“The Trail of Tears” by Robert Lindneaux
Woolaroc Museum, Bartlesville, Oklahoma
In late December 1835, a small group of Cherokee leaders who favored moving to land west of the Mississippi River met with representatives of the United States government in New Echota, the capital of the Cherokee Nation, located in northwest Georgia. The result of their meeting was a treaty signed on December 29 that required the eastern Cherokees to exchange their lands for land in the Indian Territory in what is today eastern Oklahoma. The Senate ratified the treaty by a margin of one vote on May 17, 1836, and President Andrew Jackson signed it into law on May 23. The Cherokees were to complete their removal to Indian Territory within two years.

There was a great deal of opposition to the treaty. New Englanders, religious groups, and missionaries who objected to the policy of removal flooded Congress and the President with petitions and memorials. Ralph Waldo Emerson addressed an open letter to President Van Buren in April 1838. Referring to the treaty, he stated, “The soul of man, the justice, the mercy that is the heart’s heart in all men, from Maine to Georgia, does abhor this business.” Members of the Cherokee tribe who insisted that the treaty was a fraud also petitioned Congress. Most notable among these petitioners was Chief John Ross, who claimed that the individuals who had represented the tribe at the treaty negotiations did not have the authority to do so. He submitted to Congress a petition containing signatures of more than 15,000 Cherokees who opposed the treaty. Supporters of the treaty were quick to claim that there were hardly 15,000 Cherokees in the east, and half of them were children.

Congress responded to the opposition by tabling the petitions and memorials. One such action was recorded in the Senate Journal on March 1, 1837.

Mr. Southard presented a memorial and petition of a delegation of the Cherokee Nation in relation to the treaty of December 29, 1835, praying that the execution of the same may be suspended. A motion...
was made by Mr. Southard that the memorial and the accompanying papers be printed and on that motion by Mr. Tipton, ordered, that this motion lie on the table.

Just as Congress chose to ignore the petitions and memorials by laying them aside, all but about 2,000 Cherokees ignored the treaty and refused to move to the West or begin making preparations for removal. This reaction was encouraged by Chief John Ross and continued for nearly two years. As a result, on April 6, 1838, General of the Army Alexander McComb ordered Maj. Gen. Winfield Scott to the Cherokee Agency on the Hiwassee River near Calhoun, Tennessee, to ensure compliance with the treaty. Scott was given a large force of regulars (approximately 3,000 troops) and the authority to raise additional state militia and volunteer troops from Tennessee, Georgia, Alabama, and North Carolina to force removal if necessary. Nine days after his arrival at the Cherokee Agency, Scott issued General Order 25, which is featured in this article. In it, he named the members of his staff, established three military districts to expedite “collection” of the Indians, and urged his troops to treat the Indians in a humane fashion.

On May 26, removal operations began in Georgia. In barely three weeks, General Charles Floyd, who commanded the Georgia Militia, reported that no Cherokees remained in the state. In late June, removal operations began in Tennessee, North Carolina, and Alabama. In all four states, Indians were rounded up and taken to collecting points. One was located at the Cherokee Agency on the Hiwassee River. The other two were at Ross’s Landing in Tennessee and Gunter’s Landing on the Tennessee River in Alabama. From these points, the Cherokee were to be escorted under the direction of General Nathaniel Smith, Superintendent of Emigration for the Bureau of Indian Affairs. A letter sent by Smith to General Scott indicating his preparedness and his plans is also included in this article.

As indicated in Smith’s letter, the Army’s plan was to transport the Cherokees to the West primarily via a water route. The Army believed it would take less time, be less expensive, and be less exhausting than a land route. From the collection points, the Indians would travel by boat down the Tennessee River to the Ohio River, down the Ohio to the Mississippi River, down the Mississippi to the Arkansas River, and upstream to Indian Territory. After three contingents of roughly 1,000 Indians each left for the West (accompanied by a military officer, his assistants, and two physicians), the Cherokee Council pleaded with Army leaders to postpone further movement until autumn. The heat and drought of the summer was contributing to illness and death among the Indians both en route and at the collection centers. Illnesses that included fever, measles, diarrhea, dysentery, whooping cough, worms, gonorrhea, cholera, and pneumonia were compounded by the refusal of many of the Indians to accept medicine from the physicians.

One group of Cherokees being held at Ross’s Landing submitted a petition to Colonel Lindsay, commander of the Middle District.

We ask that you will not send us down the river at this time of the year. If you do we shall die, or our wives will die, or our children will die—for our hearts are heavy, very heavy. We want you to keep us in this country [until] the sickly time is over, so that when we get to the West we may be able to work to make boards to cover our families.

This message and the pleas submitted by other groups had the desired effect: General Scott halted the operations and indicated that removal would resume in the fall.

During the summer, the Cherokee leaders were able to convince General
ORDERS. No. 5.

Head Quarters, Eastern Division.


MAJOR GENERAL SCOTT, of the United States' Army, announces that the troops assembled and assembling in this country, that with him, he has been charged by the President to cause the Cherokee Indians, yet remaining in North Carolina, Georgia, Tennessee and Alabama, to remove westward, according to the treaty of 1835. His Staff will be as follows:--

LIEUTENANT COLONEL W. J. WEAVER, Acting Adjutant General, Chief of the Staff.

МАЕР М. М. ПАЙН, Acting Inspector General.

LIEUTENANT R. ANDERSON, & E. D. KEELE, Acting Adjutant Camp.

COLONEL A. H. KENNEDY & LIEUTENANT H. B. SHARPE, Acting Adjutant Camp.

Any order from the General, written on paper, signed by either of those officers, in the name of the Major General, will be respected and obeyed as the General himself.

The Chiefs of Ordinance, of the Quarter Masters Department and of the Commissary, as also the Medical Director of the Army, will, as soon as they can be ascertained, be announced in orders.

To carry out the general object with the greatest promptitude and certainty, and with the least possible disruption of the country, the country are to be evacuated in three principal military divisions, under as many officers of high rank, to command the troops moving through, subject to the inspection of the Major General.

Eastern District, to be commanded by MAJOR GENERAL ECHOLS, of the United States' Army, or the highest officer in rank in said district, named therein--North Carolina, the part of Tennessee east of the Natchez Trace, East Tennessee, Georgia, and the Counties of Clarke, Union, and Lumpkin, in Georgia. Head Quarters, in the first instance, at Fort Balter.

Western District, to be commanded by COLONEL LINDSEY, of the United States' Army, or the highest officer in rank serving therein, the States of Alabama, the counties of Tennessee and Davis county, in Georgia. Head Quarters, in the first instance, at Remoul, Landing.

Middle District, to be commanded by MAJOR GENERAL ECKSTROM, of the United States' Army, or the highest officer in rank, serving therein--All that part of the Cherokee country lying west of the State of Georgia, and which is not comprised in the two other districts. Head Quarters, in the first instance, at New Eblida.

It is not intended that the foregoing boundaries between the principal commanders shall be strictly observed. Either, when circumstances shall permit, or at his discretion, he will be dictated to the movements, according to the discretion of the case, but with all practicable harmony, instead of ad hoc district. And, among his principal objects, in case of actual or apprehended hostilities, will be that of affording protection to our white people in and around the Cherokee country.

To the senior officer actually present in such district will receive instructions from the Major General as to the time of commencing the removal, and the thing that may occur in the service, is the district, will be promptly reported to the same source. The

Major General will endeavor to visit in a short time all parts of the Cherokee country occupied by the troops.

The duties devolved on the army, through the orders of the Major General, & those of the commanders of districts, under him, are of a highly important and critical nature. They are, in the first instance, to act as agents of the General, and in the second, as agents of the Government, to see that the terms of the treaty are observed, and to maintain that which they believe to be the rights of the Cherokee nation, as guaranteed by law.

In every case, the troops, acting as such, will be subject to the orders of the General, and their conduct will be subject to the regulations of the army. In every case, the troops, acting as such, will be subject to the orders of the General, and their conduct will be subject to the regulations of the army. In every case, the troops, acting as such, will be subject to the orders of the General, and their conduct will be subject to the regulations of the army.
Cherokee Agency[1]  
15th May 1838

Maj. Genl. Winfield Scott  
Comdg. Army of the Nation

Sir,

I have the honor to inform you that I am now prepared to receive and transport to their new homes two thousand Cherokees every twenty days, and have for their subsistence upwards of 600,000 rations contracted for, about 300,000 of which are already delivered at this Post, Cape Landing, Paduca, Kentucky, and Little Rock, Arkansas.

The plan adopted for the removal of the Cherokees is, to send them down this river in Boats while the water remains at a stage sufficient to admit, and afterwards send them in Waggons by way of Cape Landing, Jasper Town, Bellefonte, Huntsville, and Athens to Waterloo, Alabama, where the Steamer Smelter, and as many other Boats as may be necessary, will always be in readiness to receive the Emigrants.

Very Respectfully,

[Signature]

[Signature]

[Signature]
Scott that the Cherokees themselves should take over removal operations, and that the route for removal should be land-based. Under the terms of a contract negotiated between General Scott and Chief John Ross, the latter would be paid $66.24 for each Cherokee removed. This amount per person was based on an estimate of 80 days of travel time, and included an expenditure for soap that had not been provided when the army was in charge.

Early in the fall of 1838, the Cherokees—divided into thirteen contingents of about 1,000 each—began the overland march on foot or on horseback to Indian Territory unaccompanied by a military escort. Supplies, equipment, and clothing were carried in 645 wagons, each pulled by a double span of oxen, mules, or horses. Some groups left as early as August, while others waited until December. Although John Ross had decided that all would travel by land, the Indians took various routes. Most crossed the Tennessee River at the mouth of the Hiwassee, at Blythe’s ferry. Next they journeyed to McMinnville and to Nashville. After crossing the river there, they went to Hopkinsville, Kentucky, and crossed the Ohio River at Golconda, Illinois. They proceeded through southern Illinois to Green’s ferry on the Mississippi, where getting all the people, wagons, and livestock across the river took days. After crossing, they traveled through southern Missouri by way of Springfield, and from there to Indian Territory. Three years to the month following the fateful meeting at New Echota, President Van Buren announced to Congress, “It affords me great pleasure to apprise the Congress of the entire removal of the Cherokee Nation of Indians to their new homes west of the Mississippi.”

Although more than 12,000 Cherokees, intermarried whites, and slaves left the east, significantly fewer actually arrived in Indian Territory. Estimates of the number who died en route range from 500 to 2,000. The actual travel time for each contingent far exceeded the 80-day estimate, averaging 153 days instead. This meant that many traveled during the cold winter months. The extended time also meant, as negotiated in the contract with General Scott, that Ross received additional pay. In total, John Ross received $1,263,338.38 from the federal government for the removal. This amount was deducted from the sum the Cherokee Nation received for their lands in the east under the terms of the Treaty of New Echota. Due to the cold, the distance, the ills, the loss of life, the removal from their land, and the general ill-treatment from state and federal officials, the journey of the Cherokee became known as the “Trail of Tears.”

Notes to the Teacher

Documents featured in this article include General Scott’s General Order 25 dated May 17, 1838, and a letter written by Gen. Nathaniel Smith to General Scott on May 18, 1838. Both documents are contained in the Records of the U.S. Army Continental Commands, 1821-1920, RG 393, National Archives and Records Administration, Washington, D.C. They are available with other documents related to Cherokee removal on National Archives microfilm publication M1475, “Correspondence of the Eastern Division Pertaining to Cherokee Removal, April-December 1838.” Copies of National Archives microfilm publications are available in federal depository libraries and may be ordered by calling 1-800-234-8861.

Another “Teaching With Documents” article featuring the Cherokee census of 1835 is available in the Teaching With Documents compilation available from the National Archives. To order call 1-800-234-8861 and request item #200047.

Digital images of additional documents related to Cherokee Removal are available on-line from the National Archives in the NAIL database at http://www.nara.gov/nara/nail.html. The documents include the Treaty of New Echota (Control No: NWCTB-11-INTRY-PI159E17-RIT199), a memorial written in both the English and Cherokee languages (Control No: NWL-233-PETITTION-HR21AH11-1), a physician’s monthly report of emigrating Cherokees at Chadata in August 1838 (Control No: NWCTB-75-PI163E98-SF249 (CHADATA), and documents related to John Ross’s financial accounts (Control No: NWCTB-217-2AUD-AIE525-6289A).

Teaching Suggestions

1. As an introductory activity, ask students whether any of them have moved. Ask them what they brought with them, how much time they had to prepare for their move, and whether any family members visited their new home before relocating. Instruct students to write a paragraph explaining how they might feel if they were told to move, were allowed to take only a few items with them, and went to a place that no one in their family had seen. Encourage volunteers to share their paragraphs with the class.

2. Provide each student with a photocopy of each of the featured documents, and make a transparency with the following questions for each document:
   - What type of document is this?
   - What is the date of the document?
   - Who wrote the document?
   - What is the purpose(s) of the document?
   - What information in the document helps you understand why it was written?
   - What additional questions do you have about the document?

Ask one student to read the documents aloud as the others read silently. Lead the class in oral responses to the questions.

3. Distribute atlases and blank maps of the United States to students working in groups. Instruct them to analyze the letter written by General Smith and to locate the places mentioned in it. Ask them to label the places on their maps and to connect the points tracing the Army’s intended route. Next, read aloud to students the section of the article that describes the land route traveled by most of the Indians. Instruct students to locate the places again, label them on their maps, and connect the points.

4. Divide the class into two groups. Instruct one group to list the advantages and disadvantages of following the Army’s route. Instruct the other group to list the advantages and disadvantages of following the Cherokees’ route. Pair students (one from each group), and ask
them to compare the advantages and disadvantages of the two routes.

5. Ask students to list the issues and problems anticipated by General Scott in his Orders of May 17, 1838. What view of the Indians is reflected in Scott’s remarks? What view of their rights does the document suggest? Direct students to use library resources to determine which of Scott’s concerns materialized, and how they were addressed.

6. Show students Robert Lindneux’s painting of “The Trail of Tears” included in this article. Ask students to describe the mood of the painting using the following questions as needed:
   - Why did the artist choose to paint the sky gray?
   - What do the expressions on the Indians’ faces suggest about how they feel?
   - What other aspects of the artist’s portrayal of the Indians help to convey this feeling?
   - What details in the painting most affect you?
   - What would you include in the painting that the artist did not?

7. Instruct students to conduct additional research on the Treaty of New Echota and the controversy surrounding it. Divide students into groups to research and represent the position of (1) the federal government, (2) one of the states involved, (3) the Cherokees who supported the treaty, (4) the Cherokees who did not support the treaty, and (5) dissenting Senators or others who publicly opposed the treaty. Ask students within each group to develop arguments to support the group’s position. Then divide students into new groups containing at least one representative from each of the previous groups. Direct each group to negotiate a treaty or other federal policy regarding the Cherokees.

8. Remind students that although the First Amendment to the Constitution guarantees the right to petition the government for a redress of grievances, Congress may choose to table petitions received, as in the case of the Cherokee Removal. Direct students to conduct additional research into this Congressional procedure, and find a contemporary issue that has prompted the tabling of petitions. Encourage students to write a letter (or send a petition) to an elected official expressing their opinion on use of this practice in a particular case.

9. Assign students to research what happened to the Cherokee land in Oklahoma. How much of this land remains in the possession of the Cherokee Nation today? This activity can be further extended by examining what happened in the removal of several other eastern tribes to Indian Territory beyond the Mississippi. 

Lee Ann Potter and Wynell Schamel are education specialists at the National Archives and Records Administration, Washington, D.C. Schamel serves as editor of “Teaching with Documents,” a regular department of Social Education. You may reproduce the documents featured in this article in any quantity. For more information, write or call Education Branch, NARA, Washington, D.C. 20408; (202) 501-6729.