Mississippi dominated the children's thoughts. "If the white people want more land, let them go back to the country they came from," one child told the informal pollster, while another demanded, "They have got more land than they can use, what do they want to get ours for?" For these children, the issue was a simple one, both practically and morally. For us today, Indian removal may well retain its moral simplicity, but the issue as it unfolded was exceedingly complex. Not all white Americans supported Cherokee removal; not all Cherokees opposed it; and the drama itself took place against a complicated backdrop of ideology, self-interest, party politics, altruism, and ambition.

The purpose of this book is to help students and other serious readers of history understand the complexity of Cherokee removal. The editors' introductions and the original documents tell the story, but the volume's value does not end there. We have used these documents and the historical event of removal to introduce readers to the methodology of ethnohistory, which focuses on culture and the ways in which culture changes. Scholars who use this methodology examine historical documents with ethnographical questions, ones normally posed by anthropologists, in mind. For example, how do people organize themselves socially (family, class, race, etc.)? How do they govern themselves? How do they make a living? What are their religious beliefs and practices? The focus of our ethnohistorical research is on Native peoples rather than on Indian-white relations. Consequently, this volume begins and ends with the Cherokees, and it never loses sight of the fact that they were principal players in the drama. Nevertheless,

the Cherokees would not have migrated to the West if the U.S. government had not forced them to do so. The Indian policies of the United States are, therefore, necessary parts of the historical picture.

The response to the first edition of *The Cherokee Removal* was very gratifying. We are pleased that so many teachers and students have found it useful. Not long after it appeared, however, we realized that we had made a serious omission—the Cherokee constitution of 1827. As a declaration of Cherokee sovereignty, the constitution provoked Georgia to demand the destruction of this nation within its chartered borders and to pass legislation that made Cherokee survival in their homeland unlikely. Consequently, we are relieved to have an opportunity to rectify this situation, and we include the constitution in this edition. We also have included a few additional documents. Mary Hershberger's fine article, "Mobilizing Women, Anticipating Abolition: The Struggle against Indian Removal in the 1830s," in the *Journal of American History* called our attention to the petition drive of American women in opposition to removal, and we have included in this edition the circular that inspired that movement. We also responded to comments of readers of the earlier edition and included the perspective of a modern Cherokee, former principal chief of the Cherokee Nation, Wilma Mankiller. And finally, our friend and fellow scholar Anna Smith uncovered a letter in the Moravian Archives in Winston-Salem, North Carolina, that gives another view of the removal experience. We have not deleted any documents from the first edition, but we have edited a number of them so that this volume remains brief and affordable.

Any kind of historical research depends on a careful reading of primary sources and secondary works, and the questions that emerge from this reading shape the finished product. The organization of this book reflects our belief that sources, previous insights, and new questions are inseparable and that they should not be segregated in bibliographies and appendixes. Therefore, our introductions usually include information about the complete documents from which selections are taken, citations of important secondary works, and questions to ponder while reading the selections. We hope that these inspire readers to think more deeply about the issue of removal and to embark on further study of the sources cited.

Historical documents sometimes go through many changes as people copy, recopy, and edit them. Rather than impose another round of changes in an effort to modernize spelling or achieve consistency, the previously published documents in this collection have been

reprinted essentially as they appear in the source from which they have been taken. Manuscript documents—that is, handwritten documents never before published—have been edited as noted in our introductions.

ACKNOWLEDGMENTS

Our graduate students continue to enrich our lives, and we have added to their numbers since the first edition. Therefore, in addition to those mentioned earlier, we would like to thank Izumi Ishii, Greg O'Brien, Andrea Ramage, Lorri Glover, Randolph Hollingsworth, Joe Anoatubby, Karl Davis, Cary Miller, Rose Stremlau, Malinda Maynor, Meg Devlin, and Christina Snyder. We also acknowledge and fondly remember our student Victor Blue. We are grateful to Anna Smith for sharing her research at the Moravian Archives. We appreciate the encouragement of Patricia Rossi, Elizabeth Wallace, Joan Feinberg, and Emily Berleth and the many contributions that they and others at Bedford/St. Martin's have made to this volume. We also thank Christopher Vecsey of Colgate University; Claudio Saunt of the University of Georgia; Eleanor Hannah of the University of Minnesota, Duluth; Katherine Osburn of Tennessee Technological University; and Vernon Volpe of the University of Nebraska at Kearney for their comments on the first edition that guided us in our revision. Theda Perdue completed these revisions while she was a fellow at the National Humanities Center, and she gratefully acknowledges the Center's support.

Theda Perdue
Michael D. Green

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Introduction: The Cherokees and U.S. Indian Policy

THE CHEROKEE PEOPLE

The Cherokees lived in the valleys of rivers that drained the southern Appalachians. The United States did not exist when the Cherokees first inhabited this land, but today we might describe their homeland as extending from North Carolina into South Carolina, Georgia, Tennessee, and eventually Alabama. There they built their towns, cleared their fields, planted their crops, and buried their dead. The Cherokees also laid claim to a larger domain extending into Kentucky and Virginia, where they hunted deer and gathered raw materials essential to their way of life. Modern archaeologists believe that the Cherokees had lived on this land for hundreds, perhaps even thousands, of years; the Cherokees believed that they had always been there.

According to the Cherokees, the little water beetle created this land out of an endless sea by diving to the bottom and bringing up mud. The great buzzard shaped the mountains and valleys when his wings touched the soft earth. The first man and woman, Kana'ti and Selu, lived on that land. Their son and the unnatural Wild Boy, who had sprung from blood that Selu washed off dead game, unwittingly forged the Cherokee way of life when they spied on Kana'ti and Selu. The boys discovered that Kana'ti obtained the family's meat from a cave he kept covered with a large rock. When they pushed away the rock and accidentally released the animals, they condemned all future generations of Cherokee men to have to hunt for game. Then they found that Selu produced corn and beans by rubbing her stomach and armpits. They decided that she was a witch and that they must kill her. Realizing what her son and Wild Boy intended to do, Selu instructed them to clear a circle and drag her body over the cleared ground seven times. Where her blood dropped, corn grew. The boys

tired of their task, however, and they cleared seven little spots instead of a circle and dragged Selu's body over them only two times. Therefore, corn grows in only a few places, and Indian women must hoe their corn twice.

For many generations after Kana'ti and Selu, Cherokee women farmed and men hunted. Although the Cherokees divided tasks rather rigidly on the basis of gender, men helped clear fields and plant the crops and women helped dress and tan deerskins. Nevertheless, the Cherokees associated farming with women and hunting with men, and young women and men confirmed their marriage by an exchange of corn and deer meat. The Cherokees depended on the deer, turkeys, bears, rabbits, and other game that men killed and on the corn, beans, squash, and other crops that women raised. Farming as well as hunting, therefore, was essential to the Cherokee way of life long before Europeans arrived. In fact, the ancestors of modern Cherokees were growing crops well before the beginning of the Christian era, and by 1000, when most English people lived on coarse bread and ale, the Cherokees ate a varied and balanced diet of meat, corn, and other vegetables.

A Cherokee homestead consisted of several buildings clustered around a small plaza. Large rectangular houses with wooden sides and roofs provided shelter in summer months while small, round houses with thick mud-plastered walls provided a snug refuge from winter winds. Corncribs and other storage buildings stood nearby. Several generations of a family lived together. Because the Cherokees were matrilineal—that is, they traced kinship solely through women—the usual residents of a household were a woman, her husband, her daughters and their husbands, her daughters' children, and any unmarried sons (married sons lived in their wives' households). Usually the women of the household cultivated a small garden near the homestead, but the majority of the family's produce came from the large fields where all the women worked together, moving from one family's section of the field to another's.

These homesteads might be strung out along a river in a narrow mountain valley or tightly clustered in more open terrain, but together they formed a permanent village. Although men might travel great distances on the winter hunt, the village did not relocate, and most women, children, and old men remained behind. The focal point of the village was the town house or council house, a large, circular structure with thick mud walls much like the winter houses. Town houses had to be large enough to seat the members of the village, sometimes

several hundred people, because the entire town met there to conduct ceremonies and debate important issues. Cherokees arrived at decisions by consensus; that is, they discussed issues until everyone could agree or those who disagreed withdrew from the discussion or even from the meeting. Debate could last for weeks or months, and any man or woman who wanted to speak had an opportunity. This does not mean that the Cherokees considered all opinions to be equal. Indeed, if the issue was war, a prominent warrior could be expected to command more respect than a man who had never been to war. Furthermore, a woman who had lost a husband or child in a previous engagement might hold greater sway than a woman who was unrelated to previous victims. Leadership in a Cherokee community, in fact, rested with a person who could inspire followers rather than someone born to office.

War was often a concern for the Cherokees. They shared hunting grounds with many other Native peoples, and encounters in the hunting grounds often resulted in casualties. The Cherokees believed that they had a sacred duty to avenge the deaths of fallen comrades, and so war parties formed quickly following a death. If only one or two Cherokees had died, the chief responsibility for vengeance lay with the relatives of the dead, but when the deaths involved the kin of most members of a town, revenge became a concern for the entire community. War parties prepared for an expedition by fasting and singing sacred songs in the town house. When they left the village, they took care to avoid detection because the object was to return with enemy scalps or captives, not more casualties whose deaths would have to be avenged. This is why the warriors tried to stage surprise attacks and often targeted the easiest victims, including women and children.

The nature of Native warfare often struck Europeans as particularly brutal, but the Cherokees' view of the world and their place in it left them with few alternatives. They envisioned the world as composed of opposites that balanced each other. Men, for example, balanced women, and hunting balanced farming. By the same token, the Cherokees lived in a state of equilibrium with the non-Cherokees in the world, but if an outsider took the life of a Cherokee, he destroyed that state of equilibrium. For the world to be set right, one of the guilty party's people had to die. Failure to seek vengeance meant that the world remained out of kilter and placed the entire Cherokee people at risk of disease, drought, or a host of other disasters that they believed resulted from imbalance. Once a war party had exacted vengeance and restored cosmic order, however, it went home. Cherokee warriors

did not conquer territory or destroy entire villages; they merely sought vengeance and order. Unfortunately, once the world had been returned to equilibrium in Cherokee eyes, it usually was out of balance from the perspective of the enemy, who would then seek to avenge the deaths of their people.

While all Cherokees worried about imbalance and sought to make things right, the individuals most concerned with exacting vengeance were the clan members of the deceased. Each Cherokee belonged to one of seven clans. Cherokees believed that the members of a particular clan descended from a distant ancestor and that, therefore, all clan members were relatives. Marriage did not alter clan affiliation. Since Cherokee clans were matrilineal, children belonged to the clan of their mother, not their father. The obligations of clan members were so strong and so scrupulously fulfilled that the Cherokees had no need for a police force or court system: Protection, restitution, and retribution came from the clan. Cherokees traveling beyond their own town could expect food and shelter from distant clan members even if they did not know the travelers. Clan members also protected a person from members of other clans and sought vengeance after death. A person's clan kin had a special obligation to avenge his or her death because the spirit of the dead could not rest until a relative quieted "crying blood" through vengeance. Because all Cherokees accepted the same view of a balanced cosmos, clans stood back from the guilty party and did not retaliate for his or her death. Failure to restore balance, after all, threatened them as well.

Because the Cherokees tried to keep their world in harmony, religious observances focused on the maintenance of a pure and balanced world. The Cherokees did not separate religious observance from the ordinary tasks of daily life. Bathing, farming, hunting, and eating all had religious dimensions. People bathed daily for spiritual purification as well as physical cleanliness. The women sang sacred songs as they hoed their corn, and the men observed important rituals, such as asking the deer's pardon and offering its liver to the fire, when they killed game lest the spirits of the dead animals cause disease. Because the Cherokees believed that you are what you eat, stickball (lacrosse) players did not eat rabbit meat because rabbits are easily confused, and pregnant women did not eat squirrel because the baby might go up instead of down during delivery, like a squirrel on a tree. Cherokees extinguished fire with soil instead of water because water represented the underworld and fire the upper world, two spiritual realms that balanced each other and that the earth mediated. Men secluded

themselves when they were most male—before and after going to war—and women when they were most female—during menstruation and childbirth—for fear that they might overwhelm their opposite and upset the precarious balance.

The greatest challenge to the Cherokee world and belief system came with the arrival of Europeans. Well before the Cherokees saw their first white man, they probably felt the effects of the unseen enemy that accompanied him—disease. Long separated from Europe and Asia, the Cherokees and other Native peoples had little immunity to deadly European diseases such as smallpox, typhus, and even measles. When pathogens—disease-causing germs or viruses—reached the Cherokee country, people had neither the physical ability to fight off the diseases nor the knowledge of how to treat them. Numbering more than thirty thousand before the introduction of European diseases, the Cherokee population plummeted to perhaps as few as sixteen thousand in 1700. In addition to the decline in total population, the Cherokees no doubt lost many valued elders and their wisdom. The high death toll also perhaps undermined their confidence in traditional beliefs and in their conception of a harmonious world.

EARLY CONTACT WITH BRITISH COLONISTS

The British were not the first non-Indians to enter Cherokee territory. The Cherokees may have had brief or limited contact with Hernando de Soto in 1540 and with other Spanish explorers in the years that followed. Furthermore, they probably encountered runaway African slaves from British colonies well before they met the colonists. About 1700, however, the Cherokees began sustained contact with the British, and soon they became major players in Britain's commercial and imperial schemes. Despite the terrible losses from epidemics, the Cherokees remained a powerful people in the Southeast and an important strategic ally.

British traders traveled into the Cherokee country for two major commodities—deerskins and war captives. A great demand existed in Europe for deerskins, which were used to make leather goods such as stylish men's breeches. War captives became slaves either in the southern colonies or in the West Indies, where they worked alongside Africans. In exchange for these commodities, traders provided a variety of British goods including guns and ammunition, metal knives, hoes, hatchets, fabrics, kettles, rum, paint, and jewelry. These goods

became so desirable and even necessary to the Cherokees that hunting and war escalated. By midcentury, the slave trade had declined, but the deerskin trade continued to flourish.

The demise of the Indian slave trade did not mean that warfare declined. Indeed, the British, as well as the Spanish and French, who also had colonies in North America, discovered how useful Native allies could be and began to employ warriors in their colonial rivalries. Sometimes these alliances contradicted traditional Native enmities. In the 1740s, for example, the British engineered an alliance between the Cherokees and the Iroquois, who lived in upstate New York and western Pennsylvania, although the two peoples were traditional enemies. In the 1750s the British built two forts in the Cherokee country, Fort Prince George in what is today upcountry South Carolina and Fort Loudoun in eastern Tennessee, to protect Cherokee towns while warriors were away fighting the enemies of the British Crown.

The Cherokees entered the French and Indian War (1756-63) on the side of the British, but attacks on Cherokees by white frontiersmen and duplicity by colonial officials ultimately led many Cherokees to shift their allegiance to the French. In 1760, Cherokee warriors placed Fort Loudoun under siege and defeated a force of sixteen hundred British soldiers sent to relieve the garrison. Fort Loudoun surrendered. Contrary to the terms of the surrender, however, the garrison destroyed or hid guns and ammunition, and so instead of giving the men safe conduct as originally promised, the Cherokees attacked, killed twenty-nine of the soldiers, and took the others prisoner. The following year, a British force invaded, and soldiers destroyed fifteen Cherokee towns including cornfields, granaries, and orchards. In the invasion and the famine that followed, thousands of Cherokees died.

Between the French and Indian War and the American Revolution, British hunters and settlers pushed westward. Hunters like Daniel Boone competed with Indians for game in the hunting grounds, and settlers began to encroach on Cherokee territory, particularly in the Holston River valley of northeastern Tennessee. The Cherokees welcomed the British king's Proclamation of 1763, which prohibited settlement west of the Appalachians. This should have made the Holston valley off limits, but the proclamation was only a paper blockade and the settlers ignored it. Cherokees began to regard the colonists, not the Crown, as their enemy, and when the American Revolution erupted in 1776, most Cherokees sided with the British.

The Cherokees gave refuge to fleeing Loyalists, and warriors

raided the frontiers of Georgia, South Carolina, North Carolina, and Virginia. In late summer 1776, these colonies mounted a four-pronged invasion. The Cherokees, who had not recovered from their losses in the French and Indian War, offered little resistance. Men, women, and children fled to the forests as the invading armies destroyed houses, fields, and granaries. At one town alone in upcountry South Carolina, the soldiers destroyed six thousand bushels of corn. The destruction so late in the year left no stores for the winter and no time to replant. The soldiers killed most Cherokee captives on the spot, and many collected the seventy-five-pound bounty the South Carolina legislature offered for the scalps of Cherokee warriors. This invasion ended Cherokee participation in the American Revolution, except for a small group that moved west to the region near present-day Chattanooga. Called the Chickamaugas because many lived on a stream of that name, they continued to fight intermittently until 1794.

At the end of the American Revolution, the Cherokees faced an uncertain future. The American colonists had destroyed more than fifty towns, laid waste fields, and killed livestock. The Cherokee population, which had recovered somewhat from the early epidemics, once again declined dramatically as many who managed to survive the invasions died of exposure and starvation. Furthermore, between the outbreak of hostilities in 1776 and the final defeat in 1794, the Cherokees surrendered more than twenty thousand square miles of their domain. Most village sites remained in Cherokee hands, but the cession of such a vast expanse of hunting grounds jeopardized a Cherokee economy dependent on the deerskin trade. What would the Cherokees do?

THE UNITED STATES "CIVILIZATION" PROGRAM

In 1783, British and American diplomats signed the Peace of Paris, ending the American Revolution. The treaty recognized the independence of the United States and conveyed to the new nation all of England's rights and claims to the land within its boundaries. The territory of the Cherokee Nation, along with the lands of many other tribes, fell within those borders. One of the first and most important challenges for the United States was to define its authority and determine a set of policies for dealing with the tribes. Since most of them had allied with the British during the Revolutionary War, the first step was to make peace.

Congress's approach to the problem rested on the same theories that had governed the diplomats in Paris. According to international law, England had owned the American colonies by right of discovery, a concept that gave Christian European governments the right to claim and occupy the lands of non-Christian and "uncivilized" peoples, and by right of conquest, by which England had acquired France's right of discovery claims at the conclusion of the French and Indian War. This meant that while the British government recognized and accepted the rights of colonists and Indians to own and use their lands, govern themselves, shape their societies, and develop local economies, the ultimate and overarching authority was always the sovereign authority of England. When England lost the Revolutionary War, the United States won, by right of conquest, England's rights, which included sovereign authority over all the land and people within its domain.

Congress extended this logic to its relations with the Indians. Victory in the Revolutionary War gave the new nation the same rights of conquest relative to the tribes. If England had lost its lands in America, England's Indian allies, the enemies of the United States, had lost theirs as well. It made no difference if their lands and villages had not been invaded and destroyed by American armies or if Native American warriors had not been wiped out in battle; they had lost the war along with England and should be dealt with as defeated enemies.

During the 1780s, until powerful Indian resistance forced change, Congress aggressively pursued this "conquered nations" Indian policy north of the Ohio River. South of the river, the "conquered nations" policy belonged to the states. Southern colonial charters, except for South Carolina's, extended west to the Mississippi River and beyond. Those states argued that England's authority had passed to them, not Congress, by right of conquest, and they quickly began to act on their assertions. In 1783, the North Carolina legislature granted a large block of Cherokee lands in present Tennessee to any of its citizens who would move there, and Georgia forced the Cherokees to cede a large tract for its citizens. The actions of both states outraged the Cherokees, who argued that the British government had no legal authority to dispose of their country in the Peace of Paris, that North Carolina and Georgia could not presume to take Cherokee land and offer it to their citizens, and that any Americans occupying the land without the Cherokees' permission should leave. Many Cherokee leaders believed that the best way to deal with American pretensions was through peaceful negotiations, but the Chickamaugas fought until

their final defeat in 1794 to protect their land from North Carolina and Georgia's claims.

The northern Indians reacted similarly to American right of conquest claims, and Congress had its hands full with warfare in the Ohio country. Fearful that the aggressive expansionism of North Carolina and Georgia would widen the war in the South, Congress adopted a different policy there. Making no right of conquest claims against the Cherokees and the other southern nations, Congress instead sought to negotiate peace treaties that would end the fighting and restrain the states. To that end it appointed commissioners to meet with Indian delegations at Hopewell, South Carolina.

The Treaty of Hopewell, signed with the Cherokees on November 28, 1785, established relations between them and the United States. Primarily a peace treaty between the two nations, it contained several provisions designed to ensure friendly relations in the future. Because the main concern of the Cherokees was the continued encroachment of Georgians and North Carolinians, the treaty also defined the Cherokees' boundaries and recognized their right to expel unwanted intruders. Both states protested the treaty, citing the Indian article of the Articles of Confederation, which denied Congress the power to conduct relations with tribes within the boundaries of the states, but Congress argued that the threat of war overrode state claims. Congressional authority was undeniably ambiguous, however, and the Treaty of Hopewell was, for the most part, a failure. Neither Georgia nor North Carolina respected it; they continued to expand into Cherokee country; and the Cherokees continued to resist.

By the end of the 1780s, two things had happened to change the relations between the United States and Native Americans that had important implications for the Cherokees. In the first instance, the United States abandoned its assertion that the tribes were conquered enemies that had forfeited their rights to their lands. This decision, caused largely by continued Native resistance to the encroachment of settlers into their territories, reflected the realization that Native military power could be neither ignored nor countered without an enormous investment in lives and money. A new, peaceful way had to be found to conduct relations with Native peoples. Such a resolution of the crisis in the North proved impossible because neither the United States nor the tribes were willing to compromise their goals, but in the South, where the policy had always been to end the fighting, the change meant increased government efforts to restrain the expansionist states of Georgia and North Carolina.

The second event of importance was the reorganization of the United States government under the Constitution. Without ambiguity, the Constitution placed sole authority over Indian affairs in the hands of Congress and the president. This, in conjunction with its design of a federal system that subordinated the states to the national government in important areas, gave the United States the means to devise and execute an Indian policy that could control the actions of the states and their citizens.

The task of making the new system workable fell to President George Washington's first secretary of war, Henry Knox. The only high official to remain in office through the transition from the Articles of Confederation to the Constitution, Knox brought to the new government several years' experience in Indian matters and clear ideas about how relations with the tribes should be conducted. He believed that the tribes were sovereign, independent nations and that the United States should recognize and respect their rights to autonomous self-government within their borders. He was convinced that the encroachment of settlers and others onto their lands was the primary cause of warfare on the frontier and that the only way to bring lasting peace to Indian relations was to exert legislative controls over aggressive United States citizens. Furthermore, Knox thought that the federal government had a moral obligation to preserve and protect Native Americans from the extinction he believed was otherwise inevitable when "uncivilized" people came into contact with "civilized" ones. Knox also fully concurred with the general American view that as the population of the United States grew, Indians must surrender their lands to accommodate the increased numbers. These views added up to a policy aptly described by one historian as "expansion with honor," the central premise of which was that United States Indian policy should make expansion possible without detriment to the Indians.

Knox's Indian policy, which the president fully embraced, began to take shape in the first months of the Washington administration. The initial step was to win agreement to the concept that the tribes were sovereign nations and that the United States should deal with them through the negotiation of treaties ratified, as the Constitution directs, by a two-thirds vote of the Senate. In the first Indian Trade and Intercourse Act, passed in 1790, Congress approved this idea by requiring that all purchases of land from Indians must be arranged through treaties negotiated by tribal leaders and federal commissioners appointed by the president. Because the Constitution prohibited states

from negotiating treaties, Knox accomplished his goal of excluding the states from conducting relations with the Indians. In this way, he hoped to end the fighting on the frontier that was caused by state expansionism.

With the means to bring peace to Indian relations at hand, Knox addressed the longer-term problem of ensuring the Indians' survival. Along with many people of their generation, Knox and Washington believed that the obviously "uncivilized" characteristics of Indian life existed because Native people knew no better. In other words, their "inferiority" was cultural, not racial. Indians, therefore, were fully capable of becoming "civilized" and assimilating into American society as functioning citizens. This would reverse their otherwise inevitable extinction and free the United States from the moral stigma of having been instrumental in their destruction.

To most Americans, "civilization" was not an abstract concept. Rather, "civilization" meant contemporary American culture. To be "civilized," Native Americans must dress, think, act, speak, work, and worship the way rural United States citizens, ideally, did. All they needed was a little time to learn how, and the proper role of government was to encourage their instruction.

This new Indian policy of Knox and Washington began almost immediately to influence United States relations with the Cherokees. The failure of the Treaty of Hopewell to end the encroachment of settlers and the resulting warfare between them and the Cherokees was, to Knox, "disgraceful." But the thousands of settlers who had entered the Cherokee Nation in violation of the treaty could hardly be removed. Instead, Knox and Washington believed that the United States should negotiate a new treaty with the Cherokees, buy the land the settlers illegally occupied, survey a new boundary, strictly prohibit any further encroachment, and take the first steps toward "civilizing" the Cherokees. The Treaty of Holston was concluded in July 1791 and contained the provisions Knox required, including the following: "That the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will, from time to time, furnish gratuitously the said nation with useful implements of husbandry." Congress included a section in the 1793 Trade and Intercourse Act that extended to all the tribes this policy of donating agricultural implements and tools, draft animals, and other "civilized" goods to Indians and called for the appointment of people to explain and demonstrate their use. Thus the "civilization" program, a central feature of

the expansion with honor policy devised by Knox and Washington, came into being at a time when the Cherokees desperately needed some alternative to their collapsed economy of deerskin trading.

CHEROKEE CULTURE CHANGE

The Cherokees embraced the government's program with enthusiasm, but they also decided to adapt "civilization" to Cherokee needs and goals. When Moravians requested permission to establish a mission in 1800, for example, the Cherokee headmen welcomed a school but expressed no interest in the gospel. When two years passed and a school had not been opened, they threatened to expel the missionaries. The Moravians shifted their emphasis to education to comply with Cherokee demands, and in 1804 they commenced classes at the mission. However important religion may have been to the missionaries, the Cherokees apparently had little interest in Christianity—the Moravians did not make their first convert until nine years after they began their work—but they recognized that the missionaries had other things to offer.

The Moravians, Protestant German immigrants who had established a town at Salem, North Carolina, had relatively little competition for Cherokee souls during nearly two decades of ministry. In 1817, however, missionaries arrived from the interdenominational (but mostly Presbyterian and Congregationalist) American Board of Commissioners for Foreign Missions, headquartered in Boston. Soon Baptist missionaries joined them, and the Methodists arrived in 1822. While these Protestant missionaries differed over various theological interpretations, they agreed that Christianity and "civilization" were inextricably linked: One could not be truly "civilized" without being Christian and vice versa. Consequently, they not only taught their students to read the Bible and pray but also taught them how to dress, eat, keep house, cook, and farm. The division of labor, of course, was European, not Cherokee: Boys rather than girls farmed, and girls learned to be subservient.

Although the number of missionaries increased, they never had enough spaces in their classrooms for all Cherokee children. Not all parents, however, wanted their children to attend mission schools. The students who did enroll generally came from two types of families. Many were the children of British traders or Loyalists and Cherokee women. The matrilineal Cherokees regarded these people as

wholly Cherokee, of course, because their mothers were Cherokee, but they were often bicultural—that is, they moved comfortably in both Cherokee and Anglo-American societies. In addition to these bicultural children of mixed ancestry, other Cherokees sent their children to school because they foresaw the end of a Cherokee lifestyle of hunting and subsistence farming. Headmen who had achieved prominence in eighteenth-century warfare and wealth in the deerskin trade sought new avenues for the aggression, competition, and achievement they had enjoyed in these outmoded ways. Therefore, they looked to the "civilization" program and mission schools to prepare them and their children for a new Cherokee world.

This new world required a redefinition of the most basic principles of Cherokee life. Men could no longer do the things that identified them as men—hunt and fight—but culturally, many could not bring themselves to do what women did—farm. Yet farming was exactly what the "civilization" program prescribed for men. At the same time, many Cherokee women were reluctant to give up farming, especially since agriculture now commanded so much attention. As a result, the Cherokees tried to accommodate to changed circumstances and the "civilization" program as best they could without sacrificing their most basic categories. Many women continued to hoe the corn while their husbands tended livestock, a corollary perhaps to hunting. Men harnessed their horses to plows at planting time, but they had always helped the women prepare the field. Women now spun thread and wove cloth, but they had always been responsible for their family's clothing. For many, perhaps most, Cherokees, the pattern of life changed little.

For other Cherokees, however, "civilization" led to a far more significant transformation. With missionaries and United States agents as their guides, and southern planters as their models, these Cherokees began to imitate an Anglo-American way of life. Like their white southern counterparts, Cherokee planters bought African American slaves, raised cotton and other crops for sale in the regional markets, and accumulated capital. The wealthiest Cherokees invested in taverns along the roads that began to crisscross the country, opened stores, and operated ferries and toll roads. The women in these households did not normally toil in the fields. Instead, African American slaves or white sharecroppers performed the agricultural labor that traditionally had been theirs. These Cherokee planters became an economic elite, and they ultimately dominated political affairs.

Cherokee law had been informal and clan-based, but the advent of

disparities in wealth and concern over the protection of property led to the creation of a written law code. The first recorded law, in 1808, established a national police force to prevent horse stealing and to protect the property of widows and orphans. In particular, the law enabled men to bequeath their wealth to their wives and children in defiance of the matrilineal tradition. Gradually other laws appeared on the books. Some dealt with criminal matters, but many involved the regulation of property: Laws set interest rates, awarded contracts for ferries and toll roads, and established licensing procedures for hiring non-Cherokees.

Another body of laws also began to emerge that strengthened the authority of the national government. The Cherokees' second written law, in 1810, shifted the responsibility for avenging certain kinds of deaths from the clans to the national government. In 1817, the Cherokees enacted articles of government giving only the National Council the authority to cede lands. Subsequent legislation provided for apportionment of representation among districts, a standing committee with executive powers, and a supreme court. Finally, in 1827, the Cherokees wrote a constitution that provided for a bicameral legislature, a chief executive, and a judicial system.

The centralization of power came about in part because wealthy Cherokees wanted to protect their property but primarily because they wanted to preserve the Nation. The Cherokees held their land in common, so individuals could not sell property on which they lived. Cherokee leaders wanted to make sure that everyone—Cherokees and non-Cherokees—knew who had the authority to sell land. The Council restricted the sale of improvements—houses and barns that individuals built on commonly held land—and revoked the citizenship of those who chose to move west. The Cherokee constitution was in one sense the culmination of the "civilization" program, but in another sense it marked the zenith of Cherokee nationalism in the East. The preamble delineated the boundaries of the Nation, thereby linking the governing document to the Cherokee homeland: Without the land, the Nation did not exist. In 1829 the Council committed to writing a law imposing the death penalty on anyone who sold that land without authority.

Another expression of Cherokee nationalism was the invention and adoption of a system for writing the Cherokee language. In the early 1820s, an untutored Cherokee named Sequoyah devised a syllabary for writing Cherokee. He developed a symbol for each sound (or syllable), and anyone who spoke Cherokee reportedly could memorize

the eighty-six symbols (soon reduced to eighty-five) in a matter of days. Many Cherokees did learn to read and write, and even today, mastery of the Sequoyah syllabary is a source of great pride for individual Cherokees. In 1828, the Cherokee Nation began publication of the *Cherokee Phoenix*, with columns printed in English and in Cherokee. Because of this newspaper, we have a remarkable view of early Cherokee history. The *Phoenix* also represents the crowning glory of a Cherokee "civilization" shaped in part by the United States government's program and the efforts of Protestant missionaries but largely directed by the Cherokees themselves.

PRESSURE FOR REMOVAL

When Henry Knox and President Washington designed the expansion with honor policy that incorporated a commitment to "civilizing" the Indians, they had assumed that as Native people learned to be "civilized," they would enter American society as fully equal citizens. They had not anticipated that the view would quickly develop that Indian "deficiencies" were caused by racial, not cultural, characteristics. This new pattern of racist thought rejected the idea that Indians could ever be fully "civilized" and insisted that one cannot change through education characteristics determined by race. Therefore, the reasoning continued, there could be no place in American society for Native people and, furthermore, it made no sense to pursue an Indian policy that aimed to achieve an impossible goal. Such thinking came to influence United States relations with Native Americans in the 1820s and was used during congressional debate in 1830 to justify "removal" of the eastern Indians to land farther west to make room for a burgeoning population of American citizens. For example, Senator John Forsyth of Georgia, arguing in support of the Indian Removal Act in 1830, characterized Indians as "a race not admitted to be equal to the rest of the community; not governed as completely dependent; treated somewhat like human beings, but not admitted to be freemen; not yet entitled, and probably never will be entitled, to equal civil and political rights." Attitudes like this obviously had profound implications for the Cherokees, widely credited with being the most "civilized" of any of the Indian tribes.

In part, the issue was land. After the War of 1812, an agricultural boom, the transportation revolution, and the development of a national market brought rapid changes to the country between the Appalachian

Mountains and the Mississippi River. In the North, grain and livestock farmers spread through the Ohio River valley. Indiana and Illinois became states in 1816 and 1818, and their combined population increased from barely 37,000 in 1810 to almost a half-million in 1830. South of the Ohio, the expansion of cotton plantation agriculture led to the admission to the Union of Mississippi and Alabama in 1817 and 1819. Their total population jumped from 40,000 in 1810 to 445,000 in 1830. And the older states of Ohio, Tennessee, and Georgia, all with land within their borders that belonged to Indians, filled up. Their population rose from 745,000 in 1810 to over two million in 1830. Such enormous growth, occurring in just two decades, vastly increased the pressure on the tribes to sell more of their land. The demand for the land of the southern Indians was particularly intense. The Cherokees, Creeks, Choctaws, and Chickasaws held thousands of square miles, much of it astonishingly fertile, within the borders of Georgia, Alabama, Mississippi, and Tennessee. These cotton states shared the economic and social system of plantation agriculture and slavery. Southerners defined and justified their slave system by racism and were thus particularly responsive to a theory that held that Indians were racially inferior. These two phenomena—a sharply intensified demand for Indian land fed by burgeoning populations and the development of the idea that the Indians were racially rather than culturally inferior and therefore unchangeable—came together in the 1820s to create an atmosphere of extreme tension.

After the War of 1812, just as the pressure on the southern tribes to sell their land intensified, tribal leaders became increasingly reluctant to sell. Exercising their rights as sovereigns, national councils rebuffed federal commissioners sent to negotiate treaties of cession with the argument that they had already sold too much land and had no more to spare. Andrew Jackson, the commander of the army's southern district at that time and a frequent negotiator of Indian treaties, suggested that the sensible way to get land from tribes that refused to sell was to take it. Negotiating treaties with Indians was "absurd," he argued. Their nations were not sovereign and the United States should not pretend they were. Congress should treat the Indians as subjects and "legislate their boundaries," by which he meant that Congress should exercise its right of eminent domain and seize the millions of acres they "wandered" over and hunted on. They should be allowed to keep only their villages and fields which they obviously owned because they had invested their labor in them. Then Congress could populate the country with American citizens who

would develop it and use it properly. If the tribes resisted the confiscation of their territories, Jackson pointed out, the "arm of government" was strong enough to force their compliance. Congress rejected Jackson's recommendations, but many agreed that some radical change in policy was in order.

Clearly, however, the issue was more complicated than the lust for land. No state could demand all the land owned by Indians and ignore the question of what was to happen to them after they had sold out. If the popular ideology denied the possibility of "civilization" and assimilation, the only logical alternative was expulsion. No one seriously suggested the third possibility, extermination. Expulsion, or removal, as it came to be called, was an idea that dated back to 1803 when President Thomas Jefferson had contemplated the acquisition of Louisiana. He toyed with the notion that eastern Indians might exchange their lands for comparable tracts west of the Mississippi and even suggested it to the Cherokees and Choctaws, but he never made removal a key feature of his Indian policy. Like Knox and Washington, he believed that Indians could be "civilized" and would ultimately blend into American society. Nevertheless, in 1810 about eight hundred Cherokees did migrate to the Arkansas River valley in present Arkansas. Jefferson's idea, premature when he first suggested it, gained new life in the supercharged atmosphere of the 1820s.

Thomas L. McKenney, the War Department clerk mainly responsible for administering Indian policy, was especially sensitive to the mounting tension. Mushrooming populations demanding land from Indians who refused to sell meant serious trouble. Indian policy, dedicated to the acquisition of Indian land for the benefit of American citizens, was encumbered by two late-eighteenth-century concepts—tribal sovereignty and "civilization"—that a growing number of Americans rejected as outmoded, impractical, impossible, undesirable, and "absurd." By the mid 1820s, McKenney; President James Monroe and his successor, John Quincy Adams; and many others turned to removal as the solution to what McKenney nervously referred to as a "crisis in Indian affairs."

For many years, until Congress acted with legislation in 1830, government officials attempted to convince tribal leaders to agree to removal. Treaties with the Cherokees in 1817 and 1819, the Choctaws in 1820, and the Creeks in 1826 all contained provisions to encourage groups to move west. The government set aside land in the region west of Arkansas, later called Indian Territory, where the Indians could rebuild their societies free from the demands of encroaching

settlers and expansionist states. Some of the Indians accepted the offer and migrated, including a number of Cherokees. But most rejected the idea of abandoning their homelands for a strange and distant place and refused to move. By the end of the 1820s, state and federal officials realized that the voluntary migration of small groups of Native Americans would not achieve the government's goals.

Andrew Jackson won election to the presidency in 1828 with almost unanimous support from southern voters, who believed he would expel the Indians. He urged Congress to adopt the removal plan recommended by his predecessors and made support of the plan a measure of loyalty to the Democratic Party. During the winter of 1829-30, while public debate raged, Congress considered Jackson's removal bill.

The impetus for the legislation came directly out of the history of the tangled relations between the Cherokees and the state of Georgia. In 1802, Georgia ceded to the United States the land between its current western boundary and the Mississippi River, which was included in its colonial charter. In return, the United States pledged to purchase for Georgia all the Indian lands remaining within the state. The lands in question belonged to the Creeks and the Cherokees. By 1827, the Creeks were out of Georgia but the Cherokees remained. Indeed, the Cherokees drafted their constitution and by every statement and action indicated that they had no intention of leaving. Georgia politicians had long been impatient with what they charged was unreasonable delay by the United States in fulfilling its obligation under the 1802 agreement and intensified their demands for speedy action. Presidents Monroe and Adams countered repeatedly that they were moving as fast as they could: The law required that land could be purchased only by treaty, and federal policy respected the sovereign right of the Indian nations to refuse to sell. There was, therefore, nothing more they could do.

Jackson's election encouraged the Georgia legislature to take control of the situation. Shortly after his victory, Georgia reaffirmed and expanded its policy of extending state civil and criminal jurisdiction over the Cherokee Nation. Jackson refused to interfere, arguing that Georgia had a sovereign right to govern all the territory within its borders. This exchange took place in early 1829, formed the backdrop for the debate on removal, and focused the arguments directly on the Cherokees.

Jackson built his defense of removal on the twin themes of the sovereign rights of Georgia over the Cherokees and the moral imperative to protect Indians from the deleterious effects of exposure to Ameri-

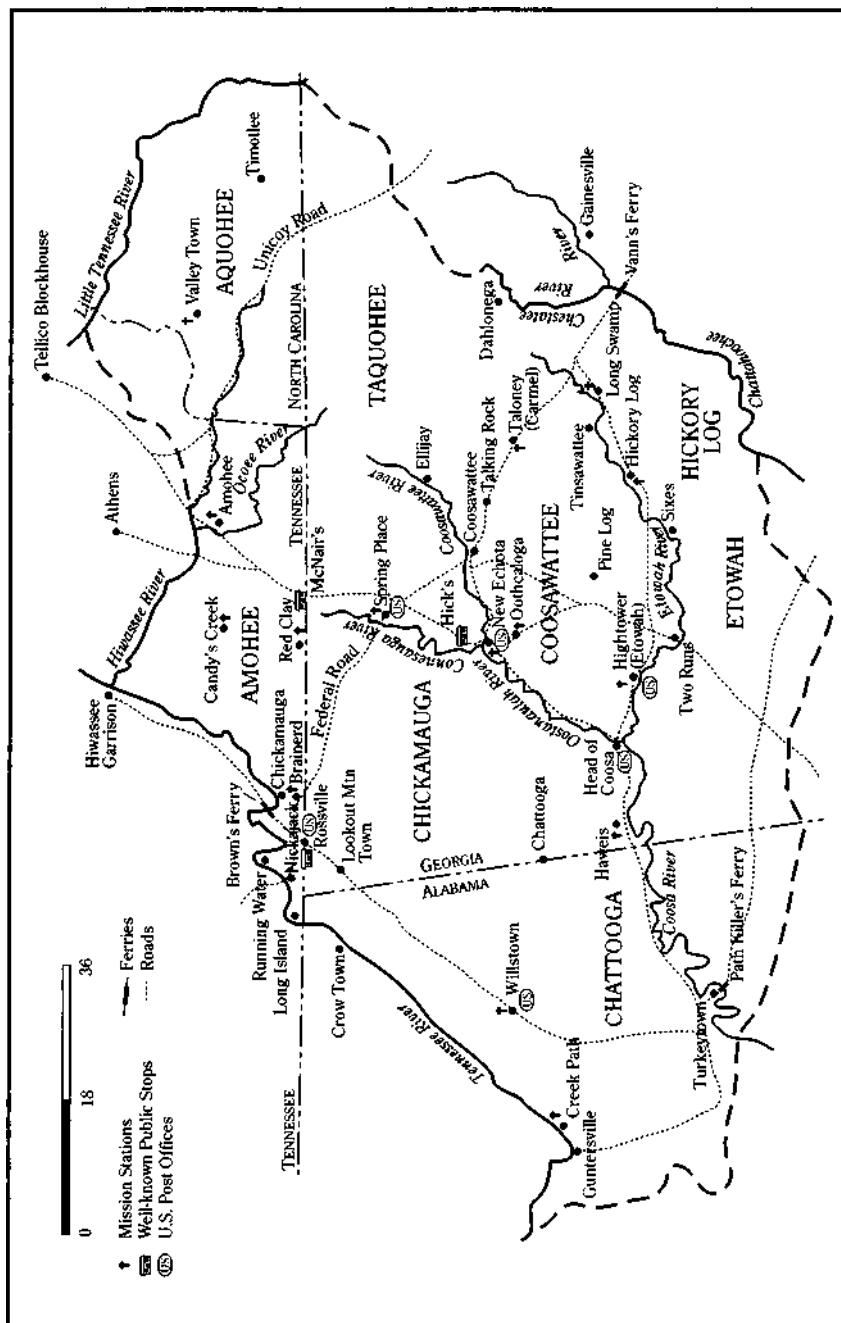
can frontier settlers. Such contact, he explained, had always resulted in the degradation and ultimate demise of the Indians and only their isolation in a safe and distant haven could save them. If they remained in Georgia, they would have to be subject to the laws of the state because whatever power he had to protect Indians from outside interference applied only to the encroachment of individual citizens, not to the actions of a sovereign state. This line reflected an extremely narrow interpretation of the constitutional provisions of federal supremacy in Indian affairs and the treaty stipulations that obligated the United States to defend the territories of the Native nations from external force.

The president encountered substantial opposition to his position from United States citizens, particularly those who lived in the Northeast. The missionaries who worked among the Cherokees and the organizations that supported them offered evidence of Cherokee "civilization" and compelling arguments against removal. Most persuasive was Jeremiah Evarts, the corresponding secretary of the American Board of Commissioners for Foreign Missions, who published a series of essays in the *Washington National Intelligencer* in 1829 under the pseudonym William Penn. Other papers reprinted the Penn essays, ministers used them in their sermons, and outraged citizens, mainly in the Northeast, were moved to sign petitions urging their congressmen to oppose removal. The essays also influenced the debates in Congress, where politicians quoted their arguments or challenged their assertions.

But public skepticism about the efficacy of "civilizing" Indians and a fever for more land, plus party loyalty in Congress, won the day. The Indian Removal Act passed. Signed by the president on May 28, 1830, it created the machinery that expelled to a distant territory some one hundred thousand Indians, including sixteen thousand Cherokees.

CHEROKEE RESISTANCE AND CAPITULATION

The Cherokees mounted a strong defense of their rights. After agreeing to a land cession in 1819, the National Council announced that the Cherokees would cede no more land. The Cherokees maintained that resolve in the face of Georgia legislation that suspended their own political and judicial systems, curtailed their civil rights, and essentially banished missionaries and other supporters from their territory. Ultimately, the Cherokees turned to the United States Supreme Court



to protect their rights. In 1832, when the Court ruled in favor of Cherokee sovereignty in *Worcester v. Georgia*, the state refused to respond to the Court's decision. Furthermore, Georgia went ahead with a land lottery, enacted into law in 1830, that provided for the distribution of Cherokee land to Georgia's citizens. Thousands of Georgians streamed into the Cherokee country and dramatically increased the turmoil and suffering in the Cherokee Nation. No one seemed to have the power and the will to help the Cherokees.

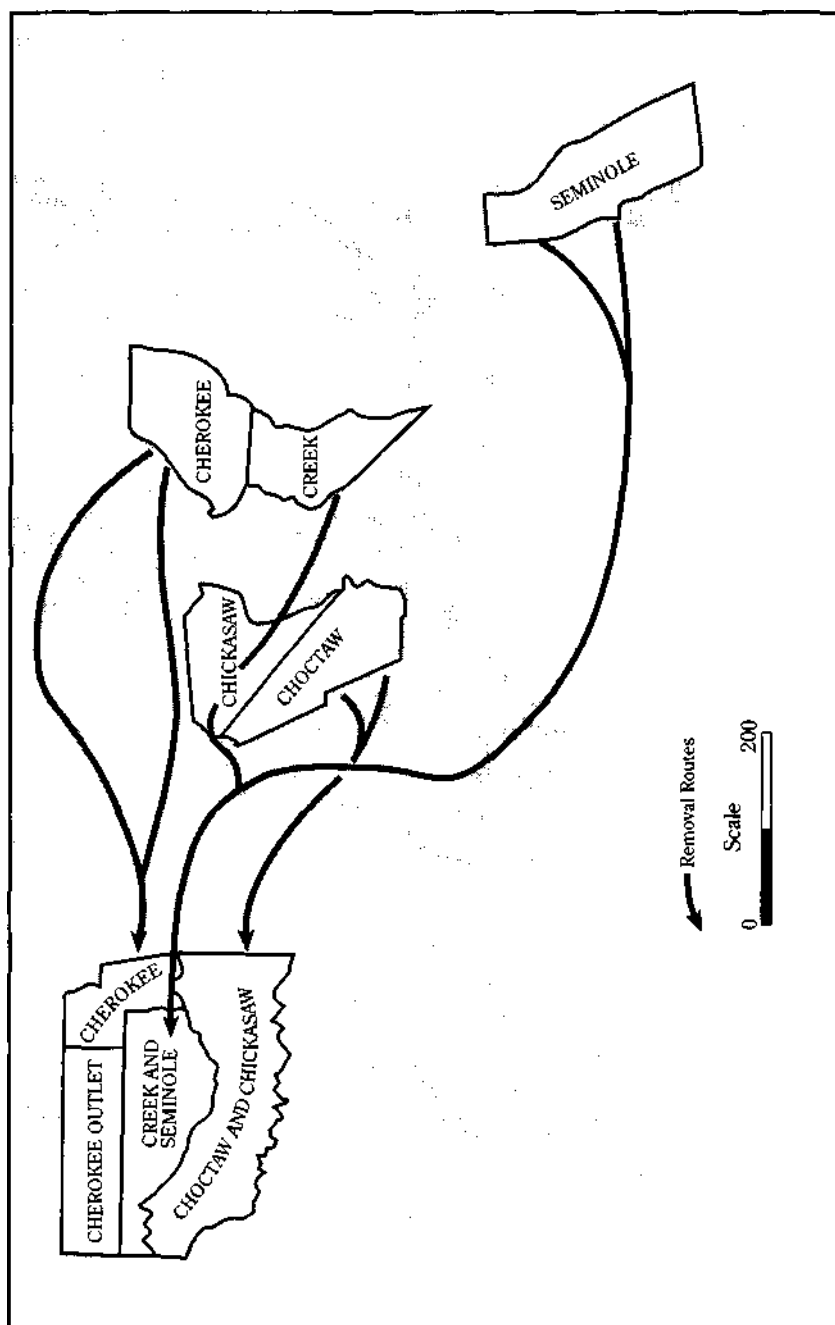
The Cherokees had been united in their opposition to removal, but now the situation appeared hopeless to some of them. A small group began to coalesce around the Cherokee statesman Major Ridge, a highly respected veteran of the Creek War of 1813-14 and a successful planter, and his New England-educated son and nephew, John Ridge and Elias Boudinot. These men concluded that the Cherokees had no alternative but to negotiate with the United States to exchange their land in the east for a new homeland west of the Mississippi. This defection horrified Principal Chief John Ross and the majority of Cherokees. The Cherokee government took steps to silence the group forming around Ridge, which came to be called the "Treaty Party," for fear that the United States would seize the opportunity to make a treaty with a disgruntled minority. The National Council moved to impeach the Ridges from their seats in the Council and forced Boudinot to resign as editor of the *Cherokee Phoenix*, a position he had held since it began publication. The Cherokee government was struggling to preserve a consensus by forcing the withdrawal of the minority opposition.

While the Treaty Party acted partly out of concern for the suffering of the Cherokee Nation, some members had less than pure motives for trying to subvert the Cherokee national government. Most members of the Treaty Party were fairly well-to-do Cherokees, but they did not fall into the elite class composed of Principal Chief Ross, his

Figure 1. *The Cherokee Country about 1825 (Opposite).*

This map of the Cherokee Nation just before the removal crisis shows the electoral districts (Amohee, Aquohee, and so on), public thoroughfares, and principal settlements. The boundaries of the states that claimed Cherokee territory—Georgia, Alabama, Tennessee, and North Carolina—are also outlined (—).

Source: From *Cherokees of the Old South: A People in Transition* by Henry T. Malone. Copyright 1956 by the University of Georgia Press. Reprinted by permission of the University of Georgia Press.



brother, and several other prominent leaders. Since the Cherokee government controlled much of the economic activity in the Nation, some suspected Ross and others of using political power to further their own economic interests. Furthermore, several Treaty Party members had been defeated in the 1830 elections, and John Ridge believed that only the subsequent ban on elections, caused by the extension of Georgia law over the Nation, prevented him from defeating Ross in a contest for principal chief. A willingness to negotiate also brought members of the Treaty Party some tangible rewards—the Georgia governor exempted the property of the Ridges and Boudinot from the land lottery. A fair share of jealousy, thwarted ambition, and self-interest, therefore, motivated the Treaty Party.

While Ross's position may very well have enhanced his family's fortune, as principal chief he understood something about the nature of Cherokee politics that members of the Treaty Party failed to recognize. Despite major changes in the structure of Cherokee government since the days of town councils in which everyone participated, political ethics remained relatively unchanged. Cherokees still believed that leaders should represent a consensus. This is precisely what Ross did: The vast majority of Cherokees opposed removal and wanted to resist the United States and Georgia at any cost. If Ross had followed any other course, he would have lost his mandate to govern.

The federal and state governments welcomed the defection of the Treaty Party. John Ridge led a delegation to Washington to negotiate a removal treaty in 1835 but found himself confronting John Ross's delegation. Both delegations returned to the Cherokee Nation, and in October 1835 at its annual meeting at Red Clay, within the borders of Tennessee, the National Council rejected Ridge's treaty. Not to be denied, the United States treaty commissioner proposed a December treaty conference at the abandoned Cherokee capital of New Echota in Georgia. The Ross delegation returned to Washington, and only the Treaty Party appeared at the New Echota meeting, where a removal

Figure 2. *Trails of Tears (Opposite).*

Removal policy extended not just to the Cherokees but to many eastern Indian nations. This map shows the locations of the five large southern nations before and after removal.

Source: Adapted from *Historical Atlas of Oklahoma*, Third Edition, by John W. Morris, Charles R. Goins, and Edwin C. McReynolds. Copyright © 1965, 1976, 1986 by the University of Oklahoma Press. Reprinted by permission. All rights reserved.

treaty was negotiated. The Treaty of New Echota provided for the cession of all the Nation's lands in the East, additions to Cherokee lands west of the Mississippi in what is today northeastern Oklahoma, payment of five million dollars to the Cherokees, arrangement of transportation to the West, and subsistence aid from the U.S. government for one year.

The majority of Cherokees, led by John Ross, protested the Treaty of New Echota and petitioned the United States Senate to reject the treaty. Despite the pleas, the Senate ratified it in the spring of 1836. The treaty gave the Cherokees two years to prepare for removal. Most people could not believe that the battle had been lost. They continued to plant their corn as Ross struggled to have the treaty abrogated. When United States soldiers arrived in the spring of 1838, few Cherokees had made preparations to go west. The troops began rounding up people and placing them in stockades. The summer heat, poor water supplies, disease, and inadequate provisions quickly took their toll on those awaiting deportation to the West. Seeing his people's suffering, Ross finally accepted the inevitability of removal and secured permission for the Cherokees to conduct their own emigration that fall. Except for scattered families and a small group of Cherokees whose 1819 treaty rights permitted them to stay in North Carolina, the remaining Cherokees moved west in the winter of 1838-39 on what has come to be known as the Trail of Tears.

Were the Cherokees "uncivilized savages" as so many people maintained? What reasons did people advance in favor of removal of the Indians? What arguments refuted their line of reasoning? How did the Cherokees themselves respond to removal? The documents in this volume will help you explore these and other issues. The selections also will introduce you to the kinds of sources historians use in writing about Cherokee removal and direct you toward additional primary sources and secondary literature. While you learn about the Cherokees and their removal, you also can learn how to go about researching their past.