Land and Law

Removal policy and Cherokee resistance

OKH.C.2.2.A "Explain the motivations which prompted the passage and terms of the Indian Removal Act of 1830 and describe efforts of Tribal resistance, including appeals to the Supreme Court (e.g., Marshall Trilogy), the advocacy of Samuel Worcester..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline pressures for removal, circle what the Indian Removal Act authorized, and number the legal or political efforts to resist removal.

A Law, Three Cases, and a Treaty

1. Gold discovered in Cherokee territory in Georgia in 1828 sharpened white settlers' demands for land. Southern state leaders also wanted to expand farms and assert state authority over Tribal lands. In 1830, Congress passed the Indian Removal Act. It authorized the president to negotiate exchanges of eastern Tribal land for land west of the Mississippi and to pay relocation costs. The act did not itself command the Cherokees to leave, but mounting state and federal pressure made refusal dangerous.

2. Cherokee leaders challenged dispossession through petitions and the courts. In Johnson v. M'Intosh (1823), the Supreme Court said Tribes could occupy their lands but could not sell them to private buyers. In Cherokee Nation v. Georgia (1831), the Court called Tribes "domestic dependent nations" and declined to hear the Cherokee case as a dispute between nations. In Worcester v. Georgia (1832), it ruled that Georgia's laws had no force within Cherokee territory.

3. Samuel Worcester, a missionary who defended Cherokee self-government, refused to obtain a Georgia permit to live on Cherokee land. Georgia imprisoned him, prompting the case that produced the Worcester ruling. Yet Georgia and the federal government did not protect Cherokee sovereignty in practice. Principal Chief John Ross opposed removal and protested the 1835 Treaty of New Echota, which he did not sign. Elias Boudinot, once an opponent of removal, backed that treaty with a minority of Cherokee leaders, believing removal had become unavoidable.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did demands for land and state authority help drive the act, and what did it authorize?

2. How did the Cherokee Nation and Worcester rulings differ in their effects on Cherokee resistance?

3. How did Samuel Worcester support Cherokee self-government, and how did Georgia respond?

4. How did Ross and Boudinot differ over the Treaty of New Echota?

3 YOUR TURN

Your own words

Write a 65 to 85 word letter to a reader in 1836 arguing whether the Indian Removal Act settled the conflict over Cherokee land. Include one motive for removal, one term of the act, one court ruling, and the contrasting positions of Ross and Boudinot.

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PART 1 · READ AND MARK

Underline pressures for removal, circle what the Indian Removal Act authorized, and number the legal or political efforts to resist removal. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did demands for land and state authority help drive the act, and what did it authorize?	**Settlers wanted land for farms, and state leaders wanted authority over Tribal lands. The act authorized the president to negotiate land exchanges west of the Mississippi and pay relocation costs.**
2	How did the Cherokee Nation and Worcester rulings differ in their effects on Cherokee resistance?	**The Court declined to hear the Cherokee Nation case as a dispute between nations. In Worcester, it ruled that Georgia's laws had no force within Cherokee territory.**
3	How did Samuel Worcester support Cherokee self-government, and how did Georgia respond?	**Worcester refused to obtain a Georgia permit to live on Cherokee land, and Georgia imprisoned him.**
4	How did Ross and Boudinot differ over the Treaty of New Echota?	**Ross opposed and protested the treaty. Boudinot backed it with a minority of Cherokee leaders because he believed removal had become unavoidable.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Dear reader, the Indian Removal Act did not settle the struggle over Cherokee land. Settlers wanted farms, while the act offered western land in exchange for eastern territory. The Supreme Court ruled in Worcester that Georgia's laws had no force in Cherokee territory, but officials did not protect that ruling. Ross opposed the Treaty of New Echota, which a minority of Cherokee leaders supported. Boudinot backed it because he believed removal could no longer be avoided.

Accept historically accurate paraphrases. For the letter, check for a clear argument, all four required details, and a word count of 65 to 85 words.