64. Appeal of the Cherokee Nation (1830)

Source:* E. C. *Tracy*, Memoir of the Life of Jeremiah Evarts *(Boston, 1845), pp. 149–58.

One of the early laws of Andrew Jackson's administration, the Indian Removal Act of 1830, provided for uprooting the Cherokee and four other tribes, with a total population of around 60,000 living in the Southeast. The Cherokee had made great efforts to become citizens, establishing schools, adopting a constitution modeled on that of the United States, and becoming successful farmers, many of whom owned slaves. But in his

messages to Congress, Jackson referred to them as "savages" and supported Georgia's effort to seize Cherokee land and nullify the tribe's laws.

Cherokee leaders petitioned Congress, proclaiming their desire to "remain on the land of our fathers," as guaranteed in treaties with the federal government. They also went to court to protect their rights. Chief Justice John Marshall held that Georgia's action in extending its jurisdiction over the Cherokee violated the tribe's treaties with Washington. But presidents Jackson and Van Buren refused to recognize the ruling's validity. Eventually, nearly all the Cherokee, along with the other "civilized tribes," were forced to leave their homes. More than 4,000 Indians perished during the winter of 1838–1839 on the Trail of Tears, as the removal route to present-day Oklahoma came to be called.

We are aware that some persons suppose it will be for our advantage to remove beyond the Mississippi. We think otherwise. Our people universally think otherwise. Thinking that it would be fatal to their interests, they have almost to a man sent their memorial to Congress, deprecating the necessity of a removal. This question was distinctly before their minds when they signed their memorial. Not an adult person can be found, who has not an opinion on the subject; and if the people were to understand distinctly, that they could be protected against the laws of the neighboring States, there is probably not an adult person in the nation, who would think it best to remove; though possibly a few might emigrate individually. There are doubtless many who would flee to an unknown country, however beset with dangers, privations and sufferings, rather than be sentenced to spend six years in a Georgia prison for advising one of their neighbors not to betray his country. And there are others who could not think of living as outlaws in their native land, exposed to numberless vexations, and excluded from being parties or witnesses in a court of justice. It is incredible that Georgia should ever have enacted the oppressive laws to which reference is here made, unless

she had supposed that something extremely terrific in its character was necessary, in order to make the Cherokees willing to remove. We are not willing to remove; and if we could be brought to this extremity, it would be, not by argument; not because our judgment was satisfied; not because our condition will be improved—but only because we cannot endure to be deprived of our national and individual rights, and subjected to a process of intolerable oppression.

We wish to remain on the land of our fathers. We have a perfect and original right to claim this, without interruption or molestation. The treaties with us, and laws of the United States made in pursuance of treaties, guaranty our residence, and our privileges, and secure us against intruders. Our only request is, that these treaties may be fulfilled, and these laws executed.

But if we are compelled to leave our country, we see nothing but ruin before us. The country west of the Arkansas territory is unknown to us. From what we can learn of it, we have no prepossessions in its favor. All the inviting parts of it, as we believe, are preoccupied by various Indian nations, to which it has been assigned. They would regard us as intruders, and look upon us with an evil eye. The far greater part of that region is, beyond all controversy, badly supplied with wood and water; and no Indian tribe can live as agriculturists without these articles. All our neighbors, in case of our removal, though crowded into our near vicinity, would speak a language totally different from ours, and practice different customs. The original possessors of that region are now wandering savages, lurking for prey in the neighborhood. They have always been at war, and would be easily tempted to turn their arms against peaceful emigrants. Were the country to which we are urged much better than it is represented to be, and were it free from the objections which we have made to it, still it is not the land of our birth, nor of our affections. It contains neither the scenes of our childhood, nor the graves of our fathers.

Questions

1. What reasons do the Cherokee give for rejecting the idea of moving beyond the Mississippi River?

2. How do the Cherokee understand their "national and individual rights"?