

## Chapter 103 -- The “Trail of Tears” Eviction Of The Southeastern Tribes



**Dates:**  
1835-Forward

**Sections:**

- The “Trail Of Tears” Gets Under Way
- The Long Sad Fate Of America’s First Settlers Continues

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Time: 1835 Forward

### The “Trail Of Tears” Gets Under Way



Crow King, A Sioux Chief

With his campaign against the Second Bank successfully concluded, Andrew Jackson charges after his next priority – forcing the remaining eastern tribes to new “reservations” west of the Mississippi River, so that whites can settle on their former lands.

The race into Georgia is accelerated by the discovery of gold in the northeastern mountains in 1829.

The legal basis for the transfer of land lies with the Indian Removal Act passed in Congress on May 28, 1830 – but it is immediately challenged in court by injunctions brought by Henry Clay and Daniel Webster.

A March 1831 ruling by the Supreme Court in *Cherokee Nation v Georgia* denies that the tribes are a foreign nation and therefore not governed by US law. But in March 1832, in *Worcester v Georgia*, the decision favors the Indian claims, saying that settlers may not occupy Cherokee lands without tribal consent.

Associate Justice Joseph Story expresses relief at the time that justice has finally been served:

*Thanks be to God, the Court can wash their hands clean of the iniquity of oppressing the Indians and disregarding their rights.*

Ex-General Jackson is said to have had a very different reaction, and one that will prevail:

*John Marshall has made his decision; now let him enforce it!*

Meanwhile the state of Georgia simply ignores the federal laws – another act of “nullification” – and supports the land grabs by white settlers.

The President is sufficiently alarmed by the lawlessness to meet with John Ridge, son of a Cherokee chief, educated at the Foreign Mission School in Connecticut, and acting as counsel for the tribe in Washington. Jackson assures Ridge that he does not intend to use military force in Georgia, but encourages him to work out a formal treaty to resolve the issue.

Ridge and a sub-set of Indian elders proceed to negotiate the Treaty of New Echota, which legally transfers the Cherokee land. It is signed into law on December 29, 1835, despite opposition from Principal Chief John Ross.

What happens next is the beginning of what become known in Cherokee lore as “the trail where they cried” – latter translated into “The Trail of Tears.”

Across the South, a total of some 120,000 people from the so-called “five civilized tribes” are forced to leave their ancestral and sacred homelands for the new “Indian Territory” – land “reserved” for them in what will eventually become the eastern half of Oklahoma.

Up North, another roughly 90,000 Indians are herded into concentration sites from Memphis to Cleveland, and then transported by wagons and flatboats across the Mississippi to their new reservations.

Estimates of death from hardship or disease during the exodus run from 15-25% of those in transit.

Among the casualties will be John Ridge and his father, who are assassinated for betraying the Cherokee heritage by pro-Ross backers in 1839.

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Time: 1835 Forward

**The Long Sad Fate Of America’s First Settlers Continues**



Map of final Tribal reservations in the west, circa 1890

The pillage that Jackson initiates against the tribes will continue largely unabated for the next six decades.

As such, it stands alongside slavery as one of the lasting stains on the soul of the nation.

In 1836 General Winfield Scott drives the remaining Creek resisters in Alabama off their lands; in 1837 he turns to the Choctaws in Mississippi, and in 1838 he leads a force of 7000 troops against the Cherokees in North Carolina. By 1842, after an expense of nearly \$20 million, the wars against the Seminoles are concluded.

**Key Events Related To The “Indian Removal” From Their Eastern Homelands**

Nations	Ancestral Home	“Trail of Tears”
Choctaw	Mississippi	About 17,000 moved in 1831, with 3-6000 killed along way. About 5500 stay in Mississippi and agree to “follow the law,” but the white settlers constantly harass them.
Creeks	Alabama	Most moved in 1834, with Scott completing the job in the Creek War of 1836.
Chickasaw	Mississippi	They are concentrated in Memphis in 1837 then driven west and forced to join the Choctaws Nation, until later regaining independent status.
Cherokee	North Carolina	In 1838 Van Buren sends Scott to round up all Cherokees in concentration sites in Cleveland, then drives them west. The Cherokees survive well and their population grows over time.
Seminoles	Florida	The Seminole Wars run from 1817 to 1842, at high cost and with renegade bands finally taking refuge in the Everglades.

As America’s borders shift into the Louisiana Territory and beyond, local tribes will again be forced to move from the homes to accommodate the white settlers, often backed by the U.S. Army.

### Further U.S. Moves Against The Native Americans In The West

Nations	Home	Conflicts
Comanches, Kiowa Apaches	Texas, Oklahoma, Kansas, New Mexico	From 1836 to 1875 Anglo settlers battle to settle on tribal lands in the Comancheria. The 1858 Battle of Antelope Hills signals the decline of the resistance. In 1875 the Comanches are forced into space set aside for the southeastern tribes in Oklahoma. The Apaches settle further west in Arizona.
Eastern Dakotas	Minnesota	In 1862 US troops under General John Pope defeat eastern Sioux tribes along the Minnesota River and hang 38 captives in Mankato.
Lakota Sioux and Northern Cheyenne	N/S Dakota, Montana	Lakotas pushed aside after gold discoveries in the Black Hills. Sioux victory at the Little Big Horn leads to US troops crushing remaining rebels.

In the end, the fate of America's native peoples is not much different from that of the Africans.

Most have greeted the white settlers in peace, helped them navigate the new land, and sought favorable relations. In return, they've gotten "The Great Father," promising them fair treatment in one inaugural address after another, from Washington through Jackson, renegeing time and again. High-minded rhetoric quickly giving way to self-interest: the wish to occupy their tribal homelands, the power to make this happen, and justification based on the inherent superiority of the white race.

Some tribes fight back: Tecumseh and the Shawnees in 1813, the Red Stick Creeks in 1814, Blackhawk and the Sauks in 1832, Osceola Seminoles in 1832, out west, the Comanches and the Sioux. All too little avail beyond the lasting personal honors of counting coup.

As the Africans are enslaved, so too are America's native peoples – not in chains, but on "reservations."

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Time: June 25, 1876

**Sidebar: The Tribes Count Coup One Last Time at the Little Big Horn**



George Armstrong Custer (1839-1876)



Chief Sitting Bull (1830-1891)

Any residual empathy in the North for the plight of the tribes is eroded by events during America's Civil War.

When the conflict breaks out, several tribes who own African slaves align with the South. Some actually form brigades and engage in the fighting as Confederates – most notably at the 1862 Battle of Pea Ridge, in Arkansas. There both Cherokee and Choctaw warriors fight under the leadership of Albert Pike and Stand Watie. Watie is a Choctaw who grows up in Georgia, is educated, becomes a Christian, owns slaves, and eventually is named a brigadier general in the CSA army. (As such he is one of only two Indians of that rank, the other being Ely Parker of the USA.)

After the Union wins the war, the notion of “Indian independence” vanishes, and the U.S. government is unabashed about coercing all tribes to obey the will of “their great white father” in Washington.

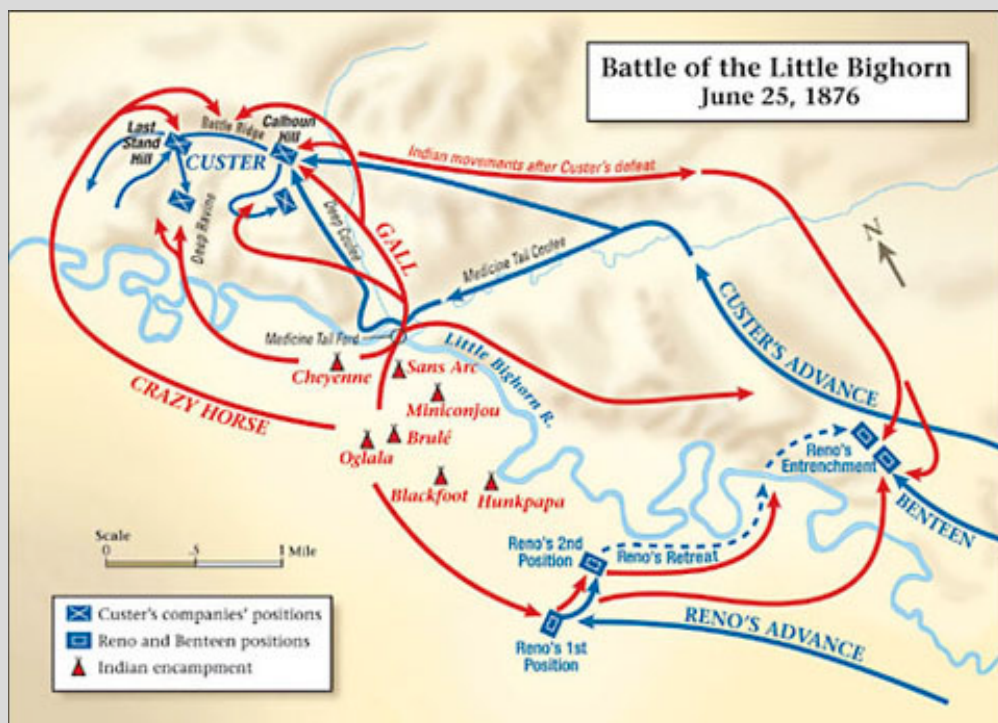
When reservation land is needed to build railroads, DC simply takes it. When gold is found on Indian land, they are again “re-located.” When other tribes, such as the western Cheyenne, need to be moved, tribes “donate” the needed space.

The Navajo end up in northern Arizona; the Shoshone and Nez Perce in Idaho; the Crow and Blackfeet in Montana; the Sioux in South Dakota; the Modocs in northern California.

The “treaty revisions” and relocations go on until roughly 1889, culminating with white “sooners” rushing into the western half of the original Indian Territory and finally establishing the state of Oklahoma.

In the end, the land mass set aside in 1830 has shrunk by more than half, and it is occupied by a patchwork quilt of “Nations,” each with their own cultures and laws, and often with a history of prior conflicts.

On June 25, 1876, the Native American tribes – this time in the form of the Lakota Sioux and the Cheyenne – express their last defiance against the white intruders by thrashing General George Armstrong Custer and the Seventh Cavalry at the Little Bighorn River in Montana. After that, the Indian nations retreat forever to their ghetto reservations, even as black slaves are being emancipated.



Blunders by an Overconfident Custer Leads to the Loss of 211 Men at the Little Big Horn