

Case: *Democracy, Sovereignty, and the Struggle over Cherokee Removal*

Case Overview:

By the mid-1830s, the U.S. Government and the State of Georgia had for years been pushing the Cherokees to turn all of their territory over to white settlers and move west, yet it appeared that most Cherokees wanted to keep their ancestral homeland. In October 1835, the Cherokee General Council had named a committee of leaders to work out a mutually agreeable solution with the federal government in Washington. At about the same time, however, U.S. Indian Commissioner John Schermerhorn had called a meeting at New Echota, Georgia with a separate committee of Cherokees who he believed would be more willing to “remove” the entire tribe to the West. This separate committee ultimately agreed to the Treaty of New Echota on December 29, 1835. Under the treaty, the Cherokees would cede all of their eastern territory in exchange for \$4.5 million, land in the West, and other sundry benefits.

U.S. President Andrew Jackson, who had battled Native American tribes during much of his former military career, was eager to oust the Cherokees from the eastern states. However, several members of the Senate criticized the Treaty of New Echota as a “phantom treaty,” claiming that it was signed by an illegitimate council without the consent of the Cherokee people. Approving the treaty, they insisted, would be a grave wrong against the Cherokee Nation and its official government, which the United States had long recognized.

On May 18, 1836, the U.S. Senate finally put the Treaty of New Echota to a vote. If ratified, the treaty would bind all Cherokees to the decisions of the committee at New Echota, and the Cherokee Nation would have to leave its native land.

Discussion Questions:

1. What strategy (or strategies) did the Cherokee adopt to protect their Nation? What is your assessment of their strategy (or strategies)? Were there any better options available at the time that you would have recommended?
2. If you were advising lawmakers in Congress who opposed Cherokee removal, what recommendations would you have made to help them maximize the chances of achieving their objective?
3. Do you expect the U.S. Senate will ratify the Treaty of New Echota in May of 1836? What – if anything – does this tell us about the nature of U.S. democracy in the 1830s?