The legal victory scored by the Cherokees in the 1832 Supreme Court case of *Worcester v. State of Georgia*, whereby Georgia's systematic persecution of the tribe was declared unconstitutional, proved hollow. President Andrew Jackson refused to enforce the decision of the court and insisted that the Cherokees' only relief was to be found in their acceptance of removal to the Indian Territory. On December 29, 1835, federal negotiators concluded the Treaty of New Echota with representatives of a small minority of the Cherokees. This faction--representative of perhaps only one thousand of the seventeen thousand tribal members--sold seven million acres of Cherokee land and agreed to removal westward within three years.

The majority party of the Cherokee tribe--the so-called National party--repudiated the treaty. President Jackson responded by forbidding the party to hold meetings to discuss the treaty or alternatives to it. Jackson informed the party's leader, John Ross, that the United States would recognize no Cherokee government until removal had been completed. Moreover, the president warned, any attempt to resist removal would be met by force. Brigadier General John Ellis Wool embellished this warning in no uncertain terms; he declared that any recalcitrant Cherokees would be "hunted up and dragged from your lurking places and hurried to the West."

Undeterred, John Ross and the National party campaigned through 1835 to 1838 to expose the fraud and injustice of the New Echota Treaty. During this period, too, the state of Georgia and others were hard at work to ensure that the Indians would be swindled out of the removal funds guaranteed them by the treaty. When the 1838 deadline for removal came and went, with only about two thousand Cherokees settled in the Indian Territory, Jackson's successor, Martin Van Buren, replaced Wool with Major General Winfield Scott as commander in charge of removal. Scott approached the mission aggressively and with vigor, dispatching his troops to round up the Cherokee and herd them into stockades, which had been hastily constructed to confine the Indians in preparation for the forced march to the West. Although a minority managed to hide in the mountains, some fifteen thousand Cherokees were penned into the stockades, where they suffered from disease and exposure during the long hot summer of 1838.

With the coming of fall and winter, the march of approximately twelve hundred miles to Arkansas and the Indian Territory began. The Indians--men, women, and children--endured hunger and devastating disease (primarily dysentery and cholera, the two great plagues of Western travelers), as well as the abuse and cruelty of their soldier-escorts. Of the fifteen thousand Cherokees who made the journey, some four thousand perished on the trail or within a short time of settling in the Indian Territory. The Trail of Tears stands to this day as a symbol of the worst aspects of Indian-white relations in the United States. Many years after he made the journey, an old Cherokee recalled:

> Long time we travel on way to new land. People feel bad when they leave Old Nation. Women's cry and made sad wails. Children cry and many men cry, and all look sad like when friends die, but they say nothing and just put heads down and keep on go towards West. Many days pass and people die very much.
Further Readings


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