

Memorial of the Cherokee Nation (1830)

Chief John Ross, et al.

Historical Background

After the end of the Revolutionary War the United States became custodian of all the territory lying east of the Mississippi River that had previously belonged to Great Britain. The territories now making up the American Midwest and Deep South were sparsely populated by Europeans of any nationality but still contained numerous Native American nations. Several of the nations, such as the Cherokee Nation, had been belligerents in the Revolutionary War on the side of the British. When the war ended the federal government negotiated treaties with the nations, including the Cherokee, recognizing the land that they inhabited and granting them partial sovereignty over this land. As waves of migration led to white settlement of the Mississippi frontier, settlers began encroaching on native land, including land previously recognized by treaty. By 1830 the problem had grown severe. The resolution to the conflict, however, was not to protect the terms of the lawful treaty. Instead Georgia in particular began passing laws designed to restrict the ability of Native Americans to protect their land and to “encourage” them to sell their land and leave the state. For instance, the new laws made it impossible for Native Americans to testify in court against white citizens of Georgia. The federal government not only did not resist Georgia but actively set about carrying out a policy of “Indian Removal.”

Historical Significance

A memorial letter is a statement directed to a legislature in support of a petition. This memorial, providing a counterpoint to President Andrew Jackson’s message to Congress, “On Indian Removal,” demonstrates the Native Americans’ resistance to violations of their rights by the United States government. The Cherokee call Congress’s attention to the violation of treaties that guarantee their land and express disbelief that the federal government is unable to enforce them and stop Georgia’s violations of their sovereignty. The final appeal of the Cherokee is to the Christian precept of the Golden Rule; the subsequent Trail of Tears illustrates the federal government’s unwillingness to listen to this argument. Although the document did not persuade federal or state officials to abandon their plans for “Indian Removal,” the appeal provides poignant, powerful and sophisticated evidence of the Cherokee’s attachment to their ancestral lands and their sense of justice.

Key Concepts and Learning Objectives

Concepts: “Indian Removal”; United States territorial expansion; treaty power; The Trail of Tears; “Indian Territory”; “Manifest Destiny”

Learning objectives: On completion of this unit, students will be able to:

- define and describe the treaty power and legal status of treaties;
- define and describe the “Indian Removal Policy”;
- describe and analyze the rhetorical strategies and technique utilized in the *Memorial*.

Questions to Explore

What is a treaty? Is a promise between nations the same as a promise or contract between individuals? How do they differ and how are they similar? What are the consequences of breaking a treaty?

The treaties made by the early American presidential administrations clearly no longer seemed satisfactory to white American leaders in the 1830s. To what extent are promises made in the past obligatory on the current generation? Is there an ethical or moral way to decide that one should no longer abide by an agreement made by one’s ancestors, immediate or ancient?

The Cherokee Council argues that it is not advantageous to leave the lands of their fathers, even if they are to be given equal amounts of property to the west of the Mississippi. Is property only an economic concept, whose taking can always be remedied by money? Or does at least some property possess other characteristics than monetary value? What would those characteristics be if it did?

The forcible removal of the Cherokee from the American Southeast was neither the first nor last injustice visited upon Native Americans. The United States government and various states and territories continued breaking treaties with the Native American nations and tribes well into the twentieth century. When so much injustice has occurred to one individual or group the topic of reparations frequently comes up. Is it appropriate to give an individual or group reparations to redress past wrongs? If so, does the passage of time since the unjust act change this determination? Is it necessary for those who pay the reparations to be directly guilty of the misconduct? Or can they be indirectly guilty from either standing by while the injustice occurred or from passively receiving benefits as heirs of the guilty parties? Explain your answer to each these questions.