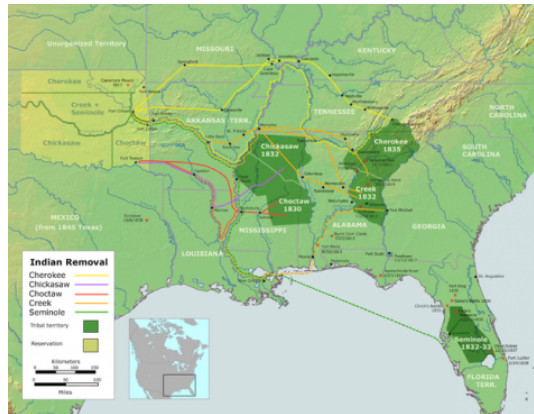




Among other things, Andrew Jackson—America’s 7th President—is known for the “Indian Removal Act of 1830.”

What was that law? What was its purpose? What was its impact, particularly on Native Americans?

- The law was passed by the federal government to remove Native Americans from their ancestral lands (such as in Georgia) to a place called “Indian Territory” (today’s State of Oklahoma).
- The purpose of the law was to forcibly remove Native Americans who did not freely choose to “emigrate” to Indian Territory.
- The impact of the law on Native Americans was monumental. Not least was the loss of lives. Historians estimate that around 4,000 Cherokee died en route during their forced migration west.

The Library of Congress tells us that President Jackson signed the law on the 28th of May, 1830:

The Indian Removal Act was signed into law by Andrew Jackson on May 28, 1830, authorizing the president to grant unsettled lands west of the Mississippi in exchange for Indian lands within existing state borders.

A few tribes went peacefully, but many resisted the relocation policy.

During the fall and winter of 1838 and 1839, the Cherokees were forcibly moved west by the United States government. Approximately 4,000 Cherokees died on this forced march, which became known as the "Trail of Tears."

During his Second Annual Message to Congress—on the 6th of December, 1830—President Jackson discussed his Indian-Removal policy. The Library of Congress tells us about that speech:

...Jackson's comments on Indian removal begin with the words, "It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation."

Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages."

In an effort to keep the government from taking their lands and stripping-away their rights, representatives of the Cherokee Nation filed a lawsuit against the State of Georgia. Their objective was to get an injunction—a legal ruling ordering the State of Georgia to stop its efforts to strip the Cherokee people of their rights and their lands—from the U.S. Supreme Court.

There was a problem with that approach, however.

The Supreme Court is typically a court of "last resort," where parties can request America's highest court to review lower-court decisions. If the Supreme Court accepts such a case, it follows a regular appeal process. Although the Supreme Court handles some original cases, which have not made their way through the lower courts, such original-jurisdiction matters are few and far between.

For the Supreme Court to take-up the matter of *The Cherokee Nation versus the State of Georgia*, the subject

matter of the case would have to qualify as original jurisdiction. Lawyers for the Cherokee would have to convince the Court that the Cherokee people were members of a "foreign nation" (because only the Supreme Court can decide matters between U.S. States or between the U.S. and a foreign nation).

In deciding *The Cherokee Nation v. The State of Georgia*, in 1831, the Supreme Court held that the Cherokee did not constitute a "foreign nation." Instead, said Chief Justice John Marshall, the Cherokee were a "domestic dependent nation."

Because the Cherokee people were not a "foreign nation," the Court could not consider the case because it did not have subject-matter jurisdiction.

The Library of Congress, which holds some of the documents involved in the case, provides a brief statement about the decision's impact on the Cherokee people:

In the landmark case, The Cherokee Nation v. The State of Georgia, the United States Supreme Court ruled in 1831 that the Cherokee Indian Nation was not a foreign nation and therefore ruled that the Supreme Court did not have jurisdiction. The result was that the Cherokee Nation's land cessions [in other words, the lands they gave up, forced or otherwise] were allowed to stand, and they were denied the right to sue in federal court to prevent their removal from tribal lands.

Supreme Court Associate Justice Smith Thompson wrote a dissent, stating that an injunction in favor of the Cherokee and against the State of Georgia should have been granted. Near the end of his opinion, Justice Thompson found:

That the bill presents a case for judicial consideration arising under the laws of the United States and treaties made under their authority with the Cherokee Nation, and which laws and treaties have been, and are threatened to be still further, violated by the laws of the State of Georgia referred to in this opinion.

The following year, in 1832, the Supreme Court held that the Cherokee people were a sovereign nation. In that case— *Worcester vs. Georgia*—the Supremes also found that Georgia was violating the Cherokees' sovereign status, wrongfully interfering with (and intruding into) their treaty relationship with the United States.

If the *Worcester* decision disallowed the State of Georgia from passing any laws governing the Cherokee, why was the future still so bleak for these nineteenth-century Native-Americans? The *New Georgia Encyclopedia* answers that question (at least in part):

President Jackson, however, refused to enforce the decision [in the Worcester case] and continued to pressure the Cherokees to leave the Southeast.

The Removal law did not just impact the Cherokee—it impacted other Native-American tribes, too—but there is something interesting to note about the Cherokee lands in the State of Georgia. Around 1828, gold had been found on those tribal lands.



After that discovery, Georgia passed laws allowing the State to take Cherokee lands. We learn more about it from the U.S. National Archives:

White inhabitants of Georgia were particularly anxious to have the Cherokees removed from the state because gold had been discovered on tribal lands. Violence was commonplace in Georgia, and in all likelihood, a portion of the tribe would have been decimated if they had not been removed.

And so ... Native Americans, like the Cherokee, were forcibly removed from their lands. This government-imposed process significantly impacted their culture and their general way of life.



Credits:

Map depicting impact of the Indian Removal Act on Native-Americans by Nikater, using the "background map courtesy of Demis, www.demis.nl and Wilcomb E. Washburn (Hrsg.) Handbook of North American Indians. Vol. 4: History of Indian-White Relations. Smithsonian Institution Press, Washington D.C. 1988." Online via Wikimedia Commons.

In-text images online via the New Georgia Encyclopedia's article on "[Cherokee Removal](#)."

See Alignments to State and Common Core standards for this story online at:

<http://www.awesomestories.com/asset/AcademicAlignment/Indian-Removal-Act-of-1830>

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Media Stream



Cherokee Gold Discovery

View this asset at: <http://www.awesomestories.com/asset/view/>

Cherokee Removal

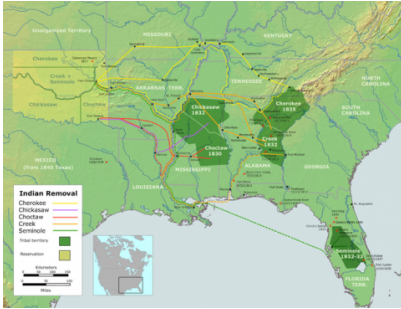
As the Cherokee made their forced journey from ancestral lands to “Indian Territory,” now known as the State of Oklahoma, the trip became a “Nunna Daul Tsunny” - or - “The Trail Where They Cried.”

The federal government had the power to force this journey on the Cherokee Nation via the Indian Removal Act of 1830.

This image depicts a black-and-white version of a 1942 painting by Robert Lindeneux called “The Trail of Tears.”

Image online via Georgia Encyclopedia, courtesy of the Wolaroc Museum in Bartlesville, Oklahoma.

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Indian Removal Act of 1830

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