

## Indian Removal Act

Native Americans had long lived in settlements stretching from Georgia to Mississippi. However, President Jackson and other political leaders wanted to open this land to settlement by American farmers. Under pressure from Jackson, Congress passed the **Indian Removal Act** in 1830, authorizing the removal of Native Americans who lived east of the Mississippi River to lands in the West.

Congress then established **Indian Territory** – U.S. land in what is now Oklahoma where Native Americans were moved to. Some supporters of this plan, like John C. Calhoun, argued that removal to Indian Territory would protect Indians from further conflicts with American settlers. “One of the greatest evils to which they are subject is that **incessant**, or constant, pressure of our population,” he noted. To manage Indian removal to western lands, Congress approved the creation of a new government agency, the **Bureau of Indian Affairs**.

The Choctaw were the first Indians sent to Indian Territory. The Mississippi legislature **abolished** the Choctaw government, that is, taking away their power. Then they forced the former Choctaw leaders to sign the Treaty of Dancing Rabbit Creek. This treaty gave more than 7.5 million acres of their land to the state. The Choctaw moved to Indian Territory during a disastrous winter trip. Federal officials in charge of the move did not provide enough food or supplies to the Choctaw, most of whom were on foot. About one-fourth of the Choctaw died of cold, disease, or starvation.

## Cherokee Resistance

Many Cherokee had believed that they could prevent conflicts and avoid removal by adopting the **contemporary** culture of white people. It was as if they tried to live like whites lived at this same time period. In the early 1800s they invited missionaries to set up schools where Cherokee children learned how to read and write in English. The Cherokee developed their own government modeled after the U.S. Constitution with an election system, a bicameral council, and a court system. All of these were headed by a principal chief.

The adoption of white culture did not protect the Cherokee. After gold was discovered on their land in Georgia, their treaty rights were ignored. Georgia leaders began preparing for the Cherokee’s removal. When they refused to move, the Georgia militia began attacking Cherokee towns. In response, the Cherokee sued the state. They said that they were an independent nation and claimed that the government of Georgia had no legal power over their lands.

In 1832 the Supreme Court, under the leadership of Chief Justice John Marshall, agreed. In *Worcester v. Georgia* the Court ruled that the Cherokee nation was a **distinct** community in which the laws of Georgia had no force. In other words, the Cherokee land was separate from Georgia. The Court also stated that only the federal government, not the states, had authority over Native Americans.

Georgia, however, ignored the Court’s ruling, and President Jackson took no action to make Georgia follow the ruling. “John Marshall has made his decision; now let him enforce it,” Jackson supposedly said. By not **enforcing** the Court’s decision, for example by sending in military troops, Jackson violated his presidential oath to uphold the laws of the land. However, most members of Congress and American citizens did not protest the ways Jackson removed Native Americans.

In the spring of 1838, U.S. troops began to remove all Cherokee to Indian Territory. A few were able to escape and hide in the mountains of North Carolina. After the Cherokee were removed, Georgia took their businesses, farms, and property.

The Cherokee’s 800-mile forced march became known as the **Trail of Tears**. During the march, the Cherokee suffered from disease, hunger, and harsh weather. Almost one-fourth of the 18,000 Cherokee died on the march.