

**Document Based Questions – Indian Removal Act and the Trail of Tears**

*Directions:* Read the following documents and answer the questions that follow in 1- 5 complete sentences. Answer in your notebook. Copy the title of the worksheet and copy the questions in your notebook.

**Document 1****UNITED STATES CONGRESS, Indian Removal Act, May 28, 1830, Chapter CXLVIII**

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.

Be it enacted by the Senate and House of Representatives of the United 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.

1. *In your own words, summarize this excerpt from the Indian Removal Act of 1830.*

**Document 2****Appeal of Cherokee nation to United States Congress, 1834**

"Cupidity [Greed] has fastened its eye upon our lands and our homes and is seeking by force and by every variety of oppression and wrong to expel us from our lands and our homes and to tear from us all that has become endeared to us. In our distress we have appealed to the judiciary of the United States, where our rights have been solemnly established. [*Worcester vs. Georgia* (Supreme Court Case)] We have appealed to the Executive of the United States [Andrew Jackson] to protect those rights according to the obligation of treaties and the injunctions of the laws. But this appeal to the Executive has been made in vain."

2. *What did the Cherokee people do after being ordered to leave their homeland? How did the government respond?*

**Document 3****Professor Susan Vetter, Saylor University, excerpt from "President Jackson, the Supreme Court, and Indian Removal", 2008, rev. 2011.**

In two cases commonly combined and called the Cherokee Cases decided in 1831 and 1832, the Supreme Court ruled that the Cherokees were a "domestic dependent nation" and as such could not be forced by a state to give up their lands unwillingly. In other words, the Supreme Court recognized the sovereignty of the Cherokee Nation. President Jackson famously said about Chief Justice John Marshall's ruling: "John Marshall has made his decision. Now let him enforce it." Under the Constitution, who enforces the laws? The President not the Supreme Court. Jackson essentially said that he would not enforce the Court's decision and he did not. Despite their efforts to work through the courts and the courts' support of their position, the Cherokees were forcibly removed from their home. In 1838 a reluctant U.S. Army of 7,000 rounded up the Cherokees and drove them west along what became known as the "Trail of Tears." As many as 4,000 of the 16,000 Cherokees died along the way.

3. *According to Professor Vetter, what did the Supreme Court rule in the "Cherokee Cases"?*

#### Document 4

**Major William M. Davis, 1837**  
**Sent to Cherokee country to expedite removal**

“That paper called a treaty [Treaty of New Echota between the USA and a minority group of Cherokee] is no treaty at all because it is not sanctioned by the great body [majority] of the Cherokees and was made without their participation or assent .... The Cherokees are a peaceable, harmless people, but you may drive them to desperation, and this treaty cannot be carried into effect except by the strong arm of force.”

*4. What does Major Davis say is necessary to quickly remove the Cherokee people from their land? Explain.*

#### Document 5

**Brigadier General Winfield Scott, May 1838**

“The President of the United States [Martin Van Buren] sent me with a powerful army to cause you, in obedience to the treaty of 1835, to join the part of your people who are already established in prosperity on the other side of the Mississippi .... The emigration must be commenced in haste .... The full moon of May is already on the wane, and before another shall have passed away every Cherokee man, woman and child ... must be in motion to join their brethren in the West....My troops already occupy many positions ... and thousands and thousands are approaching from every quarter to render resistance and escape alike hopeless... Will you then by resistance compel us to resort to arms? Or will you by flight seek to hide yourselves in mountains and forests and thus oblige us to hunt you down? Remember that in pursuit it may be impossible to avoid conflicts. The blood of the white man or the blood of the red man may be spilt, and if spilt, however accidentally, it may be impossible for the discreet and humane among you, or among us, to prevent a general war and carnage.

*5. According to Brigadier General Scott what are two possible results of the Cherokee’s refusal to peacefully leave their homeland?*

#### Document 6

**James Mooney, Ethnologist, From interviews with survivors of the Trail of Tears**

“Families at dinner were startled by the sudden gleam of bayonets in the doorway and rose up to be driven with blows and oaths along the weary miles of trail that led to the stockades. Men were seized in their fields or going along the road, women were taken from their spinning wheels and children from their play. In many cases, on turning for one last look as they crossed a ridge, they saw their homes in flames, fired by the lawless rabble that followed on the heels of the soldiers to loot and pillage. So keen were these outlaws on the scent that in some instances they were driving off the cattle and other stock of the Indians almost before the soldiers had fairly started their owners in the other direction.”

*6. Describe the experience of the Native American people as they were forcibly removed from their homeland.*

#### Document 7

**Georgia militiaman who participated in the “roundup” of the Cherokee Indians**

“I fought through the Civil War and have seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruelest work I ever knew.”

*7. According to the Georgia militiaman, how does the Cherokee removal compare to other wars?*