Cherokee Trail of Tears

Mary Ellen Carter, WVPT

Overview

Topic: Cherokee Indians, The Trail of Tears. This lesson will focus on what some call the darkest period in United States History—the trials and tribulations forced upon an innocent people. These acts forced the Cherokee people from their ancestral homelands, into a life unknown to them a thousand miles away. Students will view excerpts from the video clip Native America, use websites and research primary documents to create a mini-mock trial. The United States Government will be the defendant and the Cherokee Indian Nation will be the plaintiff. It is assumed students will have adequate background information concerning this period in history.

Time Allotment

Five 50-minute periods

Media Components

Segment 1: Paternalism: White Settlers Encroach on Native American Lands (04:05)
Segment 2: Henry Dodge and Mining on Native American Lands (02:12)
Segment 3: The Removal Act of 1830 (02:32)
Segment 4: The Black Hawk War (00:48)
Segment 5: The Trail of Tears (00:31)
Segment 6: Westward Expansion (01:56)
Segment 7: Video Quiz: Removal (01:35)

Computer with LCD projector
SmartBoard or other projection device
These websites will be used by students and teachers as sites of primary documents. These sites provide events, timelines, biographical and historical information concerning Indian removal.

www.ngeorgia.com/history/nghisttt.html
www.allthingscherokee.com
www.LessonPlansPage.com
www.marcopolosearch.org/mpsearch/basic-search.asp

www.mped.org/teacher/mp_content.aspx
www.mped.org/state/state_index.aspx
http://rosecity.net/tears/
www.cherokee.org
www.acinet.org
www.mamma.com
“National Geographic” May 1995

Learning Objectives

The student will be able to:
• utilize a time line to recognize the chronology of historical events
• research primary documents to obtain knowledge leading up to the Trail of Tears
• become familiar with the terms and procedures used in a trial
• exercise critical thinking skills
• learn to work in a successful group
• brainstorm in their groups in order to justify or criticize actions taken by the government.
• stage a mini-mock trial
(This lesson addresses Va. SOL Social Studies USH.1.4, USH.1.5, USH 1.8; VUS.1, VUS.2, VUS.6, GOVT.1.3; CE.9; English 11.1,11.2, 11.7; C/T12.4)
Materials

One copy of each for each student:
- timeline with more in-depth information for the years 1838-1839 (http://rosecity.net/tears/)
- eyewitness accounts, one from a soldier John Burnett (www.cherokee.org)
- eyewitness account from an Indian boy, Samuel Cloud (www.LessonPlansPage.com)
- map of the trail and timeline tracing events 400 years (www.ngeorgia.com/history/nghisttt.html and www.ngeorgia.com/history/cherokeetime-line.html)
- letter from Ralph Waldo Emerson (www.cherokee.org)
- legal terms handout (attached)
- proceedings for the court handout (attached) (proper procedure and terms to use in a courtroom can also be found at www.acjnet.org)
- courtroom participants handout (attached)
- red and blue construction paper cut into rectangles, more blue than red
- paper houses with a piece of candy taped to the back

Teacher Preparations

- Brush up on knowledge of The Trail of Tears.
- Bookmark sites with links to The Trail of Tears (or create list of sites in portaportal.com).
- Make sure students have a basic understanding of the judicial system.
- Copy handouts.
- Cut longer timeline into parts to pass out for Introductory Activity.
- Review rules and procedures for mock trials.
- Cut strips of red and blue construction paper into rectangles.

Introductory Activity

1. Have each student pick up one piece of red or blue construction paper as they enter the room. Divide the room in half with reds on one side and blues on the other side. When all students are seated hand out the paper houses with candy to the red side. Remind the students they cannot eat the candy, and that the strips of paper and houses will come into play later in the lesson. At this point tell the students: Today we will begin to learn about the Cherokee Indians and The Trail of Tears. This lesson will take at least five days. Pay close attention, because at the end of the lesson, you will be asked to conduct a mock trial. The United States government and army will be the defendants and the Cherokee Indians will be the plaintiffs.

2. Pass out the timeline strips to each student or pair of students in the class. Keep the year 1450, the estimated date of first Cherokees entering the state of Georgia. Have students line up along the walls of the classroom. Set the stage by announcing the events of the year 1450. Tell students it is important to know what took place before 1837, in order to have a better understanding of the Trail of Tears. Then, have students re-arrange themselves in chronological order as they read to the class the information on their timeline strip. Once students are back in their seats, pass out the complete timeline, making sure they make any comments or write any questions in the margins or on the back of the page, so they can come back later when preparing for trial. (There is a longer and a shorter one available online; the longer one helps with the events before 1837.)

3. Now, pass out the timeline 1838-39. This will give more detailed information of the crucial time just before and during the Trail of Tears march. Also pass out the map, which show the route the Indians were forced to take. Ask some questions to encourage students’ critical thinking on this subject: The Indians had to leave their homes. What do you think they were allowed to take? (They were allowed to take only what they could carry and were given no time to accumulate their belongings.) The trail is a thousand miles long—What kinds of hardships do you think these people might have suffered? (cold, hunger and disease) How many Indians died in this tragic period? (Over four thousand Indians died and a thousand escaped.)
Learning Activities

Having gone over the timelines and the map, show the following sections of the videostream Native America. Tell the students this will help them gain a greater knowledge of events and be a help with preparing for the mock trial.

1. **FOCUS:** Watch now for reasons for Indian removal and grievances the Indians might have at this point in time. Also note the government’s position on Indian removal. **PLAY** the video at approximately 00:29 with the term Native America. **PAUSE** at 2:26, picture of an Indian child standing against a tree. **FOLLOW UP:** Ask the students to give reasons for the removal of the Indians from their land. Also what grievances might the Indians have at this point? What is the position taken by the United States Government concerning Indian removal?

2. **FOCUS:** Watch now to see what the whites thought about the Indians, and how they felt the Indians should be dealt with. **RESUME** at 2:40, a picture of covered wagons. **PAUSE** at 4:32, picture of men at a mine entrance with wooden brace and a pot in the middle. **FOLLOW UP:** What were some erroneous beliefs held by the whites concerning Indians? What is Paternalism?

3. **FOCUS:** Watch to see who is responsible for the conflict. How was it handled? **FAST FORWARD** to 5:36, picture of Bill Lang. **PAUSE** at 6:06, picture of a group of miners. **FOLLOW-UP:** Who was most responsible for the conflict the army or the settlers?

4. **FOCUS:** Why did Americans feel the Removal Act was just? Why was the treaty not good for the Indians? **FAST FORWARD** to 6:51, the picture of David Worne. **PAUSE** at 8:29, a picture of the sun. **FOLLOW-UP:** What were the misconceptions the whites had about the Indians and used to justify the Removal Act? What was wrong with the treaty?

5. **FOCUS:** Watch to see why not all Indians wanted to accept the white man’s treaty, and witness “The Trail of Tears.” **FAST FORWARD** to 9:00, a picture of Indians and soldiers at a fort. **PAUSE** at 10:18, the full moon behind a grove of trees. **FOLLOW-UP:** Were the Indians treated fairly why or why not? Why was the march called “The Trail of Tears?”

6. **FOCUS:** Watch to see what the Indians felt was the real motive of the white man. **FAST FORWARD** to 11:51, the picture of Eddie Benai. **STOP** at 12:11, the Indians dancing. **FOLLOW-UP:** What was the white man’s intent toward the Indians?

(Optional) Read over the short quiz at the end. **PLAY** video from 12:21 to 13:51. Give correct answers to the quiz.

7. When you have finished viewing the video-stream, tell the people on the blue team or side to get-up and take the houses with the candy from the red team or side. Remind the red team they cannot stop the blue team from taking the houses. While they are doing this pass out the personal accounts of John Burnett and Samuel Cloud. After the last house has been confiscated, tell the students to read the personal accounts you have just passed out. This

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**Time Cues**

To synchronize your VCR with the time cues that are included with this lesson, zero/reset your time counter at the very beginning of the program, before the introduction and titles. Time cues are expressed as “minutes:seconds;” for example, 3:15 means three minutes and fifteen seconds.

**Pause vs. Stop**

When using a video interactively with students, teachers need to decide when to use **PAUSE** and when to use **STOP**. **PAUSE** the video when the anticipated discussion or activity will take less than two minutes.

**Note to the Teacher**

All follow-up questions in the Learning Activities are related to the videostream quiz.
Cherokee Trail of Tears

will be an excellent way for the students to understand in some small way the feelings of the government, army and the Indians at this point in time. (if necessary, have the students read them as homework.)

8. Discuss the personal accounts. After discussing them, read the letter sent by Ralph Waldo Emerson to plea on the Indian’s behalf, that they might be able to remain in their homeland. Remember the Cherokee had adopted many of the white man’s ways in hopes of keeping their homeland. They had a government similar to the United States. In fact the U.S. Supreme Court had declared the Cherokee Nation a sovereign nation. They had built roads, churches, and schools, farmed, lived on ranches, had their own alphabet and newspaper just to mention some of the concessions they had made.

Culminating Activities

At this point hand out the guidelines of terms and procedures for the judicial process. Go over guidelines with students.

1. Take time to review the information from the research that has been completed. (The quiz from the videostream may be helpful with review.) Point out the use of the primary sources—video, articles, maps and Internet sources. Then, introduce the students to the group project. A mini-mock trial will take place. Representatives of The United States Government and United States Military will be placed on trial for their abuse and misuse of powers against the Cherokee Nation in 1838.

2. Examine and discuss the facts of the case and witness testimony, take notes so you will be able to discuss and refer back to them. Roles will be assigned to members in your group. Your team will prepare your case based on the evidence. You will be either on the plaintiff’s team or the defendant’s team. You will be assigned teams. You will need to practice so that on the day of the trial things will go smoothly. Individual as well as group grades will be given. You must decide which points are important in helping you win your case. Your opening statement must clearly state what you intend to prove, and you must back up your closing statement with evidence to prove your opening statement. You must follow formal court procedure.

3. Review the legal terms handout. Have groups select courtroom participants. Follow the proceedings for the court case as listed on the Proceedings handout. The duration of the trial will be two 50-minute periods.

Assessment

Students must write at least five paragraphs defending the position their group took concerning the case. Each group must turn in opening and closing statements, as well as a list of witnesses’ questions. All arguments have to be realistic and supported by the facts in evidence. Students must follow judicial process. The teacher and each student will make assessments using the attached rubric.

Community Connections

1. Invite a historian to class to explain the government's position

2. Invite a Cherokee or someone of Cherokee descent to give the Indians point of view.

3. Invite a court officer to explain the legal aspects of the case and inner workings of a trail

Cross-Curricular Extensions

English: Student could pick a story from literature and design a mock trial.

Government: Students could conduct a political forum debating the pros and cons of the “Removal Act.”

Economics: Students could do a feasibility study on how the greed for wealth was the driving force behind taking over Indian lands, or look at what might have happened if the wealth was not there or the U.S. Government had not taken the Indian lands.
About the Author

Mary Ellen Carter
Mary Ellen Carter is a library media specialist at Rockbridge County High School in Lexington, Virginia. She received her Bachelors of Science Degree in History and Library Science from Longwood College and received her Masters of Art Degree in Education with an Emphasis on Technology from Virginia Tech.

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LEGAL TERMS FOR MOCK TRIAL
Cherokee Trail of Tears

**Ambiguous**- question is vague, uncertain in meaning, or capable of being understood in more than one way.

**Asked and Answered**- should be used to stop repetitive questioning.

**Argumentative**- permits opposing counsel to badger the witness into changing his story even though he may not mean to do so.

**Assumes facts not in evidence**- the question may trap the witness into affirming the truth of assumed facts, without meaning to do so.

**Badgering**- the attorney is asking questions in such a way that it is intimidating or upsetting the witness.

**Calls for speculation**- witness is just ask to guess at the answer.

**Irrelevant**- unconnected with the case.

**Leading**- should be made as soon as it becomes apparent that opposing counsel is testifying for the witness.

**Multiple questions**- question is really a series of questions and the jury may be confused as to which question is being answered.

**Repetitive questions**- question needlessly repeats prior questions without adding to the evidence. The question has been previously asked and answered.

*Note: An attorney, on cross-examination may repeat a question asked on direct and may at times repeat his own question for emphasis.*
Courtroom Participants for Mock Trial  
Cherokee Trail of Tears

**Judge**-The judge decides which disputed facts, may be presented to the jury. He also tells the jury what is acceptable law. The judge also decides the issues of law in the case. In this trial your teacher will be the judge.

**Defense Attorney**-This person disputes the statements or allegations or may admit the allegations, but argue that he has a valid defense to the claims. **Prosecuting Attorney**-This person represents the state or the plaintiff.

**Plaintiff**-The person (s) who begins the suit. In the suit the plaintiff alleges, that he was injured by the conduct of another.

**Defendant**- The defendant is the person (s) sued by the plaintiff.

**Bailiff**-The court officer charged with keeping order in the court and helping the jury.

**Clerk of the Court** – The clerk calls the case, and swears in the witnesses.

**Jury**-A group of ordinary citizens selected to decide the case. A jury is usually made up of six to twelve people depending on state law. The jury usually has to reach a unanimous decision, if not the verdict ends in a hung jury and the case can be tried again. In this case your teacher will be the jury.

**Witnesses**-The witnesses must have a direct knowledge of what happened, they are not generally allowed to present hearsay testimony. Expert witnesses may not know the specific facts, in the case, but may use their specialized knowledge to help the jury to understand complex evidence.

** Appearing for the plaintiffs will be:** Chief John Ross, General John Wool, Samuel, Worcester, Ralph Waldo Emerson, John Burnett and Samuel Cloud.

**Appearing for the defendants will be:** Andrew Jackson, Major Ridge and his son John, Elias Boudinot, and General Winfield Scott.
Proceedings for Mock Trial Court Case
Cherokee Trail of Tears

1. Call to order by the bailiff.
2. Greeting by the judge.
3. Clerk calls the case. Bailiff calls for witnesses and jurors.
4. Witness is seated at the defense table.
5. Judge gives a brief description of the case.
6. Prosecution’s opening statement. (2 minutes).
8. 1st witness to the witness box, and the clerk swears them in.
9. Defense direct examination. (4 minutes)
10. Prosecution cross examination (4 minutes)
11. Redirect if requested.
12. Witness steps down.
13. Repeat steps 8-12 for each witness
14. Prosecution closing argument. (2 minutes)
15. Defense closing argument. (2 minutes)
16. Prosecution rebuttal. (1 minute)
17. Case goes to the jury.
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<th>Level</th>
<th>Always</th>
<th>Often</th>
<th>Sometimes</th>
<th>Seldom</th>
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**Rubric for Cherokee Trail of Tears**
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<th>Contribution to Group's Evaluation</th>
<th>Problem Solving and Cohesion</th>
<th>Encourages Group to Evaluate How Well They Are Working Together</th>
<th>Involves the Whole Group in Problem Solving</th>
<th>Actively Participates in Helping the Group</th>
<th>Work Better</th>
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