The following documents are in this packet:

Andrew Jackson’s First Annual Message to Congress: December 8, 1829
Andrew Jackson’s Second Annual Message to Congress: December 6, 1830
The Indian Removal Act of 1830, U.S. Act of Congress: May 28, 1830
Memorial of the Cherokee Nation: December 1829
Oral History of Trail of Tears from Josephine U. Lattimer: October 13, 1937
John G. Burnett’s Story of the Removal of the Cherokees: December 11, 1890

Also in this packet:

Written Document Analysis Worksheet from the National Archives
An Overview of Indian Removal and Trail of Tears
Upon this country more than any other has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a government of limited and specific, and not general, powers must be admitted by all, and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised, and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it and become an object of admiration to the world. We are responsible to our country and to the glorious cause of self-government for the preservation of so great a good. The great mass of legislation relating to our internal affairs was intended to be left where the Federal Convention found it—in the state governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the Constitution under which we are now acting to the watchful and auxiliary operation of the state authorities. This is not the reflection of a day but belongs to the most deeply rooted convictions of my mind. I cannot, therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of state sovereignty. Sustained by its healthful and invigorating influence the federal system can never fall.

The condition and ulterior destiny of the Indian tribes within the limits of some of our states have become objects of much interest and importance. It has long been the policy of government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. Professing a desire to civilize and settle them, we have at the same time lost no opportunity to purchase their lands and thrust them farther into the wilderness. By this means they have not only been kept in a wandering state but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, government has constantly defeated its own policy, and the Indians, in general, receding farther and farther to the west, have retained their savage habits. A portion, however, of the Southern tribes, having mingled much with the whites and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These states, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection.

Under these circumstances the question presented was whether the general government had a right to sustain those people in their pretensions. The Constitution declares that "no new state shall be formed or erected within the jurisdiction of any other state" without the consent of its legislature. If the general government is not permitted to tolerate the erection of a confederate state within the territory of one of the members of this Union against her consent, much less could it allow a foreign and independent government to establish itself there.

Georgia became a member of the Confederacy, which eventuated in our federal Union as a sovereign state, always asserting her claim to certain limits, which, having been originally defined in her colonial charter and subsequently recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United
States in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original states, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision which allows them less power over the Indians within their borders than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their state? And unless they did would it not be the duty of the general government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? And if they were so disposed would it be the duty of this government to protect them in the attempt?

If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this government are reversed, and that it has become a part of its duty to aid in destroying the states which it was established to protect. Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government would not be countenanced by the executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those states.

Our conduct toward these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river and from mountain to mountain, until some of the tribes have become extinct and others have left but remnants to preserve for awhile their once terrible names. Surrounded by the whites with their arts of civilization, which by destroying the resources of the savage doom him to weakness and decay, the fate of the Mohegan, the Narragansett, and the Delaware is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the states does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new states, whose limits they could control. That step cannot be retraced. A state cannot be dismembered by Congress or restricted in the exercise of her constitutional power. But the people of those states and of every state, actuated by feelings of justice and a regard for our national honor, submit to you the interesting question whether something cannot be done, consistently with the rights of the states, to preserve this much injured race.

As a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any state or territory now formed, to be guaranteed to the Indian tribes, as long as they shall occupy it, each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race and to attest the humanity and justice of this government.

This emigration should be voluntary, for it would be as cruel, as unjust to compel the aborigines to abandon the graves of their fathers and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the states they must be subject to their laws. In return for their obedience as individuals, they will without doubt be protected in the enjoyment of those possessions which they have
improved by their industry. But it seems to me visionary to suppose that in this state of things claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain or passed them in the chase. Submitting to the laws of the states and receiving, like other citizens, protection in their persons and property, they will ere long become merged in the mass of our population.


http://www.britannica.com/presidents/article-9116893
Title  Andrew Jackson’s Second Annual Message to Congress
Author  Andrew Jackson
Date  1830
Type  Primary Sources: Public Record

The following passage is from Andrew Jackson’s Second Annual Message to Congress on December 6, 1830, several months after the passage of the Indian Removal Act. This document summarizes his case for the removal of the southern tribes.

Excerpts from Andrew Jackson’s Second Annual Message to Congress, December 6, 1830

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual states, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will incalculably strengthen the southwestern frontier and render the adjacent States strong enough to repel future invasions without remote aid. It will relieve the whole State of Mississippi and the western part of Alabama of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community. These consequences, some of them so certain and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

Towards the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits and make them a happy, prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the General Government in relation to the State authorities. For the justice of the laws passed by the States within the scope of their reserved powers they are not responsible to this Government. As individuals we may entertain and express our opinions of their acts, but as a Government we have as little right to control them as we have to prescribe laws for other nations.

With a full understanding of the subject, the Choctaw and the Chickasaw tribes have with great unanimity determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi River. Treaties have been made with them, which in due season will be submitted for consideration. In negotiating these treaties they were made to understand their true condition, and they have preferred maintaining their independence in the Western forests to submitting to the laws of the States in which they now reside. These treaties, being probably the last which will ever be made with them are characterized by great
liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be a liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been long busily employed in devising means to avert it, but its progress has never for a moment been arrested, and one by one have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race and to tread on the graves of extinct nations excite melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the West, we behold the memorials of a once powerful race, which was exterminated or has disappeared to make room for the existing savage tribes. Nor is there anything in this which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns, and prosperous farms, embellished with all the improvements which art can devise or industry execute, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization, and religion.

The present policy of the Government is but a continuation of the same progressive change by a milder process. The tribes which occupied the countries now constituting the Eastern States were annihilated or have melted away to make room for the whites. The waves of population and civilization are rolling to the westward, and we now propose to acquire the countries occupied by the red men of the South and West by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did or than our children are now doing? To better their condition in an unknown land our forefathers left all that was dear in earthly objects. Our children by thousands yearly leave the land of their birth to seek new homes in distant regions. Does Humanity weep at these painful separations from everything, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in main, developing the power and faculties of man in their highest perfection. These remove hundreds and almost thousands of miles at their own expense, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government when, by events which it can not control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousand of our own people would gladly embrace the opportunity of removing to the West on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children? Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the while expense of his removal and settlement.

In the consummation of a policy originating at an early period, and steadily pursued by every Administration within the present century—so just to the States and so generous to the Indians—the Executive feels it has a right to expect the cooperation of Congress and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the compact which made them members of our Confederacy. With Georgia there is an express contract; with the new States an implied one in equal obligation. Why, in authorizing Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama to form constitutions and become separate States, did Congress include within their limits extensive tracts of Indian lands, and, in some instances, powerful Indian tribes? Was it not understood by both parties that the power of the
States was to be coextensive with their limits, and that with all convenient dispatch the General Government should extinguish the Indian title and remove every obstruction to the complete jurisdiction of the State governments over the soil? Probably not one of those States would have accepted a separate existence—certainly it would never have been granted by Congress—had it been understood that they were to be confined forever to those small portions of their nominal territory the Indian title to which had at the time been extinguished.

It is, therefore, a duty which this Government owes to the new States to extinguish as soon as possible the Indian title to all lands which Congress themselves have included within their limits are at an end. The Indians may leave the State or not, as they choose. The purchase of their lands does not alter in the least their personal relations with the State government. No act of the General Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. That they possess by virtue of their sovereign power within their own limits in as full a manner before as after the purchase of the Indian lands; nor can this Government add to or diminish it.

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to the laws of the States, will unite in attempting to open the eyes of those children of the forest to their true condition, and by a speedy removal to relieve them from all the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened.

Source
Complete text of the Indian Removal Act, 1830

Chap. 148.

An Act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal West of the river Mississippi.

[Sect. 1.] Be it enacted by the Senate and House of Representatives of the Unites States of America, in Congress assembled, That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any State or organized Territory, and to which the Indian title has been extinguished*, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.

Sec. 2. And be it further enacted, That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the States or Territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the States or Territories, where the land claimed and occupied by the Indians, is owned by the United States, or the United States are bound to the State within which it lies to extinguish the Indian claim thereto.

Sec. 3. And be it further enacted, That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: Provided always, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.

Sec. 4. And be it further enacted, That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement* or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements. And upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

Sec. 5. And be it further enacted, That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

Sec. 6. And be it further enacted, That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.
Sec. 7. And be it further enacted, That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: Provided, that nothing in this act contained shall be construed as authorizing or directing the violation of any existing Treaty between the United States and any of the Indian tribes.

Sec. 8. And be it further enacted, That for the purpose of giving effect to the provisions of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

[ Approved, May 28, 1830.]

**Glossary**
*appraisement - an evaluation or estimation of worth
*extinguished - ended; caused to be void; gotten rid of usually by payment

**Source**

http://www.osv.org/education/LessonPlans/ShowLessons.php?
PageID=P&LessonID=40&DocID=153&UnitID=6
From a Memorial of the Cherokee Nation, Dec. 1829.

To the honorable the senate and house of representatives of the United States of America, in congress assembled:

The undersigned memorialists, humbly make known to your honorable bodies, that they are free citizens of the Cherokee nation. Circumstances of late occurrence have troubled our hearts, and induced us at this time to appeal to you, knowing that you are generous and just...

By the will of our Father in heaven, the governor of the whole world, the red man of America has become small, and the white man great and renowned. When the ancestors of the people of these United States first came to the shores of America, they found the red man strong—though he was ignorant and savage, yet he received them kindly, and gave them dry land to rest their weary feet. They met in peace, and shook hands in token of friendship. Whatever the white man wanted and asked of the Indian, the latter willingly gave. At that time the Indian was the lord, and the white man the suppliant. But now the scene has changed. The strength of the red man has become weakness. As his neighbors increased in numbers, his power became less, and now, of the many and powerful tribes who once covered these United States, only a few are to be seen—a few whom a sweeping pestilence has left. The northern tribes, who were once so numerous and powerful, are now nearly extinct. Thus it has happened to the red man of America. Shall we, who are remnants, share the same fate?

Brothers—we address you according to usage adopted by our forefathers, and the great and good men who have successfully directed the councils of the nation you represent—we now make known to you our grievances. We are troubled by some of your own people. Our neighbor, the state of Georgia, is pressing hard upon us, and urging us to relinquish our possessions for her benefit. We are told, if we do not leave the country, which we dearly love, and betake ourselves to the western wilds, the laws of the state will be extended over us, and the time, 1st of June, 1830, is appointed for the execution of the edict. When we first heard of this we were grieved and appealed to our father, the president, and begged that protection might be extended over us. But we were doubly grieved when we understood, from a letter of the secretary of war to our delegation, dated March of the present year [1829], that our father the president had refused us protection, and that he had decided in favor of the extension of the laws of the state over us.—This decision induces us to appeal to the immediate representatives of the American people. We love, we dearly love our country, and it is due to your honorable bodies, as well as to us, to make known why we think the country is ours, and why we wish to remain in peace where we are.

The land on which we stand, we have received as an inheritance from our fathers, who possessed it from time immemorial, as a gift from our common father in heaven. We have already said, that when the white man came to the shores of America, our ancestors were found in peaceable possession of this very land. They bequeathed it to us as their children, and we have sacredly kept it as containing the remains of our beloved men. This right of inheritance we have never ceded, nor ever forfeited. Permit us to ask, what better right can a people have to a country, than...
the right of *inheritance* and *immemorial peaceable possession*? We know it is said of late by the state of Georgia, and by the executive of the United States, that we have forfeited this right—but we think this is said gratuitously. At what time have we made the forfeit? What crime have we committed, whereby we must forever be divested of our country and rights? Was it when we were hostile to the United States, and took part with the king of Great Britain, during the struggle for independence? If so, why was not this forfeiture declared in the first treaty of peace between the United States and our beloved men?...

In addition to that first of all rights, the right of inheritance and peaceable possession, we have the faith and pledge of the U. States, repeated over and over again, in treaties made at various times. By these treaties our rights as a separate people are distinctly acknowledged, and guarantees given that they shall be secured and protected. So we have always understood the treaties. The conduct of the government towards us, from this organization until very lately, the talks given to our beloved men by the presidents of the United States, and the speeches of the agents and commissioners, all concur to show that we are not mistake in our interpretation.— Some of our beloved men who signed the treaties are still leaving [sic, living], and their testimony tends to the same conclusion. We have always supposed that this understanding of the treaties was in accordance with the views of the government; nor have we ever imagined that any body would interpret them otherwise. In what light shall we view the conduct of the United States and Georgia, in their intercourse with us, in urging us to enter into treaties, and cede lands? If we were but tenants at will, why was it necessary that our consent must be obtained before these governments could take lawful possession of our lands? The answer is obvious. These governments perfectly understood our rights—our right to the country, and our right to self government. Our understanding of the treaties is further supported by the intercourse law of the United States, which prohibits all encroachments upon our territory. The undersigned memorialists humbly represent, that if their interpretation of the treaties has been different from that of the government, then they have ever been deceived as to how the government regarded them, and what she asked and promised. Moreover, they have uniformly misunderstood their own acts.

In view of the strong ground upon which their rights are founded, your memorialists solemnly protest against being considered as tenants at will, or as mere occupants of the soil, without possessing the sovereignty. We have already stated to your honorable bodies, that our forefathers were found in possession of this soil in full sovereignty, by the first European settlers; and as we have never ceded nor forfeited the occupancy of the soil and the sovereignty over it, we do solemnly protest against being forced to leave it, either [by] direct or by indirect measures. To the land of which we are now in possession we are attached—it is our father's gift—it contains their ashes—it is the land of our nativity, and the land of our intellectual birth. We cannot consent to abandon it, for another *far inferior*, and which holds out to us no inducements. We do moreover protest against the arbitrary measures of our neighbor, the state of Georgia, in her attempt to extend her laws over us, in surveying our lands without our consent and in direct opposition to treaties and the intercourse law of the United States, and interfering with our municipal regulations in such a manner as to derange the regular operations of our own laws. To deliver and protect them from all these and every encroachment upon their rights, the undersigned memorialists do most earnestly pray your honorable bodies. Their existence and future happiness are at stake—divest them of their liberty and country, and you sink them in degradation, and put a check, if not a final stop, to their present gorgress in the arts of civilized life, and in the knowledge of the Christian religion. Your memorialists humbly conceive, that such an act would be in the highest degree oppressive. From the people of these United States, who perhaps, of all men under heaven, are the most religious and free, it cannot be expected.—Your memorialists, therefore, cannot anticipate such a result. You represent a virtuous, intelligent and Christian nation. To you they willingly submit their cause for your righteous decision.

*Cherokee nation, Dec. 1829.*

**Source**


Indian Removal Project
Primary Document #5

Lattimer, Josephine Usray
October 13, 1937: Interview with Josephine Usray Lattimer
Interviewer - Amelia Harris
Indian-Pioneer History, S-149

My father was James Usray. Mother was Maylinda Roebuck. My maternal grandfather was William Roebuck, three-fourths Choctaw. My maternal grandmother was Felayah Polayah Homer, one-half blood Choctaw, daughter of John Homer of the Shacchi Homer Nation, the name, Sig-Red Crawfish. John Homer's wife was Chief Natastachi’s daughter. My paternal grandfather was Phillip Usray, one-half Cherokee. My paternal grandmother (name forgotten) was sister to Chief Bowl of East Texas, who held a Spanish grant to lands before Texas independence. He aided General Houston in the battle of San Jacinto.

Josephine Usray Lattimer's grandparents came to the Indian Territory over the Trail of Tears. The Choctaws in Mississippi were a law abiding and cultured farming people. They had good homes, churches.... All of the Indians in this District gathered at Memphis, Tennessee, in 1832 and were transported across the Mississippi in the steamboats, the Reindeer, the Cleopatra, the Talma and the Sir Walter Scott. In crossing over the Choctaws sang this song:
Fare thee well to Nunialchwayah (meaning to the land we love so dear). Nunialchwayah was in memory of the leaning Pole "Fabuasa", the legend of which may be found at the close of history of the Choctaws. When the Choctaws reached Arkansas, the Government had wagons and teams there ready for them. The Indians were loaded into the wagons and they started for the Government post, near Little Rock, Arkansas.

In loading my people got separated from each other for there were hundreds of wagons on this journey. When they reached the Ouachita (meaning 4th River) River, it was on a rampage and out of banks. The roads were almost impassable. It was raining and cold. Even for all the well and strong, the journey was almost beyond human endurance. Many were weak and broken-hearted, and as night came there were new graves dug beside the way. Many of the Indians contracted pneumonia fever and the cholera. They camped a mile from the Ouachita, waiting for the water to recede so they could cross. While they were camped here, Ezekiel Roebuck, father of my grandfather, William Roebuck, became ill but said nothing. When the river was low enough to cross, everyone got in the wagons and started on the journey but Ezekiel was so sick he became unconscious and fell over. Some one told the driver and he said, "I will have to stop and put him out as we can't afford to have any one with the Cholera along." So they stopped by the road side and put him out. My great grandmother said, "You can put the children and me out too," and the driver replied, "All right, but he will soon be dead and you and your three children will have to walk the balance of the way." Each child had a small blanket. My great-grandmother had a paisley shawl she had brought along a bucket of honey and some cold flour from their home. This flour is made by parching corn and grinding it in a coffee mill until pulverized. This food she carried along for her six months old baby. She begged the driver for food and a blanket for Great-grandfather, and he grudgingly gave the blanket and one days supply of food.

Great-grandfather was conscious at times. He had dubbed Great-grandmother "Little Blue Hen" and when he became conscious of their plight, he would say, "Dear Little Blue Hen, why didn't you take the children and go on, I can't last much longer, and my Soul will rest much easier if I knew you were safe. My body is just dust and will be all right any place." She replied, "As long as you live I'll be with you, Dear." Then the Little Blue Hen and two boys, aged ten and twelve, set about fixing a bed.
John G. Burnett’s Story of the Removal of the Cherokees


Children: This is my birthday, December 11, 1890, I am eighty years old today. I was born at Kings Iron Works in Sullivan County, Tennessee, December the 11th, 1810. I grew into manhood fishing in Beaver Creek and roaming through the forest hunting the deer and the wild boar and the timber wolf. Often spending weeks at a time in the solitary wilderness with no companions but my rifle, hunting knife, and a small hatchet that I carried in my belt in all of my wilderness wanderings.

On these long hunting trips I met and became acquainted with many of the Cherokee Indians, hunting with them by day and sleeping around their camp fires by night. I learned to speak their language, and they taught me the arts of trailing and building traps and snares. On one of my long hunts in the fall of 1829, I found a young Cherokee who had been shot by a roving band of hunters and who had eluded his pursuers and concealed himself under a shelving rock. Weak from loss of blood, the poor creature was unable to walk and almost famished for water. I carried him to a spring, bathed and bandaged the bullet wound, and built a shelter out of bark peeled from a dead chestnut tree. I nursed and protected him feeding him on chestnuts and toasted deer meat. When he was able to travel I accompanied him to the home of his people and remained so long that I was given up for lost. By this time I had become an expert riflemen and fairly good archer and a good trapper and spent most of my time in the forest in quest of game.

The removal of Cherokee Indians from their life long homes in the year of 1838 found me a young man in the prime of life and a Private soldier in the American Army. Being acquainted with many of the Indians and able to fluently speak their language, I was sent as interpreter into the Smoky Mountain Country in May, 1838, and witnessed the execution of the most brutal order in the History of American Warfare. I saw the helpless Cherokees arrested and dragged from their homes, and driven at the bayonet point into the stockades. And in the chill of a drizzling rain on an October morning I saw them loaded like cattle or sheep into six hundred and forty-five wagons and started toward the west.

One can never forget the sadness and solemnity of that morning. Chief John Ross led in prayer and when the bugle sounded and the wagons started rolling many of the children rose to their feet and waved their little hands good-by to their mountain homes, knowing they were leaving them forever. Many of these helpless people did not have blankets and many of them had been driven from home barefooted.

On the morning of November the 17th we encountered a terrific sleet and snow storm with freezing temperatures and from that day until we reached the end of the fateful journey on March the 26th, 1839, the sufferings of the Cherokees were awful. The trail of the exiles was a trail of death. They had to sleep in the wagons and on the ground without fire. And I have known as many as twenty-two of them to die in one night of pneumonia due to ill treatment, cold, and exposure. Among this number was the beautiful Christian wife of Chief John Ross. This noble hearted woman died a martyr to childhood, giving her only blanket for the protection of a sick child. She rode thinly clad through a blinding sleet and snow storm, developed pneumonia and died in the still hours of a bleak winter night, with her head resting on Lieutenant Greggs saddle blanket.

I made the long journey to the west with the Cherokees and did all that a Private soldier could do to alleviate their sufferings. When on guard duty at night I have many times walked my beat in my blouse in order that some sick child might have the warmth of my overcoat. I was on guard duty the night Mrs. Ross died. When relieved at midnight I did not retire, but remained around the wagon out of sympathy for Chief Ross, and at daylight was detailed by Captain McClellan to assist in the burial like the other unfortunates who died on the way. Her unconfined body was buried in a shallow grave by the roadside far from her native home, and the sorrowing Cavalcade moved on.

Being a young man, I mingled freely with the young women and girls. I have spent many pleasant hours with them when I was supposed to be under my blanket, and they have many times sung their mountain songs for me, this being all that they could do to
repay my kindness. And with all my association with Indian girls from October 1829 to March 26th 1839, I did not meet one who was a moral prostitute. They are kind and tender hearted and many of them are beautiful.

The only trouble that I had with anybody on the entire journey to the west was a brutal teamster by the name of Ben McDonal, who was using his whip on an old feeble Cherokee to hasten him into the wagon. The sight of that old and nearly blind creature quivering under the lashes of a bull whip was too much for me. I attempted to stop McDonal and it ended in a personal encounter. He lashed me across the face, the wire tip on his whip cutting a bad gash in my cheek. The little hatchet that I had carried in my hunting days was in my belt and McDonal was carried unconscious from the scene.

I was placed under guard but Ensign Henry Bullock and Private Elkanah Millard had both witnessed the encounter. They gave Captain McClellan the facts and I was never brought to trial. Years later I met 2nd Lieutenant Riley and Ensign Bullock at Bristol at John Roberson's show, and Bullock jokingly reminded me that there was a case still pending against me before a court martial and wanted to know how much longer I was going to have the trial put off?

McDonal finally recovered, and in the year 1851, was running a boat out of Memphis, Tennessee.

The long painful journey to the west ended March 26th, 1839, with four-thousand silent graves reaching from the foothills of the Smoky Mountains to what is known as Indian territory in the West. And covetousness on the part of the white race was the cause of all that the Cherokees had to suffer. Ever since Ferdinand DeSoto made his journey through the Indian country in the year 1540, there had been a tradition of a rich gold mine somewhere in the Smoky Mountain Country, and I think the tradition was true. At a festival at Echota on Christmas night 1829, I danced and played with Indian girls who were wearing ornaments around their neck that looked like gold.

In the year 1828, a little Indian boy living on Ward creek had sold a gold nugget to a white trader, and that nugget sealed the doom of the Cherokees. In a short time the country was overrun with armed brigands claiming to be government agents, who paid no attention to the rights of the Indians who were the legal possessors of the country. Crimes were committed that were a disgrace to civilization. Men were shot in cold blood, lands were confiscated. Homes were burned and the inhabitants driven out by the gold-hungry brigands.

Chief Junaluska was personally acquainted with President Andrew Jackson. Junaluska had taken 500 of the flower of his Cherokee scouts and helped Jackson to win the battle of the Horse Shoe, leaving 33 of them dead on the field. And in that battle Junaluska had drove his tomahawk through the skull of a Creek warrior, when the Creek had Jackson at his mercy.

Chief John Ross sent Junaluska as an envoy to plead with President Jackson for protection for his people, but Jackson's manner was cold and indifferent toward the rugged son of the forest who had saved his life. He met Junaluska, heard his plea but curty said, "Sir, your audience is ended. There is nothing I can do for you." The doom of the Cherokee was sealed. Washington, D.C., had decreed that they must be driven West and their lands given to the white man, and in May 1838, an army of 4000 regulars, and 3000 volunteer soldiers under command of General Winfield Scott, marched into the Indian country and wrote the blackest chapter on the pages of American history.

Men working in the fields were arrested and driven to the stockades. Women were dragged from their homes by soldiers whose language they could not understand. Children were often separated from their parents and driven into the stockades with the sky for a blanket and the earth for a pillow. And often the old and infirm were prodded with bayonets to hasten them to the stockades.

In one home death had come during the night. A little sad-faced child had died and was lying on a bear skin couch and some women were preparing the little body for burial. All were arrested and driven out leaving the child in the cabin. I don't know who buried the body.

In another home was a frail mother, apparently a widow and three small children, one just a baby. When told that she must go, the mother gathered the children at her feet, prayed a humble prayer in her native tongue, patted the old family dog on the head, told the faithful creature good-by, with a baby strapped on her back and leading a child with each hand started on her exile. But the task was too great for that frail mother. A stroke of heart failure relieved her sufferings. She sunk and died with her baby on her back, and her other two children clinging to her hands.
Chief Junaluska who had saved President Jackson's life at the battle of Horse Shoe witnessed this scene, the tears gushing down his cheeks and lifting his cap he turned his face toward the heavens and said, "Oh my God, if I had known at the battle of the Horse Shoe what I know now, American history would have been differently written."

At this time, 1890, we are too near the removal of the Cherokees for our young people to fully understand the enormity of the crime that was committed against a helpless race. Truth is, the facts are being concealed from the young people of today. School children of today do not know that we are living on lands that were taken from a helpless race at the bayonet point to satisfy the white man's greed.

Future generations will read and condemn the act and I do hope posterity will remember that private soldiers like myself, and like the four Cherokees who were forced by General Scott to shoot an Indian Chief and his children, had to execute the orders of our superiors. We had no choice in the matter.

Twenty-five years after the removal it was my privilege to meet a large company of the Cherokees in uniform of the Confederate Army under command of Colonel Thomas. They were encamped at Zollicoffer and I went to see them. Most of them were just boys at the time of the removal but they instantly recognized me as "the soldier that was good to us". Being able to talk to them in their native language I had an enjoyable day with them. From them I learned that Chief John Ross was still ruler in the nation in 1863. And I wonder if he is still living? He was a noble-hearted fellow and suffered a lot for his race.

At one time, he was arrested and thrown into a dirty jail in an effort to break his spirit, but he remained true to his people and led them in prayer when they started on their exile. And his Christian wife sacrificed her life for a little girl who had pneumonia. The Anglo-Saxon race would build a towering monument to perpetuate her noble act in giving her only blanket for comfort of a sick child. Incidentally the child recovered, but Mrs. Ross is sleeping in an unmarked grave far from her native Smoky Mountain home.

When Scott invaded the Indian country some of the Cherokees fled to caves and dens in the mountains and were never captured and they are there today. I have long intended going there and trying to find them but I have put off going from year to year and now I am too feeble to ride that far. The fleeing years have come and gone and old age has overtaken me. I can truthfully say that neither my rifle nor my knife were stained with Cherokee blood.

I can truthfully say that I did my best for them when they certainly did need a friend. Twenty-five years after the removal I still lived in their memory as "the soldier that was good to us".

However, murder is murder whether committed by the villain skulking in the dark or by uniformed men stepping to the strains of martial music.

Murder is murder, and somebody must answer. Somebody must explain the streams of blood that flowed in the Indian country in the summer of 1838. Somebody must explain the 4000 silent graves that mark the trail of the Cherokees to their exile. I wish I could forget it all, but the picture of 645 wagons lumbering over the frozen ground with their cargo of suffering humanity still lingers in my memory.

Let the historian of a future day tell the sad story with its sighs, its tears and dying groans. Let the great Judge of all the earth weigh our actions and reward us according to our work.

Children - Thus ends my promised birthday story. This December the 11th 1890.

http://www.powersource.com/cherokee/burnett.html
Early in the 19th century, while the rapidly-growing United States expanded into the lower South, white settlers faced what they considered an obstacle. This area was home to the Cherokee, Creek, Choctaw, Chicasaw and Seminole nations. These Indian nations, in the view of the settlers and many other white Americans, were standing in the way of progress. Eager for land to raise cotton, the settlers pressured the federal government to acquire Indian territory.

Andrew Jackson, from Tennessee, was a forceful proponent of Indian removal. In 1814 he commanded the U.S. military forces that defeated a faction of the Creek nation. In their defeat, the Creeks lost 22 million acres of land in southern Georgia and central Alabama. The U.S. acquired more land in 1818 when, spurred in part by the motivation to punish the Seminoles for their practice of harboring fugitive slaves, Jackson's troops invaded Spanish Florida.

From 1814 to 1824, Jackson was instrumental in negotiating nine out of eleven treaties which divested the southern tribes of their eastern lands in exchange for lands in the west. The tribes agreed to the treaties for strategic reasons. They wanted to appease the government in the hopes of retaining some of their land, and they wanted to protect themselves from white harassment. As a result of the treaties, the United States gained control over three-quarters of Alabama and Florida, as well as parts of Georgia, Tennessee, Mississippi, Kentucky and North Carolina. This was a period of voluntary Indian migration, however, and only a small number of Creeks, Cherokee and Choctaws actually moved to the new lands.

In 1823 the Supreme Court handed down a decision which stated that Indians could occupy lands within the United States, but could not hold title to those lands. This was because their "right of occupancy" was subordinate to the United States' "right of discovery." In response to the great threat this posed, the Creeks, Cherokee, and Chickasaw instituted policies of restricting land sales to the government. They wanted to protect what remained of their land before it was too late.

Although the five Indian nations had made earlier attempts at resistance, many of their strategies were non-violent. One method was to adopt Anglo-American practices such as large-scale farming, Western education, and slave-holding. This earned the nations the designation of the "Five Civilized Tribes." They adopted this policy of assimilation in an attempt to coexist with settlers and ward off hostility. But it only made whites jealous and resentful.

Other attempts involved ceding portions of their land to the United States with a view to retaining control over at least part of their territory, or of the new territory they received in exchange. Some Indian nations simply refused to leave their land -- the Creeks and the Seminoles even waged war to protect their territory. The First Seminole War lasted from 1817 to 1818. The Seminoles were aided by fugitive slaves who had found protection among them and had been living with them for years. The presence of the fugitives enraged white planters and fueled their desire to defeat the Seminoles.

The Cherokee used legal means in their attempt to safeguard their rights. They sought protection from land-hungry white settlers, who continually harassed them by stealing their livestock, burning their towns, and squatting on their land. In 1827 the Cherokee adopted a written constitution declaring themselves to be a sovereign nation. They based this on United States policy; in former treaties, Indian nations had been declared sovereign so they would be legally capable of ceding their lands. Now the Cherokee hoped to use this status to their advantage. The state of Georgia, however, did not recognize their sovereign status, but saw them as tenants living on state land. The Cherokee took their case to the Supreme Court, which ruled against them.

The Cherokee went to the Supreme Court again in 1831. This time they based their appeal on an 1830 Georgia law which prohibited whites from living on Indian territory after March 31, 1831, without a license from the state. The state legislature had written this law to justify removing white missionaries who were helping the Indians resist removal. The court this time decided in favor of the Cherokee. It stated that the Cherokee had the right to self-government, and declared Georgia's extension of state law over them to be unconstitutional. The state of Georgia refused to abide by the Court decision, however, and President Jackson refused to enforce the law.

In 1830, just a year after taking office, Jackson pushed a new piece of legislation called the "Indian Removal Act" through both
It gave the president power to negotiate removal treaties with Indian tribes living east of the Mississippi. Under these treaties, the Indians were to give up their lands east of the Mississippi in exchange for lands to the west. Those wishing to remain in the east would become citizens of their home state. This act affected not only the southeastern nations, but many others further north. The removal was supposed to be voluntary and peaceful, and it was that way for the tribes that agreed to the conditions. But the southeastern nations resisted, and Jackson forced them to leave.

Jackson's attitude toward Native Americans was paternalistic and patronizing -- he described them as children in need of guidance, and believed the removal policy was beneficial to the Indians. Most white Americans thought that the United States would never extend beyond the Mississippi. Removal would save Indian people from the depredations of whites, and would resettled them in an area where they could govern themselves in peace. But some Americans saw this as an excuse for a brutal and inhumane course of action, and protested loudly against removal.

Their protests did not save the southeastern nations from removal, however. The Choctaws were the first to sign a removal treaty, which they did in September of 1830. Some chose to stay in Mississippi under the terms of the Removal Act. But though the War Department made some attempts to protect those who stayed, it was no match for the land-hungry whites who squatted on Choctaw territory or cheated them out of their holdings. Soon most of the remaining Choctaws, weary of mistreatment, sold their land and moved west.

For the next 28 years, the United States government struggled to force relocation of the southeastern nations. A small group of Seminoles was coerced into signing a removal treaty in 1833, but the majority of the tribe declared the treaty illegitimate and refused to leave. The resulting struggle was the Second Seminole War, which lasted from 1835 to 1842. As in the first war, fugitive slaves fought beside the Seminoles who had taken them in. Thousands of lives were lost in the war, which cost the Jackson administration approximately 40 to 60 million dollars -- ten times the amount it had allotted for Indian removal. In the end, most of the Seminoles moved to the new territory. The few who remained had to defend themselves in the Third Seminole War (1855-58), when the U.S. military attempted to drive them out. Finally, the United States paid the remaining Seminoles to move west.

The Creeks also refused to emigrate. They signed a treaty in March, 1832, which opened a large portion of their Alabama land to white settlement, but guaranteed them protected ownership of the remaining portion, which was divided among the leading families. The government did not protect them from speculators, however, who quickly cheated them out of their lands. By 1835 the destitute Creeks began stealing livestock and crops from white settlers. Some eventually committed arson and murder in retaliation for their brutal treatment. In 1836 the Secretary of War ordered the removal of the Creeks as a military necessity. By 1837, approximately 15,000 Creeks had migrated west. They had never signed a removal treaty.

The Chickasaws had seen removal as inevitable, and had not resisted. They signed a treaty in 1832 which stated that the federal government would provide them with suitable western land and would protect them until they moved. But once again, the onslaught of white settlers proved too much for the War Department, and it backed down on its promise. The Chickasaws were forced to pay the Choctaws for the right to live on part of their western allotment. They migrated there in the winter of 1837-38.

The Cherokee, on the other hand, were tricked with an illegitimate treaty. In 1833, a small faction agreed to sign a removal agreement: the Treaty of New Echota. The leaders of this group were not the recognized leaders of the Cherokee nation, and over 15,000 Cherokees -- led by Chief John Ross -- signed a petition in protest. The Supreme Court ignored their demands and ratified the treaty in 1836. The Cherokee were given two years to migrate voluntarily, at the end of which time they would be forcibly removed. By 1838 only 2,000 had migrated; 16,000 remained on their land. The U.S. government sent in 7,000 troops, who forced the Cherokees into stockades at bayonet point. They were not allowed time to gather their belongings, and as they left, whites looted their homes. Then began the march known as the Trail of Tears, in which 4,000 Cherokee people died of cold, hunger, and disease on their way to the western lands.

By 1837, the Jackson administration had removed 46,000 Native American people from their land east of the Mississippi, and had secured treaties which led to the removal of a slightly larger number. Most members of the five southeastern nations had been relocated west, opening 25 million acres of land to white settlement and to slavery.

# Written Document Analysis Worksheet

1. **Type of Document (Check one):**
   - Newspaper
   - Letter
   - Patent
   - Memorandum
   - Map
   - Telegram
   - Press Release
   - Report
   - Advertisement
   - Congressional Record
   - Census Report
   - Other

2. **Unique Physical Qualities of the Document (Check one or more):**
   - Interesting letterhead
   - Handwritten
   - Typed
   - Seals
   - Notations
   - "RECEIVED" stamp
   - Other

3. **Date(s) of Document:**

4. **Author (or Creator) of the Document:**

5. **Position (Title):**

6. **For What Audience Was the Document Written?**

7. **Document Information (There are many possible ways to answer A-E.)**
   A. List three things the author said that you think are important:

   B. Why do you think this document was written?

   C. What evidence in the document helps you know why it was written? Quote from the document.

   D. List two things the document tells you about life in the United States at the time it was written:

   E. Write a question to the author that is left unanswered by the document:

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