

ANNOTATED BIBLIOGRAPHY

PRIMARY SOURCE

ORIGINAL CORRESPONDENCE

Jackson, Andrew, and Cherokee Chiefs. *Cherokee Chiefs to Andrew Jackson*. N.D. Manuscript/Mixed Material. Retrieved from the Library of Congress, [Link](#).

This original letter in Andrew Jackson's papers in the Library of Congress gave me insight on how Andrew Jackson, who knew the Native Americans, particularly the Cherokees, communicated with the Chiefs of the Cherokees. You can see in this letter how Jackson really knew the Native Americans well because he was on the frontier and had fought with them. So on one hand, it looks like Andrew Jackson respected the Native Americans based on how he communicated with them. What is interesting in particular is how familiar the Cherokee Chiefs were with Jackson. On the other hand, how Jackson treated the Cherokees by forcing them out of their land shows how cruel he still was to the Cherokees.

SUPREME COURT DECISIONS

Johnson v. McIntosh, 21 U.S. 543 (1823), full text at this [Link](#).

This Supreme Court decision was arguably the first Supreme Court decision dealing with Native Americans. This decision concerned the litigation over land between two parties where one party claimed they owned certain land in Illinois because they purchased it from the Piankeshaw Native Americans but the other party claimed they purchased the land from the United States. The Supreme Court held that even though the first party purchased the land from the Piankeshaw before the United States even existed, they didn't have a right to the land as only the United States could sell the land, not the Native Americans. This Supreme Court decision essentially held that the Native Indians did not have any rights to the land and only the federal government of the United States had the rights for the land.

Cherokee Nation v. Georgia, 30 U.S. 1 (1831), full text from Cornell University Law School website, [Link](#).

The second Supreme Court decision concerning Native Americans concerned the Cherokee Nation seeking a federal injunction against the State of Georgia to prevent Georgia from having laws over the Cherokee Nation. The Cherokee Nation argued that the Georgia's laws "go directly to annihilate the Cherokees as a political society." The Supreme Court declined to rule on the merits and instead rules that the Cherokee Nation didn't have standing to sue Georgia because it wasn't a "foreign" nation under the

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Constitution. Chief Justice John Marshall held that “the relationship of the tribes to the United States resembles that of a 'ward to its guardian'.” This decision was another setback for Native Americans. But the next year, the Supreme Court ruled for Native Americans.

Worcester v. Georgia, 31 U.S. 515 (1832), full text from Cornell University Law School website. [Link](#).

This third Supreme Court decision concerning Native Americans concerned whether Georgia could create statutes to make missionaries who were helping Native Americans in Georgia requiring to have permits or they had criminal violations. The missionary Samuel Worcester and other missionaries were criminally convicted by Georgia for not having permits to help and work with the Cherokees in Georgia. Missionary Worcester and other missionaries appealed and ultimately the Chief Justice Marshall and the Supreme Court held that under the Constitution only the Federal Government could have laws over the Native Americans. The Supreme Court overthrew the convictions holding:

The Cherokee Nation, then, is a distinct community occupying its own territory... in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter but with the assent of the Cherokees themselves, or in conformity with treaties and with the acts of Congress. The whole intercourse between the United States and this Nation, is, by our Constitution and laws, vested in the Government of the United States.

Georgia and President Jackson ignored this Supreme Court decision and Georgia kept Worcester and others in jail until Worcester agreed to no longer appeal and Georgia pardoned Worcester and the other defendants.

CONGRESSIONAL BILL

Indian Removal Act (1830), original bill in Library of Congress, [Link](#).

This statute which Congress passed and which President Jackson signed into law in 1830 authorized the President to negotiate with Native Americans in the south to remove them to federal territory west of the Mississippi in exchange for allowing white European Americans to settle on their ancestral lands. This statute was heavily debated in Congress and barely passed majority votes in both the House and Senate. Mainly congressmen and Senators from the Northeast states were against this bill that President Jackson wanted passed. Southern states supported this statute as their white European American citizens would be the main beneficiaries as they would get more land.

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SENATE SPEECH

Senate Speech of Senator Thomas Frelinghuysen given on April 6, 1830 against the Indian Removal Act, in Google Books, [Link](#).

Senator Frelinghuysen was one of the main opponents of the Indian Removal Act and reading his actually April 6, 1830 speech allowed me to see directly how some European Americans during the Jacksonian period stood up for Native Americans. His eloquent and passionate speech against the Indian Removal Act is arguably spectacular. One of the main arguments this New Jersey Senator makes is that the United States had previously made treaty agreements with the Native Americans and passing this statute breaks those agreements. The Senator argued that it was a moral violation to break the prior agreements with the Native Americans.

HOUSE OF REPRESENTATIVE SPEECH

A Sketch of the Remarks of the Hon. David Crockett, Representative From Tennessee, on the Bill for the Removal of the Indians, Made in the House of Representatives, Wednesday, May 19, 1830, as reported in the Congressional Record by the Hon. Dana Rochrabacher on January 24, 2012. [Link](#).

This sketch of Congressman Crockett's arguments against the Indian Removal Act are also significant. Crockett points out that many of his constituents in Tennessee (the same state as from where Andrew Jackson comes from) would be against his arguments. But he points out that the statute is sweeping and he and other congressmen do not even know what awaits the Native Americans if they are moved to west of the Mississippi. Crockett argues that the treatment of the Native Americans under this statute is unfair.

ORIGINAL MAP

A map of that part of Georgia occupied by the Cherokee Indians, taken from an actual survey made in 1831, in Library of Congress archives, [Link](#).

This original survey map from 1831 shows how much land (approximately 55,000 square miles) that the Cherokee Nation had in what is now Georgia and Alabama.

SECONDARY SOURCES

BOOKS

Rachel Caroline Eaton, John Ross and the Cherokee Indians, George Banta Publishing Company, Menasha, Wisconsin (1914). [Link](#).

This early 20th century book on the history of Chief John Ross, one of the main leaders of the Cherokee during the time of Andrew Jackson, was very helpful in understanding the perspective of the Cherokees and how they were trying to keep their land in the Southeast United States. Significantly, it was Chief John Ross, who was backed by Senators Theodore Frelinghuysen and Daniel Webster, who sought the federal injunction case against the State of Georgia to stop their laws that were taking the Cherokee land in that state. This book also has a great history of the Cherokee Nation in the early 19th Century.

Lapore, Jill, "These Truths, A History of the United States." W.W. Norton and Co. New York, New York, 2018.

This history of the United States had a great section on President Andrew Jackson and the Indian Removal Act. Professor Lapore's book really helped me understand where President Jackson stood on the issue of where Native Americans stood in early American democracy and puts the Indian Removal Act in context of American History. Among other things, Professor Lapore points out that the Worcester v. Georgia decision had Native American tribes in New England pressing for independence in those northeast states.

Remini, Robert V., "Andrew Jackson, Volume II, The Course of American Freedom, 1822-1832," Johns Hopkins University Press 1984.

This three part biography of Andrew Jackson is considered one of the most definitive biographies of Jackson and the history of the Jacksonian period. The Second Volume has many pages on the Indian Removal Act and the debate over that statute and Jackson's view of that statute. Also, this book addresses the issue with Samuel Worcester's arrest and appeal to the Supreme Court. This history book was really helpful.

Remini, Robert V., "Andrew Jackson, Volume III, The Course of American Democracy, 1833-1845," Johns Hopkins University Press 1984.

Volume three of this three part biography of Andrew Jackson also had helpful facts for my research. Among other things, it told a lot of the relationship between Andrew

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Jackson and Cherokee Chief John Ross. Jackson and Ross knew each other from 1814 when they fought together against the Creeks. But later, Chief Ross argued and did diplomacy for the Cherokees and among other things, Chief Ross brought the litigation against George State for the injunction. This third book also helped me understand Senator Frelinghuysen and his relationship with Jackson. Similarly, this book discussed this relationship between Jackson and his fellow Tennessean David Crockett who was against Jackson.

Schlesinger, Arthur M., Jr., "The Age of Jackson," Little Brown and Co, New York 1945.

This history book written by the famous historian Arthur M. Schlesinger, Jr. in 1945 is significant for what it doesn't have: neglecting to mention President Jackson's brutal treatment of the Indians. Remarkably, this 1945 book won Schlesinger a Pulitzer prize. In his March 1, 2007 obituary when Schlesinger died at 89, the New York Times noted that historian Schlesinger stated he made an error in his Jackson biography by failing to discuss Jackson's brutal treatment of Native Americans. This biography gives perspective on how over time historians treat prior presidents differently. It could be that in 1945, with World War II coming to an end and President Franklin Roosevelt dying in office, historians at the time weren't focusing on the flaws of prior presidents, particularly a president like Andrew Jackson who had been a great warrior and he beaten the British in New Orleans in the War of 1812.

Warshauer, Matthew, Andrew Jackson and the Politics of Martial Law: Nationalism, Civil Liberties, and Partisanship. Paperback – August 15, 2007. [Link](#):

This book, while not directly on point about the Jacksonian Period and the treatment of Native Americans, gave me great insight into Andrew Jackson and his view of the Constitution and being President and in charge. In particular, this book deals with how Jackson declared martial law in New Orleans when he was fighting the British in the 1812 War. Among other things, Jackson arrested local politicians and ignored judge's rulings. After reading this, you can see how Jackson later on when he was President ignored prior treaties that the United States had entered with Native Americans and ultimately he ignored the Supreme Court ruling in Worcester v. Georgia.

ARTICLES and PAPERS

Biography of Samuel A. Worcester, Boston University School of Theology website. [Link](#).

This biography of Missionary Worcester gave me helpful factual background on this very interesting many who stood up for the Cherokees.

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Biography of Samuel A. Worcester, Oklahoma Historical Society website. [Link](#).

Similarly, this biography of Missionary Worcester and his wife also gave me interesting facts about how Missionary Worcester helped the Cherokees throughout his life. He ended up helping the Cherokee in Oklahoma after they were forced to move there from Georgia.

Miles, Edwin A., "After John Marshall's Decision: Worcester v. Georgia and the Nullification Crisis," *The Journal of Southern History* 39, 4 (November 1973)

Edwin Miles research and article gave me new insight as to why Missionary Worcester and his fellow defendants agreed with the Georgia governor not to appeal and get a pardon from the state. Miles's research and argument is that Worcester realized the South Carolina crisis was more important for the Native American than the appeal of the Georgia statute to the Supreme Court again. Miles effectively argues that Worcester and others realized if South Carolina withdrew from the Union it would be worse for Native Americans. Then the Southern States as separate countries would definitely not honor prior treaties and would be hungry for land and take it away from the Native Americans. Worcester realized that continuing to fight with Georgia might make Georgia take the side of South Carolina. Instead, as part of the deal for the pardons and not appealing, it appears that Georgia side with President Jackson against South Carolina and preventing that state from seceding.

WEBSITES

"Trail of Tears: A Journey of Injustice," National Park Service. [Link](#).

This National Park Service website is an invaluable resource for understanding the Trail of Tears where Native Americans were forced to leave their ancestors land in what is now Georgia, Alabama and North Carolina and go west of Mississippi. It has a great map of the trail that the Native Americans took. It shows the injustice that the European Americans did to the Native Americans. The website has videos and podcasts that explain what the terrible experience the Native Americans went through when they had to go west to what is now Oklahoma. For example, one exhibit is "The Trial Where They Cried" which shows the trial the Cherokee Nation took when they were removed by the Indian Removal Act.

"Stories of the Trail of Tears," National Park Service. [Link](#).

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Chavez, Will, "Historic Profile: Missionaries stood with Cherokees to fight removal," Cherokee Phoenix, August 12, 2012. [Link](#).

This article was a very good resource for understanding who the missionaries who helped the Cherokees help fight against Andrew Jackson and other European Americans who wanted to remove them from their ancestors land. In addition to discussing Samuel Worcester, it discusses other missionaries who helped the Cherokee's like Dr. Elizur Butler who was also a defendant in the Worcester v. Georgia case.

"Nullification Proclamation: Primary Documents in American History," Library of Congress, [Link](#).

These digital assets from the Library of Congress were very helpful in further understanding the South Carolina Nullification crisis in the 1832 which is related to the outcome of the Worcester v. Georgia case. Because President Andrew Jackson was dealing with a crisis where South Carolina was nullifying a federal tariff law and threatening to secede from the Union, Jackson and others who wanted to prevent the Union from breaking up could not upset the other Southern states, like Georgia. These digital assets and information from the Library of Congress show that President Jackson at one point issued a proclamation that passed in Congress, the Force Act, which authorized the Federal Government to use force against any state that resisted the tariff acts. Arguably, because of this crisis, Worcester and other missionaries agreed to drop their legal arguments when they were still in a Georgia jail after the Worcester v. Georgia decision and as part of an agreement where Georgia pardoned them and freed them. This appears to have been part of a deal where Georgia would back President Jackson against South Carolina and keep the Union together.

Overview of the United States Constitution and Congress in terms of Federal Indian Law for Alaska Tribes, University of Alaska at Fairbanks website. [Link](#).

This website has good resources from Native American's perspective on the U.S. Constitution and Congress and Federal Indian Law that affects Native American rights to this day. The site has web videos regarding early decision in American history and how Article One, Section 8 of the Constitution gives Congress the power to regulate commerce with the Native American tribes. Many of the law decisions ultimately relate to the three Native American decisions that Chief Justice Marshall made in the early 19th Century: Johnson v. McIntosh, 21 U.S. 543 (1823), Cherokee Nation v. Georgia, 30 U.S. 1 (1831), and Worcester v. Georgia, 31 U.S. 515 (1832).

Hicks, Brian, "Cherokees vs. Andrew Jackson," Smithsonian Magazine, March 2011. [Link](#).

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This history article was very helpful because it was about two of the top Cherokee leaders in the 1820s and 1830s, John Ross and Major Ridge, and how they knew Andrew Jackson from way back in March 1814 when a young Andrew Jackson and his Tennessee militia, together with Cherokees attacked the Red Sticks Native Americans to prevent them from attacking the white Europeans. It also discusses their later battle with Jackson to prevent Jackson and the southern state to take the ancestor land away from the Cherokee.

CREDITS FOR PHOTOS

Pre-Jackson Timeline Page.

Image of original Territory of Lenape Nation. Link: <https://en.wikipedia.org/wiki/Lenape>

Image of Hopewell Indian Treaty sign from HMDB.org. Link: <https://www.hmdb.org/m.asp?m=9586>

Image of Article I Section 8 of Constitution from National Archives. Link: <https://www.archives.gov/founding-docs/constitution-transcript>

The Cherokee Page.

Map of Cherokee Lands by survey made in 1831 from Library of Congress. Link: <https://www.loc.gov/item/2004633028/>

Early Jackson Page.

Image of painting of Andrew Jackson at age 12 from the Hermitage Museum in Tennessee. Link: https://thehermitage.com/andrew-jackson-junior/andrew_junior_age_12/

Image of painting of Andrew Jackson at Battle of New Orleans by F.C. Yohn in Library of Congress. Link: <https://www.loc.gov/item/98510134/>

Image of painting of Creek Chief William Weatherford Surrendering to Jackson in 1814, J.R. Chapin; W. Ridgway. Link: <https://www.loc.gov/resource/ppmsca.32639/>

Presidency Page.

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Image of John Adams and Andrew Jackson running for president in 1828 from the Hermitage Museum in Tennessee. Link: <https://thehermitage.com/learn/andrew-jackson/president/candidacy/>

Image of 1835 lithograph of Andrew Jackson as The Great Father from William L. Clements Library at the University of Michigan. Link: <https://clements.umich.edu/exhibit/american-encounters/nah-case-11/>

Congress Page.

Image of painting of Senator Theodore Frelinghuysen from Rutgers University. Link: <https://ucmweb.rutgers.edu/pastpresidents/about/history/past-presidents/theodore-frelinghuysen.htm>

Image of painting of Congressman David Crockett from Tennessee State Museum. Link: <https://tnmuseum.org/junior-curators/posts/who-was-david-crockett>

Image of Andrew Jackson in red robe, from whitehouse.gov website. Link: <https://www.whitehouse.gov/about-the-white-house/presidents/andrew-jackson/>

Crockett Page.

Image of lost photo of Congressman David Crockett from University of North Texas Libraries. Link: <https://texashistory.unt.edu/ark:/67531/metapth38792/m1/1/>

Image of David Crockett's letter to Charles Schulz, dated December 25, 1834 from the Gilder Lehrman Institute of American History. Link: <https://www.gilderlehrman.org/history-resources/spotlight-primary-source/davy-crockett-removal-choerokees-1834>

Frelinghuysen Page.

Image of painting of Senator Theodore Frelinghuysen, Princeton University Class of 1804. Link: https://www.princeton.edu/~graphicarts/2011/08/post_11.html

Ross Page.

Image of Cherokee John Ross, Smithsonian Magazine from National Portrait Gallery, Library of Congress. Link: <https://www.smithsonianmag.com/history/the-choerokees-vs-andrew-jackson-277394/>

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Worcester Page.

Image of photo of Samuel A. Worcester from New Georgia Encyclopedia. Link: <https://www.georgiaencyclopedia.org/articles/government-politics/worcester-v-georgia-1832/>

Jackson (Courts) Page.

Image of portrait of Andrew Jackson in old age from Library of Congress. Link: <https://www.loc.gov/item/93500745/>

Image of portrait of Wilson Lumpkin from New Georgia Encyclopedia. Link: <https://www.georgiaencyclopedia.org/articles/government-politics/wilson-lumpkin-1783-1870/m-4120/>

Image of Cartoon of John Bull standing ready to feed on the United States representing the Nullification crisis created by South Carolina in 1832 from Thoughtco.com. Link: <https://www.thoughtco.com/nullification-definition-and-examples-5203930>

Tears Page.

Image of painting of Choctaw Chief Pushmataha (from Encyclopedia of Alabama.org). Link: <http://encyclopediaofalabama.org/article/h-3018>

Image of painting of Semiole Chief Co-ee-hd-jo from Smithsonian Institute. Link: <https://americanart.si.edu/artwork/co-ee-ha-jo-chief-4002>

Image of painting of Creek Leader William McIntosh from National Park Service. Link: <https://www.nps.gov/people/william-mcintosh.htm>

Image of monument Chickasaw Chief Tishominko (Lee County, Mississippi). Link: [https://en.wikipedia.org/wiki/Tishomingo_\(Chickasaw_leader\)](https://en.wikipedia.org/wiki/Tishomingo_(Chickasaw_leader))

Image of photo of elderly Chief John Ross from National Park Service. Link: <https://www.nps.gov/liri/learn/historyculture/the-trail-of-tears.htm>

Cherokee Nation (Tears) Page.

Image of Historical Caricature of the Cherokee Nation from Library of Congress. Link: <https://www.loc.gov/item/2008661841/>