

The Corrupt Bargain: A Story of the Cherokee Plight

The Cherokee Nation is one of the many Native American nations that had their rights and lives stolen by the United States, and arguments are made that they suffered the worst. The Cherokee did not admit defeat from the beginning, they fought for their rights through social and legal means. While the Cherokee Nation was forced off their sacred lands, they did not leave without resistance; they attempted to sway Jackson by pleading to his humanity and paternalism and attempted to create pathos with the general public.

The Cherokee began their path of resistance in 1822 with a new law passed by their congress which outlawed any land cession deals with the United States and continued resisting through legal trials until the moment they were forced off their land.¹ The Cherokee felt they “[had] not more than sufficient [land]” for their people and thus Chief John Ross refused to make land deals. The Cherokee leaders feared they would be forced to give up their lands, as numerous other tribes had in recent years,² especially after the Indian Removal Act of 1830.³ The Indian Removal Act allowed the president to “deal” with the Native Americans and make fair trades with those still east of the Mississippi, and also created the stipulation that the United States’ had a duty to guarantee the Natives forever after the deals were made.⁴ The Cherokee saw that many of their fellow tribes had made “deals” and had been forced from their ancestral homes, and they feared becoming another tribe that had their sacred lands stolen from them.⁵ Chief Ross attempted to evoke an emotional response from the government and the American people by invoking memories of the Cherokee’s past dealings with American presidents who “[have] smoked the pipe of peace with [their] Chiefs,” while also pointing out the stark contrast between

¹ Ross, John. “A Cherokee Law from 1822.” Oct. 23, 1822. In New Town C. N.

² “Cherokees Feel They Are to be Sacrificed.” Published in Cherokee Phoenix and Indians' Advocate Wednesday, March 17, 1830, Vol. II, no. 48. Page 2, col. 5a-Page 3, col. 2b

³ “The Removal Act” May 28, 1830.

⁴ Ibid.

⁵ “The Cherokees Feel They Are to be Sacrificed.” Vol. II, no. 48. Page 2, col. 5a-Page 3, col. 2b

the treatment they experienced in the early presidencies and then under Jackson.⁶ The leaders of the Cherokee attempted to bring the issue to the Supreme Court and received a ruling in which John Marshall claimed the Cherokee were a foreign state and thus the Supreme Court had no power over their lands.⁷ The ruling would have allowed the Cherokee to keep their lands due to the treaties of the past, had Jackson upheld the ruling, but he chose to ignore the Court's ruling. The leaders of the Cherokee were attempting to save their people from having their lives and culture uprooted like many other tribes before them, but sadly their anti-land cession law would be ignored in later years. In 1835 a group of unauthorized individuals of the tribe went to New Echota to make a deal with the U.S.⁸ The members forged a deal to provide the Cherokee Nation with supplies and protection during their journey west; as well as a stream of supplies upon their arrival. The Treaty of New Echota would set off the chain of events that inevitably led to the Trail of Tears, despite the Cherokee Nation's attempts to nullify it; this Treaty with the United States infuriated many of the leaders of the Cherokee and they began calling out for its nullification.⁹ While the US government ignored them, many of the citizens did not.

The Cherokee cried out in outrage over the unauthorized deal made by a splinter faction of their Nation, and their pleas often fell on deaf ears, but many of the general public heard their plea and supported their voices. Some citizens of New Jersey created a petition asking for the annulment of the Treaty of New Echota, as they believed that the treaty was unjust as it did not reflect the sentiments of the majority of the Cherokee Nation.¹⁰ These citizens called the treaty

⁶ "Objection to Removal." Mar 4, 1829. In *Cherokee Phoenix and Indian Advocates*, Vol. 1. No. 51. Turkey Town.

⁷ Marshall, John. "Cherokee Nation v Georgia." 1831.

⁸ Schermerhorn, John. "Treaty of New Echota." Dec 29, 1835. New Echota, Georgia.

⁹ "Memorial of the Cherokee delegation, submitting the memorial and protest of the Cherokee people to Congress." Mar 12, 1838.

¹⁰ "Petition of a number of citizens of New Jersey, praying that the treaty made with the Cherokees at New Echota may be annulled." Apr 19, 1838.

an “injustice” on an “already injured people” as this treaty was seizing the Cherokee Nation’s rights and land.¹¹ The cries of the Cherokee were being heard across the nation, and citizens from the northeast were calling out for aid for the Cherokee. Pennsylvanians signed a petition for Congress to reconsider the Treaty of New Echota, and called for the US to not take away the “ancient and indisputable title” the Cherokee has on their land.¹² The people of New York also considered the US’ handling of the Treaty an affront to the Founding Fathers; because George Washington and John Adams made a treaty with the Cherokee Nation in 1792 which guaranteed their lands.¹³ Some people of the United States and a majority of the Cherokee saw this treaty as an affront to the dealings the US had with the Cherokee Nation. Many dissenters believed the Treaty of New Echota, which was created by a delegate of the President and a group of unauthorized members of the minority faction in the Cherokee Congress, could not be upheld by the United States government because it was not democratic, nor was it just; but the administration seized the opportunity it provided. These men and women of the US believed that the Jackson administration was unjustly taking away the rights of the Cherokee, and they made their voices heard, but the US government refused to listen to its citizens. While the Cherokee’s pleas for mercy evoked an emotional response with citizens from the North, their cries would be ignored by Jackson, the US government and the US army.

The Cherokee were determined to retain their land and would use any means at their disposal to accomplish that goal, but the US government, the government of Georgia and the US Army would not allow them to stay. From the beginning of the conflict with Jackson the odds were stacked against the Cherokee. The passing of the Indian Removal Act was praised as a

¹¹ Ibid.

¹² “Memorial of a number of citizens of Pennsylvania, praying the re-consideration of the treaty made with the Cherokees at New Echota, in December 1835.” Apr 11, 1838.

¹³ “New York -- inhabitants of -- Cherokee Indians.” March 05, 1832

great victory for white democracy that would allow the Native Americans to “gradually” “cast off their savage habits” once they were deposed.¹⁴ Andrew Jackson did not view the Native Americans as the civilized nation they were, he viewed them through the lens of his early years on the frontier: as “savages”.¹⁵ Chief John Ross pleaded to the Jacksonian administration to side with them on the Treaty of New Echota, he pleaded to their “justice” and “honor-” attempting to stroke their egos while invoking Jackson’s sense of “honor” and paternalistic nature.¹⁶ The pleas of the Cherokee Nation did reach some members of the US army such as Major M. Davis who believed the treaty a sham and Schermerhorn, who represented the Jackson administration at the Treaty of New Echota, guilty of “deception” in the Treaty he constructed.¹⁷ Major Davis was not present at the treaty meeting, but he firmly believed that Schermerhorn made the treaty with the knowledge “that his treaty was made without the consent of the nation.”¹⁸ Schermerhorn retorts with accusations of Native “double-dealings” in the past as justification for his actions, and many other ranking officials agreed with Schermerhorn’s course of action; just or not.¹⁹ Jackson himself did not believe the Native’s to have the right to stay on their land when “at the expense of the United States” he was making “fair exchange[s]” for their homes, and giving them a “land” where they could live “perpetual[ly].”²⁰ He did not believe that the Native American people could value their land to the extent a “civilized Christian” might, and he could not comprehend the meaning that these sacred lands may have to the peoples of the different Native

¹⁴ Jackson, Andrew. "Second Annual Message," December 6, 1830. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

¹⁵ Ibid

¹⁶ Ross, John. "Letter from Chief John Ross." In Gary E. Moulton, ed. *The Papers of Chief John Ross, Vol. 1. 1807-1839*. Norman: University of Oklahoma Press, 1985.

¹⁷ Davis, M. "Letter of Maj. Davis, Relative to the Cherokee Treaty, and the Accompanying Certificates." Apr 12, 1836.

¹⁸ Ibid

¹⁹ Ibid

²⁰ Jackson, Andrew. "Second Annual Message."

American tribes.²¹ Despite these talks of how “gracious” the United States was being with their “offers,” the Indian Removal Act had a peculiar section which did not go unnoticed by the Cherokee: “the lands shall revert to the United States, if the Indians become extinct...”²² The Natives were being offered this new land in the West, but Sec. 3. of the Removal Act gave the United States the right to take their land back if the Natives inhabiting the land happened to “become extinct,” this section had very dark connotations and foreboding visions for the future. The Cherokee Nation feared that the government would force them off their land due to an unjust treaty and their fears were realized on May 10, 1838 when General Winfield Scott delivered his Ultimatum; he declared that they must leave, following all those who had gone West before them.²³ The phrases in the Ultimatum show the inherent paternalism he shared with so many powerful white men of the period towards any person of color, he “compels” them to “spare [him]... the horror witnessing the destruction of the Cherokee” while also threatening them with warnings of an encroaching great force.²⁴ General Scott, like so many others, ignored the pleas of the Cherokee and soon after the summer had ended, marched their people across the United States in the immortal Trail of Tears.

The Cherokee people were eventually forced from their homes and off their land, but they fought for their rights. Beginning with their laws passed in 1822, due to growing fear, and ending with their final stands leading up to General Scott’s march in 1838, they never stopped making new attempts, new pleas and new arguments against this infringement on their rights to life. The Cherokee stood against the United States government, they had their land stolen from them in a truly “Corrupt Bargain” and many lost their lives on the Trail of Tears, but despite this

²¹ Ibid

²² “The Removal Act.”

²³ Scott, Winfield. “Major General Scott’s Ultimatum.” May 10, 1838. *Edward J. Cashin (ed.), A Wilderness Still the Cradle of Nature: Frontier Georgia (Savannah: Beehive Press, 1994), pp. 137-38.*

²⁴ Ibid

the Cherokee Nation stood tall and fought for their rights, even bringing United States citizens to their side. The Trail of Tears was not even the end to the injustices done to them, as they would discover upon reaching Oklahoma.²⁵ The Cherokee are remembered for the Trail of Tears, when they should be remembered for the struggle prior to the Trail, and the corruption and deception used by the US government to steal their land, and maybe, in time, they will be.

²⁵ Ross, John. "Letter from John Ross." 15th March 1839.
In Beatie's Praire.

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- Davis, M. “Letter of Maj. Davis, Relative to the Cherokee Treaty, and the Accompanying Certificates.” Apr 12, 1836.
- Jackson, Andrew. "Second Annual Message," December 6, 1830. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.
- Marshall, John. “Cherokee Nation v Georgia.” 1831
- “Memorial of the Cherokee delegation, submitting the memorial and protest of the Cherokee people to Congress.” Mar 12, 1838.
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- “Objection to Removal.” Mar 4, 1829. In *Cherokee Phoenix and Indian Advocates, Vol. 1. No. 51. Turkey Town*.
- “Petition of a number of citizens of New Jersey, praying that the treaty made with the Cherokees at New Echota may be annulled.” Apr 19, 1838.
- Ross, John. “Letter from Chief John Ross.” In Gary E. Moulton, ed. *The Papers of Chief John Ross, Vol. 1. 1807-1839*. Norman: University of Oklahoma Press, 1985.
- Ross, John. “A Cherokee Law from 1822.” Oct. 23, 1822.
In New Town C. N.
- Ross, John. “Letter from John Ross.” 15th March 1839.
In Beatie’s Praire.
- Ross, Lewis. “Cherokee Agency to John Ross.” Jan 4, 1838.
In State Library Cherokee Collections.
- Schermerhorn, John. “Treaty of New Echota.” Dec 29, 1835. New Echota, Georgia.
- Scott, Winfield. “Major General Scott’s Ultimatum.” May 10, 1838. *Edward J. Cashin (ed.), A Wilderness Still the Cradle of Nature: Frontier Georgia (Savannah: Beehive Press, 1994), pp. 137-38.*