WE, THE REPRESENTATIVES of the people of the Cherokee Nation, in Convention assembled, in order to establish justice, ensure tranquility, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty...”

—Constitution of the Cherokee Nation, 1827

In the mid-1700s, the Cherokee Overhill towns of East Tennessee, the Lower towns of northern South Carolina and Georgia, and the Middle towns of western North Carolina governed their territories independently through town councils made up of chiefs, warriors, and beloved women. By the early 1800s, almost one million settlers bordered Cherokee territory, and the Cherokees constantly faced pressure to sell their land. In 1822, the Cherokee established a Supreme Court, and in 1825 they selected New Echota in Georgia as their permanent capital. Two years later, they adopted a constitution that created a national government, which mirrored the United States government with its legislative, executive, and judicial branches. The new constitution asserted the Cherokee’s sovereignty as a nation, and their right to govern themselves within the territory guaranteed to them by the 1819 Treaty. It also gave the Cherokee Nation a unified voice to engage with the federal legal process on conflicts over land cession and removal.

I was at the opening of the council, which was on Sunday… It was past noon, the council had convened, and a multitude of people gathered… All at once a troop of horsemen were seen coming along the road, thro’ the vista of the trees, with a stately looking person in front. A little way from the council they alighted, marched two in a file towards the council house with the stately person before them, whom I observed on drawing near to be the Cherokee Ridge, the speaker of the people, and who is reported to be the greatest orator in the nation.”

—Rev. Abraham Steiner, October 1819
The Georgia state government used restrictive laws and land lotteries to force the Cherokee off their lands and into signing a removal treaty. In December 1828, Georgia passed a law declaring the laws of the Cherokee Nation null and void after June 1, 1830, and proceeded to pass a series of additional, oppressive laws limiting the rights of the Cherokee. On December 22, 1830, for example, Georgia passed an act to prevent the Cherokee from gathering and acting as a legislative body. In order to avoid arrest for participating in their governmental process, the Cherokee sought a new location for their council meetings and ultimately settled on Red Clay in Tennessee.

One of the earliest Red Clay council meetings took place on July 23, 1832. Representatives of the U.S. government attended this first meeting. Agent Elisha W. Chester presented federal demands for the Cherokee to remove west of the Mississippi River. The council unanimously rejected the proposition. Later that year at Red Clay, on October 30, 1832, the council assigned John Ross, Joseph Vann, and others to travel to Washington to address concerns about Georgia’s interventions in Cherokee affairs but found no help when they arrived.

In 1828, gold was discovered in Cherokee land in Georgia, and white prospectors flooded into the Cherokee Nation. In 1832, a lottery was held for 40-acre plots of land in the so-called “Gold Districts” of the Cherokee Nation, which had been seized by the state government. This map identifies the Gold Districts.

Cherokee leader Joseph Vann, who built this home between 1819 and 1823 in present-day Chatsworth, Georgia, fell victim to the state’s restrictive laws. Vann unknowingly broke a Georgia law that made it illegal for a Native American to employ whites. As a result, Georgians seized his house in 1834, and Vann and his family fled to Tennessee. In addition to his mansion, he lost 805 acres of cultivated fields, businesses, stables, and numerous outbuildings.

Beginning in 1832, Georgia held a series of land lotteries that reassigned unlawfully seized Cherokee lands and homes to white residents. Land grants, such as this one awarded to Sarah Daniel on August 4, 1834, gave winners 160-acre plots or 40-acre plots of Cherokee land.

““The Georgians threatening to extend their laws over us is to scare us and to make our minds easier to go off and give up our lands. If Georgia was to extend her laws over us, it would be a violation of our treaties with the Genl. Govt. and of the laws of the United States.”
–Principal Chief John Ross to the Cherokee People, New Echota, about July 1829
Although the majority of Cherokee, including Principal Chief John Ross, wished to stay in the Cherokee homelands, a small faction of Cherokee, led by Major Ridge, John Ridge, Elias Boudinot and others, formed what was later known as the Treaty Party and advocated for the relocation west of the Mississippi River. In October 1835, a council of about 2,000 Cherokee convened at Red Clay to debate removal. During the nearly three-week-long session, council members appointed a delegation of twenty, including John Ross, John Ridge, and Elias Boudinot, to negotiate a treaty with the United States. On December 5, 1835, though, members of the Treaty Party, acting on their own and without the consent of the National Party, signed the Treaty of New Echota. This act provided the quasi-legal basis for the forced removal of the Cherokee.

The great majority of the Cherokee vigorously protested the New Echota treaty, considering it to be fraudulent. Over 400 Cherokee gathered at Red Clay on February 1, 1836, to formally dispute it. Another session on September 15 attracted 3,000 Cherokee. U.S. General John E. Wool stationed troops nearby during the gathering. Federal officials ignored the protests, though, and the Treaty of New Echota was ratified by a single vote in the U.S. Senate, sealing the fate of the Cherokee.

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Elizur Butler, an Attending Physician at the Camp Ross internment camp, recorded 37 cases of illness and 3 deaths from July 17th to August 18th among the Cherokee encamped at Red Clay.

Beginning in May 1838, approximately 7,000 federal troops and state militia initiated the removal process by forcibly gathering the Cherokee from their homes and holding them at squalid internment camps at Fort Cass (present-day Charleston, TN), near Ross’s Landing (present-day Chattanooga), and at Fort Payne, Alabama. Fort Cass was the largest of the three “emigrating depots” and was spread out over a 12 x 4 mile area, extending south to Cleveland. Thousands of Cherokee were encamped at a number of sites within this area, including Mouse Creek, Chatata Creek, and Rattlesnake Springs. Some were also encamped near the council grounds at Red Clay. Poor conditions at the camps led to outbreaks of disease and illness, sometimes resulting in death.

In June, the first three detachments of Cherokee left from Ross’s Landing to Indian Territory, but the summer heat led to a drought, and disease spread quickly causing hundreds of deaths. As a result, the Cherokee Council requested to postpone removal until the fall, and their request was granted. A final council meeting was held at the Aquohee Camp before travel resumed. Here, tribal officials resolved that Cherokee laws and their constitution would be upheld in their home in Indian Territory.

Since my last letter much sickness has prevailed and many deaths occurred, among the distressed Cherokee. In a camp or rather a branch of the camp in which I am attending Physician, for three weeks there were seventy to whom I administered medicine, four of whom died during the time. At the same time there were perhaps thirty to whom the Cherokees gave their own medicine seven of whom died.”

-Elizur Butler to David Greene, Red Clay, August 10, 1838
Between June 1838 and December 5, 1838, seventeen detachments, consisting of more than 15,000 Cherokee, left from the camps at the emigrating depots in Alabama and Tennessee to embark on their journey to Indian Territory. Three detachments left from Ross's Landing (Chattanooga) and traveled primarily by water. Eleven detachments took the Northern Route, while the detachments led by John Benge and John Bell took two separate overland routes. The final detachment left from Fort Cass via boat and consisted of 231 people, including the John Ross family. An estimated 4,000 Cherokee perished as a result of the removal. Overcoming bitter division regarding removal, the Cherokee began the long process of rebuilding their lives, while continuing to preserve their cultural traditions. Nearly 150 years later, Congress designated the Trail of Tears National Historic Trail to memorialize and promote a greater awareness of the Cherokee removal. Today, the trail includes thousands of miles of land and water routes through nine states.

We invite you to follow in the Cherokee’s footsteps and explore the trail...
Cherokee land in 1721 comprised portions of eight middle Atlantic and southern states, a total of 124,978 square miles. One of the first treaties negotiated with the new government of the United States pledged to "solemnly guarantee to the Indians all their lands not herein ceded," but such promises were soon broken. Little by little, pressure to cede more land increased, and the Cherokee lands systematically diminished through a series of 36 treaties negotiated over a period of 115 years. The final treaty, known as the Treaty of New Echota, was signed in 1835. It not only ceded the last 12,316 square miles of the Cherokee Nation east of the Mississippi River, but forced the Cherokee westward on the Trail of Tears.

Courtesy of Library of Congress.
We therefore humbly petition our beloved children, the head men & warriors, to hold out to the last in support of our common rights, as the Cherokee nation have been the first settlers of this land; we therefore claim the right of the soil.”

–Nancy Ward, June 30, 1818, Petition of the Women’s Council to the National Council concerning the ceding of lands

Nancy Ward, Nanye’hi, was one of the most influential Cherokee women from the 1750s until her death in 1822. Her birth in 1738 at Chota, a significant trading and political center of the Overhill Cherokee in what is now East Tennessee, brought her into contact with turbulent times of negotiation, trade, and war with the French, English, and Creek. She gained renown in 1755 when she fought alongside her husband, Kingfisher, in the Battle of Taliwa near present-day Ball Ground, Georgia. When he was killed, she took up his rifle and led a charge of Cherokee warriors into battle. Because of this action and others, the Cherokee honored her as a Beloved Woman. This position meant she had absolute say over the fate of prisoners and had the right to address the National Council and hold a Women’s Council. In 1818 and 1821, she addressed the Cherokee National Council as an advocate for her people to remain in the Cherokee homelands despite mounting pressures to remove.