

a permanent home, and which shall, under the most solemn guarantee of the United States, be, and remain, theirs forever--a home that shall never, in all future time, be embarrassed by having extended around it the lines, or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension, in any way, of any of the limits of any existing Territory or State.²

In the 1828 Treaty, the federal government provided, in exchange for Cherokee lands in the southeastern United States, an additional seven million acres referred to as the Cherokee Outlet.

...the United States further guarantee to the Cherokee Nation a perpetual outlet, West, and a free and unmolested use of all the Country lying West of the Western boundary of the above described limits, and as far West as the sovereignty of the United States, and their right of soil extend.³

The federal government in the 1835 Treaty of New Echota guaranteed the right of self-government to the Cherokee Nation in this territory and obligated the United States to remove all intruders.⁴

The federal government reaffirmed this guarantee to the Cherokee Nation of its territory in the Treaty of 1846.

"to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guarantee to them, and their heirs or successors, the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same...⁵

After the American Civil War of 1861, the United States was enraptured with a policy of "Manifest Destiny" and western expansion. Various corporate and special interest groups including railroads, cattlemen, homesteaders, lumber companies and miners wanted the Indian Territory opened for white settlement and exploitation of Indian natural resources. However, the federal government in the Treaty of 1866, reaffirmed its prior guarantees as follows:

The United States guarantee to the people of the Cherokee Nation the quiet and peaceable possession of their country and protection against domestic feuds and against hostilities of other tribes. They shall also be protected against inter/r/ptions or intrusion from all unauthorized citizens of the United States who may attempt to settle on their lands or reside in their territory.⁶