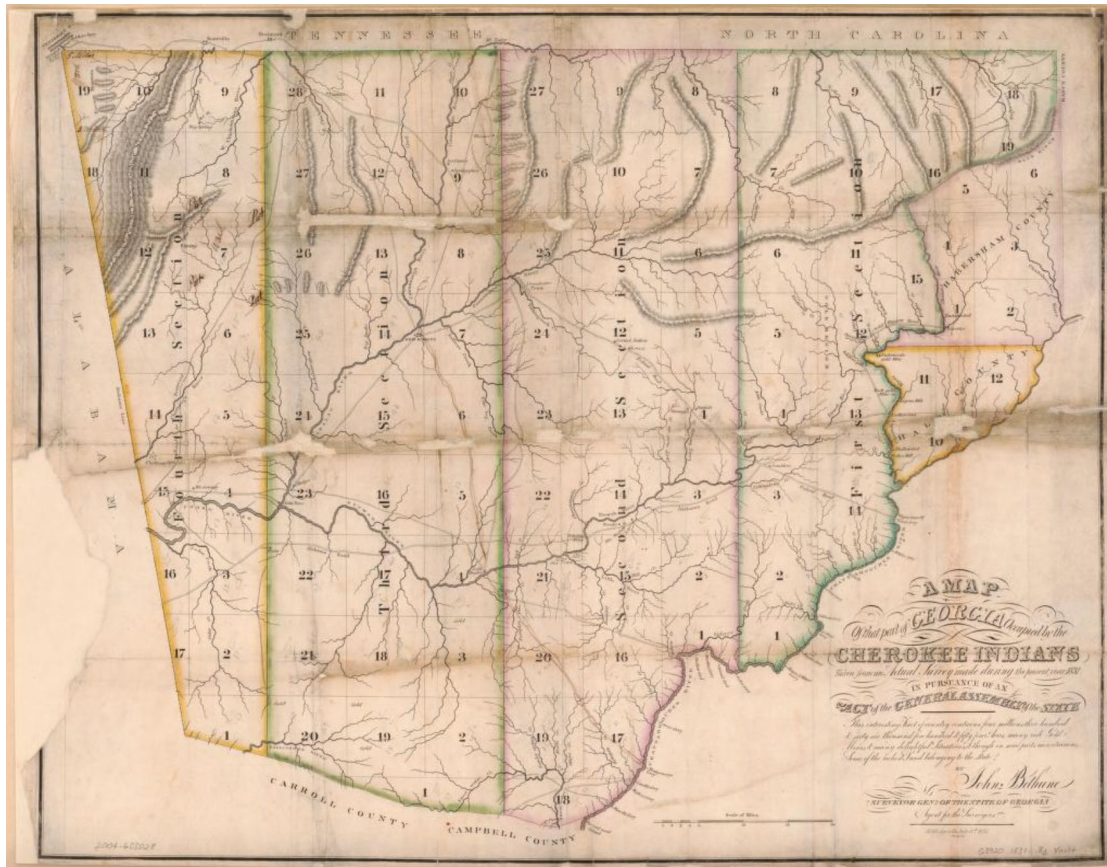


ᎠᎵᎠᎵᎠᎵ (o-si-a-ye-lv-di) or ᎠᎵᎵᎵᎵᎵ (nu-li-lo-sv-na)

Agree or Disagree: Should the Cherokee Sign the Treaty of New Echota?



Bethune, J. (1831) A map of that part of Georgia occupied by the Cherokee Indians, taken from an actual survey made during the present year, in pursuance of an act of the general assembly of the state: this interesting tract of country contains four millions three hundred & sixty six thousand five hundred & fifty four acres, many rich gold mines & many delightful situations & though in some parts mountainous, some of the richest land belonging to the state. Milledgeville, Ga.: John Bethune. [Map] Retrieved from the Library of Congress, <https://www.loc.gov/item/2004633028/>.

Supporting Questions:

1. What were the two views on (the potential) removal of the Cherokee?
2. Who is in Charge of the Tribes (Tribal Sovereignty)?
3. Should the Cherokee Sign the Treaty of New Echota, 1835?

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Compelling Question	ოსიბერძენი (o-si-a-ye-lv-di) or ოსიბერძენი (nu-li-lo-sv-na) Agree or Disagree: Should the Cherokee Sign the Treaty of New Echota?		
Standards and Practices	Ethnic Studies-American Indian/Native Studies: 7 (C) Explain how American Indian/Native Nations have challenged foreign notions of citizenship including Cherokee Nation v. Georgia 1831 , and Menominee Tribe v. U.S. 1968. 15 (B) analyze American Indian/Native perspectives of treaties and acts such as the Treaty of Paris (1763, 1783); the Northwest Ordinance (1787), Indian Removal Acts , and the Indian Appropriations Act (1871).		
Staging the Question	Image comparison: Map of Cherokee Land (https://www.loc.gov/item/2004633028/) + Trail of Tears Painting (https://nationaltota.com/website-banner-mural/)		
Supporting Question 1	Supporting Question 2	Supporting Question 3	
Debating Removal: What were the two views on (the potential) removal of the Cherokee?	Cherokee Nation v Georgia: Who is in Charge of the Tribes (Tribal Sovereignty)?	The Treaty of New Echota: What were the positives and negatives of the Treaty of New Echota, 1835? Results	
Formative Performance Task	Formative Performance Task	Formative Performance Task	
Students will analyze and complete a graphic organizer to compare the different views on Indian Removal.	Students will complete a graphic organizer to analyze the Supreme Court case Cherokee Nation v Georgia (1831).	Students will complete a graphic organizer to weigh the positives and negatives for the Cherokees in the Treaty of New Echota.	
Featured Sources	Featured Sources	Featured Sources	
1. President Thomas Jefferson to William Henry Harrison, Governor of the Indiana Territory, 1803	1. Cherokee Nation v Georgia Arguments 2. Cherokee Nation v Georgia Graphic Organizer (GO)	1. Treaty of New Echota [Adapted]	

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<ol style="list-style-type: none"> 1. Andrew Jackson, State of the Union Address, December 6, 1830 2. Cherokee Women Petition Against Removal, 1817 3. John Ross's View 4. Views on Indian Removal Graphic Organizer (GO) 		<ol style="list-style-type: none"> 2. Treaty of New Echota Graphic Organizer (GO)
Summative Performance Task	Argument	Create a website that demonstrates an answer to the question: Should the Cherokee sign the Treaty of New Echota, 1835?
Summative Performance Task	Extension	Campus-based debate regarding issues related to imminent domain/redlining/gentrification and the connections to the Removal of the Cherokee.
Taking Informed Action	A debate or panel discussion with local leaders addressing Native American affairs of today and the equality of access to land/resources/spaces for all.	

Lesson Overview:

NOTE: The title of the lesson includes two words from the Cherokee language for agree and disagree.

Inquiry Description:

This IDM lesson allows students to explore a selected list of sources related to Indian Removal, specifically the removal of the Cherokee in Georgia in the 1830s. Upon analysis of the sources, students will be able to answer the Compelling Question: Was removal of the Cherokee inevitable? The formative performance

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tasks allow students to organize and then apply the knowledge gained from analyzing a selected collection of sources that demonstrate the conflicting perspectives that ultimately lead to the Treaty of New Echota and the subsequent removal of the Cherokee from Georgia to present-day Oklahoma (Indian Territory).

This IDM lesson is designed to take four 45-minute class periods excluding the extension and taking informed action portions. The time frame for this lesson could expand depending on the specific needs of students. Teachers are encouraged to modify/adapt/enhance this lesson to fit the needs of their students.

Staging the Compelling Question:

To introduce the Compelling Question, the teacher will show/distribute the Map of Cherokee Land (<https://www.loc.gov/item/2004633028/>) and the Trail of Tears Painting (<https://nationaltota.com/website-banner-mural/>) to give students the opportunity to answer the question: *What change over time do these two images show?* As students analyze the two images, students will complete the **Compelling Question Graphic GO** by listing main ideas/characteristics/conclusions in a T-Chart.

NOTE:

The purpose of this activity is to demonstrate to students that the Cherokee had a claim to a significant part of Georgia yet were forced to leave on the Trail of Tears.

Supporting Question 1:

The first supporting question, *“What were the two views on (the potential) removal of the Cherokee?”*, allows students to explore various viewpoints on Indian Removal. Students will use the **Views on Indian Removal** document and **Views on Indian Removal GO** to analyze the views of 4 different people/groups regarding Indian Removal.

NOTE:

The teacher is encouraged to model analyzing and completing the first section, or two, of the GO with the students. Then students can work cooperatively in small groups to analyze the remaining sources and complete the GO.

Supporting Question 2:

The second supporting question, *“Who is in Charge of the Tribes (Tribal Sovereignty)?”*, allows students to analyze the Supreme Court Case of Cherokee Nation v. Georgia, 1831. This analysis will show two arguments regarding tribal sovereignty. Students will use the **Cherokee Nation v Georgia Arguments** document and **Cherokee Nation v Georgia GO** to analyze the two sides of the argument. Once students finish analyzing the document by completing the graphic organizer, they will answer the question: *Do you agree with the decision decided by the Supreme Court in the Cherokee Nation v. Georgia case?*

NOTE:

The teacher will need to provide the context for Cherokee Nation v. Georgia, 1831: *The idea of removing the Native Americans to west of the Mississippi River was prevalent in the early 1800s as demonstrated by the Supporting Question 1 documents. So in 1828, the state of Georgia passed a law that allowed the state to inspect, divide, and distribute Cherokee lands to white settlers (authorized Cherokee removal). The Cherokee argued that the state of Georgia did not have the right to do this since historically laws/treaties concerning tribes had always been made with the Federal Government not the states. The tribes sued and argued that the Cherokee were a separate foreign nation and not subject to any state law. The Supreme Court ruled that the Cherokee are not a foreign state and thus cannot sue in federal court and are subject to the laws of Georgia.*

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Supporting Question 3:

The third supporting question, “*What were the positives and negatives of the Treaty of New Echota, 1835?*”, allows students to see the ultimate conclusion of the Indian Removal question by looking at the Treaty of New Echota, 1835. Students will read and code the ***Treaty of New Echota [Adapted]*** to analyze positives and negatives of the treaty for the Cherokee. Positives will be labeled with a “+” and negatives will be labeled with a “-”. After students finish coding the reading, they will transfer their codes to the ***Treaty of New Echota GO***.

NOTE:

The teacher will need to provide the context for the Indian Removal Act of 1830 and the Treaty of New Echota: *Given that tribes could not sue state governments for encroaching on their lands as a result of the Cherokee Nation v. Georgia decision and the federal government’s passage of the Indian Removal Act in 1830, the Cherokee had to make a treaty with the United States to ensure their survival. That treaty was called the Treaty of New Echota.*

Summative Performance Task:

At this point in the lesson, students should have an abundant amount of knowledge about Indian Removal, specifically the removal of the Cherokees in Georgia. To demonstrate their knowledge, students will create a website that demonstrates an answer to the question: *Should the Cherokee sign the Treaty of New Echota, 1835?* Students will use evidence/research/knowledge from the previous parts of the IDM lesson to craft their arguments. The website must contain a response to the question, at least three reasons that support the response, and images/excerpts/primary sources that support the reasoning.

NOTE: There is not a correct answer to the question in the Summative Performance Task. It is solely up to the students to make an argument and provide evidence to support their claim.

To extend this lesson further, students can research and participate in a campus-based debate regarding issues related to imminent domain/redlining/gentrification (or any issue related to a group of people not being allowed to live in/access a certain area/space) using connections between their chosen issue(s) and the removal of the Cherokees.

If students want to take informed action on this lesson’s topic they could invite local political leaders to participate in a debate or panel discussion concerning Native American affairs of today and equality of access to land/resources/spaces for all.

Compelling Question GO

What change over time do these two images show?



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Bethune, J. (1831) A map of that part of Georgia occupied by the Cherokee Indians, taken from an actual survey made during the present year, in pursuance of an act of the general assembly of the state: this interesting tract of country contains four millions three hundred & sixty six thousand five hundred & fifty four acres, many rich gold mines & many delightful situations & though in some parts mountainous, some of the richest land belonging to the state. Milledgeville, Ga.: John Bethune. [Map] Retrieved from the Library of Congress, <https://www.loc.gov/item/2004633028/>.



Lindneux, R. (2017). 1942. "Trail of Tears Walk" commemorates Native Americans' forced removal. People's World. Retrieved August 18, 2024, from <https://www.peoplesworld.org/article/trail-of-tears-walk-commemorates-native-americans-forced-removal/>.

Views on Indian Removal

President Thomas Jefferson to William Henry Harrison, Governor of the Indiana Territory, 1803

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...To promote this disposition to exchange lands, which they have to spare and we want, for necessities, which we have to spare and they want, we shall push our trading houses, and be glad to see the good and influential individuals among them run in debt, because we observe that when these debts get beyond what the individuals can pay, they become willing to lop them off by a cession of lands... In this way our settlements will gradually circumscribe and approach the Indians, and they will in time either incorporate with us as citizens of the United States, or remove beyond the Mississippi... Should any tribe be foolhardy enough to take up the hatchet at any time, the seizing of the whole country of that tribe, and driving them across the Mississippi, as the only condition of peace, would be an example to others, and a furtherance of our final consolidation.

From: Perdue, T., & Green, M. D. (2016). *The Cherokee Removal: A Brief History with Documents*. Bedford/St. Martin's.

Andrew Jackson, State of the Union Address, December 6, 1830

It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters... It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community. These consequences, some of them so certain and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

From: Jackson, A. (1830) Andrew Jackson, December 6. December 6. [Manuscript/Mixed Material] Retrieved from the Library of Congress, <https://www.loc.gov/item/maj025297/>.

Views on Indian Removal

Cherokee Women Petition Against Removal, 1817

The Cherokee ladies now being present at the meeting of the chiefs and warriors in council have thought it their duty as mothers to address their beloved chiefs and warriors now assembled.

Our beloved children and head men of the Cherokee Nation, we address you warriors in council. We have raised all of you on the land which we now have, which God gave us to inhabit and raise provisions. We

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know that our country has once been extensive, but by repeated sales [it] has become circumscribed to a small track, and [we] never have thought it our duty to interfere in the disposition of it till now. If a father or mother was to sell all their lands which they had to depend on, which their children had to raise their living on, which would be indeed bad & to be removed to another country. We do not wish to go to an unknown country [to] which we have understood some of our children wish to go over the Mississippi, but this act of our children would be like destroying your mothers.

Your mothers, your sisters ask and beg of you not to part with any more of our land. We say ours. You are our descendants; take pity on our request...

From: Perdue, T., & Green, M. D. (2016). *The Cherokee Removal: A Brief History with Documents*.
Bedford/St. Martin's.

John Ross's View

Prominent members of Cherokee leadership, including John Ross, Major Ridge, and John Ridge, worked in various ways to try to stop the planned destruction of the Cherokee homelands. First, the Cherokee Council, including John Ross, adopted their first constitution in 1827, establishing executive, legislative, and judicial branches of their government. In 1828, John Ross was elected Principal Chief.

For the next ten years, Ross fought in the courts, and tried diplomacy with leaders in Washington, D.C. After the Indian Removal Act passed in May 1830, Ross and the Cherokee people hired former Attorney General William Wirt. Wirt wrote his Opinion on the Right of the State of Georgia to Extend Her Laws Over the Cherokee Nation, in which he argued that the Cherokee people should be considered a sovereign nation under the U.S. Constitution. Wirt represented the Cherokee in the 1831 U.S. court case, *Cherokee Nation v. Georgia*. Wirt and Ross argued that previous Cherokee treaties and Cherokee Nation sovereignty had been violated through the enactment of Georgia's new laws.

John Ross worked to keep the Cherokee people united and was instrumental in the passage of their new constitution in 1839. He struggled for years to save his people's lands and their sovereignty and although they suffered many hardships, Ross and the Cherokee people succeeded in their ultimate goal: they are still here.

Adapted from: Davis, J. (2020, October 5). John Ross: His Struggle for Homeland and Sovereignty. IN CUSTODIA LEGIS Law Librarians of Congress. July 18, 2024, <https://blogs.loc.gov/law/2020/10/john-ross-his-struggle-for-homeland-and-sovereignty/>

Views on Indian Removal GO

Source	For/Against Indian Removal	Why (Main Idea)?
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<p>President Thomas Jefferson to William Henry Harrison, Governor of the Indiana Territory, 1803</p>		
<p>Andrew Jackson, State of the Union Address, December 6, 1830</p>		
<p>Cherokee Women Petition Against Removal, 1817</p>		
<p>John Ross's View</p>		

Cherokee Nation v Georgia Arguments

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Can the state of Georgia make laws over the Cherokee or is the right to make laws for the Cherokee reserved solely for the Cherokee and/or the United States (the federal government)?

Justice Smith Thompson's Dissenting Opinion-No (In Favor of the Cherokee):

“Thus, the distinction between the Indians and the citizens of the United States pervades the whole treaty [Treaty of Hopewell, 1785]. The Cherokees are, in every part of this national compact, treated as a separate and sovereign nation, clothed with the right of self-government within their own territory, and the high and solemn right of making peace and war with the United States, with an express stipulation that the citizens of the United States who intrude upon them, shall be entirely at their mercy...

The various treaties which have been set forth and referred to in the case stated, and to which the State of Georgia as one of the United States was a party, contains the most unequivocal admissions, that these people [the Cherokee] are not citizens of the United States, and therefore cannot be citizens of any one of the States; that the territory within which they dwell, belongs to them as a separate people; that, within this territory, they are the sovereign and only lawgivers...

The State of Georgia, it has been said, has a right to legislate over all people within her territory. But the Cherokee Indians are not people within her territory. The territory which they occupy is not, at present, a part of the territory of Georgia...At present, it is the territory of the Indians.”

Adapted from: Wirt, W. (1830) Opinion on the right of the state of Georgia to extend her laws over the Cherokee nation. Baltimore, F. Lucas, jr. [Pdf] Retrieved from the Library of Congress, <https://www.loc.gov/item/10013932/>.

Cherokee Nation v Georgia Arguments

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Can the state of Georgia make laws over the Cherokee or is the right to make laws for the Cherokee reserved solely for the Cherokee and/or the United States (the federal government)?

Chief Justice Marshall's Majority Opinion-Yes (In Opposition of the Cherokee):

"A question of much more difficulty remains. Do the Cherokees constitute a foreign state in the sense of the Constitution?...

The counsel have shown conclusively that they are not a State of the union, and have insisted that, individually, they are aliens, not owing allegiance to the United States. An aggregate of aliens composing a State must, they say, be a foreign state. Each individual being foreign, the whole must be foreign...

The Court has bestowed its best attention on this question, and, after mature deliberation, the majority is of the opinion that an Indian tribe or Nation within the United States is not a foreign state in the sense of the Constitution, and cannot maintain an action in the Courts of the United States.

The bill [lawsuit] requires us [the Supreme Court] to control the Legislature of Georgia, and to restrain the exertion of its physical force. [This action would be] too much of the exercise of political power to be within the proper province [limits] of the judicial department.

If it be true that the Cherokee Nation have rights, this is not the tribunal [court] in which those rights are to be asserted. If it be true that wrongs have been inflicted, and that still greater are to be apprehended, this is not the tribunal [court] which can redress the past or prevent the future.

The motion for an injunction is denied."

Adapted from: Cherokee Nation v. Georgia, 30 U.S. 1 (1831)

Cherokee Nation v Georgia Arguments GO

Argument	Main Idea Summary
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<p>Justice Smith Thompson's Dissenting Opinion-No (In Favor of the Cherokee)</p>	
<p>Chief Justice Marshall's Majority Opinion-Yes (In Opposition of the Cherokee)</p>	

Do you agree with the decision decided by the Supreme Court in the Cherokee Nation v. Georgia case? Explain.

Treaty of New Echota [Adapted]

Articles of a treaty, concluded at New Echota in the State of Georgia

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on the 29th day of Dec. 1835:

Article 1: The Cherokee nation hereby cede, relinquish, and convey lands owned or possessed east of the Mississippi river.

Article 2: The Cherokee will get seven millions of acres of land in Indian Territory (Oklahoma) plus a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of said seven millions of acres.

Article 3: The U.S. will stay out of the Cherokee territory except for already established military forts and if the U.S. wants to make a new fort.

Article 5: The land given to the Cherokee is permanently theirs.

Article 6: The United States will protect the Cherokee from wars with other tribes and U.S. settlers. The Cherokees will not make war with other tribes.

Article 7: "The Cherokee will be entitled to a delegate in the House of Representatives of the United States whenever Congress shall make provision for the same" (decides it is necessary).

Article 8: The United States will pay for the cost of removal.

Article 11: The United States will give the Cherokee money to build schools in Indian Territory.

Article 15: The United States will give the Cherokee money once they get to Indian Territory.

Article 16: The Cherokee will move within two years of signing the treaty.

From: Articles of a treaty concluded at New Echota in the state of Georgia on the 29th day of Decr. 1835.

[Bill], Articles of a treaty concluded at New Echota in the State of Georgia on the 29th day of DECR. 1835

(1846). Washington, D.C; U.S. Government Printing Office.

Treaty of New Echota GO

Positives	Negatives
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