



The Trail of Tears
by Troy Anderson, (Cherokee) 1992.
Removal—the government’s solution to the “Indian problem”—involved the displacement of thousands of Indians from the Southeast to Indian Territory in Oklahoma and points west. The best known, and perhaps the most infamous of these forced marches, was the ordeal suffered by the Cherokees on their journey to strange lands.

Indian Removal Policy

In May of 1830, President Andrew Jackson signed into law the Indian Removal Act, thus putting teeth into the policy his predecessors had long advocated—the “voluntary” exchange of lands by eastern Indians for territory that the federal government would acquire for them west of the Mississippi. Jackson gave the policy immediacy and an assertion that existing Indian treaties did not constitute federal recognition of Indian sovereign rights to the soil of their homelands. The Indian Removal Act enabled the president to implement such assertions, putting congressional support and appropriations behind the tragedies to follow.

The Removal Act did not authorize the use of force—but neither did Jackson feel obliged to protect Indians from any force mobilized by the states and their citizens. Moreover, the government had long before promised Georgia to eliminate Indian title to the lands within its boundaries in exchange for the state’s western land claims. The demands of Georgia, and of the white speculators, planters, and farmers eager to take over Indian land, mattered far more to Andrew Jackson than any guarantees made to Indians in treaties.

So, when Georgia unilaterally extended its laws over the Cherokee nation in 1829 (to be effective June 1, 1830), Jackson withdrew federal troops and denied protection to the Cherokees. In 1830 Cherokees who held tribal office automatically became criminals. Georgia prepared to distribute their lands by lottery, and seize their other property for debt. They had little recourse against fraud or theft since, as Indians, they could not testify in Georgia’s courts. The Cherokee government withdrew to the town of Red Clay in Tennessee. John Ross, the principal chief of the Cherokees, led a complicated legal fight against state usurpation of their sovereignty and the federal government’s refusal to enforce treaty provisions. And in *Worcester v. Georgia* they won a legal victory of a sort. In 1832 the U.S. Supreme Court upheld treaties as “the supreme law of the land,” and ruled that Georgia’s laws did not apply within the Cherokee nation. Federal marshals

*At the time of death,
When I found there was to be death,
I was very much surprised.
All was failing.
My home, I was sad to leave it.*

*I have been looking far,
Sending my spirit north, south, east
and west.
Trying to escape death,
But could find nothing,
No way of escape.*

—Luiseño Song
