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## An examination of the attitudes and policies of Andrew Jackson concerning the American Indian

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AN EXAMINATION OF THE ATTITUDES AND POLICIES  
OF ANDREW JACKSON CONCERNING  
THE AMERICAN INDIAN

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A Thesis  
Presented to  
the Faculty of the Department of History  
University of The Pacific

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In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts

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by  
Harlan Hugh Hague

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## INTRODUCTION

This study will focus on the development of Andrew Jackson's attitudes toward the American Indian and the effect of these attitudes on the shaping of official United States policy toward the Indians.

~~Jackson was born and raised on the frontier. There~~  
his prejudices were acquired and his personality was formed. Chapter I deals with Jackson's early life as a young frontiersman, politician and Indian-fighter. His championing of the rights of the westerner, his attitudes toward the Indian and his love for the martial spirit led him into the Tennessee militia and the United States Army during the Indian wars. The military period of Jackson's life also is covered in Chapter I.

Chapter II discusses the problems arising from the contact between the American colonist and the Indian as the white frontier pressed against and into Indian lands. Jackson agreed with the general political justification for expansion: that the frontier must be advanced to provide security for settlements and farms. The average frontiersman would add that expansion also brought land into the hands of those who were meant to use it. Though acquisition of additional land was usually a result rather than a cause of war, few would deny that getting it by conquest was more desirable than buying it.

With the cry for removal reaching a crescendo, the advocates found their champion in Andrew Jackson. He would implement the final solution to the Indian problem. Chapter III deals with the Indian removal policy and with Jackson's administration of removals, the dominant Indian feature of his presidency. The policy is described in detail, and the various attempts to justify it are considered.

An important part of the removal story involves the relationship between the federal government and the states, the subject of Chapter IV. Jackson believed in the basic rights of states and had no desire to increase the power of the national government at their expense. In the controversy over Indian lands, he felt that the states had jurisdiction. This attitude set the stage for his refusal to come to the aid of the Indians, in spite of treaty obligations to them. Chapter IV also covers the reaction to the removal policy by the public and by the Indians.

Jackson's tendency to contradict himself is much in evidence in his Indian attitudes and policies. Chapter V attempts to show that he was a pragmatist. He was willing to do whatever was necessary to accomplish his ends, even if it meant completely reversing a principle that he had previously taken great pains to defend.

In Chapter VI, conclusions are drawn on the effects of Jackson's Indian attitudes on the people of his own day

and on generations that followed. Finally, an attempt is made to explain why Jackson felt and acted as he did in his relationships with the Indians. This section also deals with the charge that he was a racist and that he held the Indian in contempt as an inferior human being.

Since the study is concerned primarily with Jackson's attitudes, the principal sources consulted were his letters and speeches. Published collections of Jackson's works proved especially valuable. Particularly helpful were Correspondence of Andrew Jackson, volumes I, II and III, edited by John S. Bassett and J. F. Jameson and A Compilation of the Messages and Papers of the Presidents, volumes II and III, edited by James D. Richardson. To record the response to Jackson's Indian policies, contemporary newspapers were consulted, especially the New York Evening Post. Secondary sources were examined for detail and description rather than for analysis.

One comment should be made concerning quotations from Jackson's personal letters. Although Jackson was a poor speller and often made grammatical mistakes in his correspondence, his letters are quite understandable, so no attempt has been made to correct these errors.

I am especially grateful to Dr. Ronald H. Limbaugh for his guidance in the preparation of this paper. Thanks also are due to Dr. R. Coke Wood and Dr. R. W. Van Alstyne for their suggestions and encouragement.

## CHAPTER I

### ANDREW JACKSON: FRONTIERSMAN

When Andrew Jackson became <sup>the 7<sup>th</sup></sup> President, his attitudes toward the Indian were well-developed. These attitudes had been formed on the frontier where, as a young man and a commander of militia, Indian problems were part of daily life.

#### I. EARLY LIFE ON THE FRONTIER

Andrew Jackson was born on the Carolina frontier and spent his childhood there. He was exposed early to the shocks of living on the edge of civilization, constantly in danger of Indian attack. As a child, he learned to look on the Indian as an enemy.

He learned also that all men were not equal. In the South Carolina backwoods, the young Jackson saw Negro slaves offered for sale. He was aware that earlier attempts to enslave the peaceful Indians had been abandoned only after they had curled up and died in their bondage. Jackson grew up, believing that both Indian and Negro were inferior.<sup>1</sup>

Jackson's attitudes toward the Indian were further influenced by his status as a land owner. He became a legal

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<sup>1</sup>Marquis James, The Life of Andrew Jackson (Garden City, New York: Garden City Publishing Company, Inc., 1938), p. 14, cited hereafter as Life.

property owner at the age of three years when his mother transferred to his name title to some property she had inherited at his father's death. As he accumulated more land, he also acquired the views of the frontier farmer who was always eager to expand his holdings by pushing the Indian back into the wilderness. OK

In 1788, while still a young man, Jackson trekked to the western regions of Tennessee where he made his home. Tennessee then was on the edge of settled country. There Jackson became a frontiersman in every sense of the term. He supported expansionist land policies and favored military expeditions when necessary to put down Indian resistance to expansion. OK

Jackson was not a mere spectator to Indian troubles. He often was personally involved. In one instance, a wagon train in which he was traveling was threatened by Indian attack. It was Jackson who alerted the train and prevented a massacre. He learned later that four hunters were scalped on the spot a few hours after the caravan had left.<sup>2</sup> He never forgot this experience.

During the late 1780's and early 1790's, Indian hostilities on the frontier increased as white pressure for Indian lands mounted. Frontiersmen expected the new federal

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<sup>2</sup>Marquis James, Life, pp. 10, 47.

government to supply the strong backing they had lacked while the country was under the Articles of Confederation.<sup>3</sup> In spite of attempts of the federal government to establish a sound Indian policy, frontier disturbances continued both north and south of the Ohio River. Military force had to be used to restrain the Indians and defend the whites.<sup>4</sup>

Until the mid-1790's, the northern Indians were largely successful in resisting the increasing intrusions on their lands. Their spirits lifted by these victories, the Indians on the Kentucky and Tennessee frontiers also resisted white expansion.<sup>5</sup> Jackson was in the midst of these Indian troubles. On an average of once in ten days throughout 1789, someone was killed by Indians within a few miles of Nashville where Jackson made his home. In that year, he joined a militia company to relieve a settlement besieged by Indians. Then Jackson, leading a group of nineteen others in pursuit of the attackers, surprised and defeated them.<sup>6</sup>

During this period of frontier turmoil, westerners became increasingly dissatisfied with the national

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<sup>3</sup>William T. Hagan, American Indians (Chicago: The University of Chicago Press, 1961), pp. 49-50.

<sup>4</sup>Francis Paul Frucha, American Indian Policy in the Formative Years (Cambridge: Harvard University Press, 1962), p. 46, cited hereafter as Indian Policy.

<sup>5</sup>Hagan, American Indians, pp. 50, 51.

<sup>6</sup>Marquis James, Life, p. 58.

government's apparent lack of concern for their problems. Some began to feel that an alliance with the Spanish in New Orleans perhaps would bring peace. In a letter to a friend, Jackson expressed concern that Indian problems could prove a threat to the Union:

...the Indians appear Verry Troublesome the Frontier Discouraged and breaking and numbers leaving the Territory and moving to Kentucky, this Country is Declining fast, and unless Congress lends us a more ample protection this Country will have at length to break or seek a protection from other source than the present.....

## II. FRONTIER ARISTOCRAT AND POLITICIAN

Jackson often has been pictured as a rough frontiersman, a man of the people, a lowly commoner who achieved the heights of the White House. A frontiersman he was, but a commoner he was not. He was a land-owning, slave-holding aristocrat. He practiced law and engaged in the most obvious avenue to riches on the frontier: land speculation. He bought and sold many thousands of acres. ) Jackson still found time to engage in his favorite sport of horseracing. Even his bloodless duel with another lawyer shortly after his arrival on the frontier affirms his aristocratic bearings. Frontiersmen normally fought with their fists rather than

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<sup>7</sup> To John McKee, May 16, 1794. John S. Bassett and J. F. Jameson (eds.), Correspondence of Andrew Jackson (Washington: Carnegie Institution of Washington, 1926), I, p. 13, hereafter cited as Correspondence.

with pistols and prided themselves more on physical prowess than upon manners. It was clear that Jackson had set himself up in the West as a "gentleman."<sup>8</sup>

He was not without political experience. Before his election to the Presidency, Jackson held several important political offices, including United States Congressman, United States Senator and Judge of the Tennessee Supreme Court. Although Jackson did not distinguish himself on the floor of Congress, he did secure the passage of two measures which made him popular in Tennessee. One was a bill to place a regiment on the southern border of the state for protection against Indians.<sup>9</sup> He also secured compensation for militia-men who had participated in an Indian raid that was not only unauthorized by the government, but actually was contrary to its orders.<sup>10</sup> Jackson never forgot his responsibilities to his western constituents.

### III. JACKSON'S MILITARY CAREER

Jackson's Indian attitudes were evident in his military career. This phase of his life brought him national

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<sup>8</sup>Edward T. James (ed.) The American Plutarch (New York: Charles Scribner's Sons, 1964), pp. 178, 179, hereafter cited as American Plutarch.

<sup>9</sup>John Spencer Bassett, The Life of Andrew Jackson (New York: The Macmillan Company, 1916), p. 31, hereafter cited as Life.

<sup>10</sup>Edward James, American Plutarch, p. 180.

fame and eventually helped propel him into the White House. In the years before the War of 1812, he served as an officer of Tennessee militia, charged with protecting the frontier from Indian attack. Later, as militia commander and United States Army officer, he led engagements in the southern United States in the Indian wars that preceded and then merged with the War of 1812. OK

Indian troubles on the frontier provided an outlet for Jackson's military ambitions. Three times during the ten years that he served as commander of the Tennessee militia, the troops were called on to be ready for an emergency. In each case, he met the requirements amply. As each crisis passed without actual fighting, he accepted the result, but his spirits chafed. No commander ever longed more ardently for the opportunity to express his military spirit.<sup>11</sup> Perhaps this explains why he pursued Indians so relentlessly when given the chance. He wanted an opportunity to prove himself. OK

Indian hostilities tapered off following the successful campaigns of General Anthony Wayne in 1794 and the signing of the Treaty of Greenville in the following year. Indian attacks never ceased completely, however, because white pressure for Indian lands continued to mount.<sup>12</sup>

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<sup>11</sup> Bassett, Correspondence, I, p. xiii.

<sup>12</sup> Prucha, Indian Policy, p. 156.

In 1811, as war with England appeared a distinct possibility, Indian attacks on the frontier flared up again. Most westerners, including Jackson, believed that the hostilities could be laid directly at England's door. They were sure that British agents were supplying the Indians with guns and ammunition and were sending them to attack the frontier. ) Jackson referred to the situation in a letter to a militia officer:

...In the West...excited by some secrete influence the savage Tomahawk and scalping knife is raised the blow is struk war savage war has been commenced, and we have to regret, the loss of many of our brave country men who...fell bravely by the hands of the deceitfull and ruthless savages. The blood of our murdered fellow citizens must be revenged....<sup>13</sup>

William Henry Harrison, Governor of Indiana Territory and victor of the Battle of Tippecanoe, reflected the popular view of British involvement when he wrote that he had found evidence following his campaigns that the Indians had been completely armed and equipped from British stores. The solution to the Indian problem seemed simple. The United States must conquer Canada and end forever the alliance between the British and the Indians.<sup>14</sup>

Jackson's response to news of the battle at Tippecanoe

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<sup>13</sup>To James Winchester, Division Orders, Hermitage, November 28, 1811. Bassett, Correspondence, I, p. 209.

<sup>14</sup>Ray Allen Billington, Westward Expansion (third edition; New York: The Macmillan Company, 1967), pp. 278-9.

illustrates both his military fervor and his intense feelings of hostility toward Indians. Erroneously thinking that Harrison had lost the battle, Jackson wrote to him:

Should the aid of part of my Division be necessary to enable you to revenge the blood of our brave heroes who fell by the deceitfull hands of those unrelenting barbarians, I will with pleasure march with five hundred or one thousand brave Tennesseens. The Blood of our murdered heroes must be revenged that Banditti ought to be swept from the face of the earth.<sup>15</sup>

These sentiments are typical of Jackson's Indian attitudes. He appeared to believe that justice meant not merely redress of grievances; it meant revenge. When Indians violated the lands or persons of whites, all Indians, not just those actually involved in the act of violation, were responsible and must be dealt with severely. He did not consider it necessary to apply the American concept of justice -- that only the perpetrators should be punished for crimes committed -- to the Indian. On one occasion, learning that a white woman had been captured by a party of Creeks, he promised the Governor of Tennessee that he would destroy the Creek towns, burn their homes, kill their warriors and lead into captivity their wives and children until the woman was released and her captors surrendered.<sup>16</sup> In this instance,

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<sup>15</sup>To William Henry Harrison, November 30, 1811. Bassett, Correspondence, I, p. 210.

<sup>16</sup>To William Blount, Nashville, July 3, 1812. Bassett, Correspondence, I, p. 230.

Jackson believed all Creeks were responsible for the acts of a few and, therefore, all were subject to punishment.

Jackson kept his troops mentally and physically prepared for battle at a moment's notice. Frequent skirmishes served to encourage their fighting spirit. When in camp and waiting for orders, he spoke to them frequently, whetting their desire for action. He explained military objectives and related these objectives to the personal interests of the troops. Since most of his men were westerners like himself, he dwelt in his speeches on Indian depredations and dangers as well as on the British threat. He spoke of the desirability of taking West Florida since its rivers and harbors were indispensable to the prosperity of Tennessee. Not only would the West benefit by removing the British from the province, but the asylum from which Indians had been attacking the American frontier would be removed. Jackson felt that it was especially important that they strike quickly before the English appeared in great numbers to fortify the Floridas.<sup>17</sup>

To build morale, Jackson did not hesitate to appeal to the racial prejudices of his troops. In an address to his command, he spoke of:

...Barbarians.../who/...were ignorant of the influence of civilization and of government,...Stupid mortals,... So it must ever be.../the destruction of the Indians/... when presumption and ignorance, contend against bravery

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<sup>17</sup>Bassett, Life, p. 79.

and prudence. The fiends...will no longer murder our Women and Children, or disturb the quiet of our borders...[but]...our enemy are not sufficiently humble'd since they do not sue for peace....Buried in ignorance and seduced by their prophets, they have the weakness to believe, they shall still be able to maintain a stand against our arms. We must undeceive them....<sup>18</sup>

#### IV. INDIAN ALLIES AND AUXILIARIES

If Jackson was prejudiced, it did not prevent his using Indians as soldiers and frequently welcoming them as allies. At the same time, he openly concurred in the opinion of most whites that little confidence should be placed in the aid or friendship of Indians. This apparently contradictory attitude seems not to have bothered Jackson. To the Governor of Tennessee, he wrote:

...I do think that policy will dictate the propriety of inlisting one nation against another. If they will go to war, those that are not for us must be against us. If the [Y] will attempt to deceive by part of a nation holding out the olive branch whilst the others are scalping us, let us make the aparent friends, Join in punishing the hostile part....I believe self interest and self preservation the most predominant passion. fear is better than love with an indian....<sup>19</sup>

Scattered through Jackson's correspondence during his career as an Indian fighter are references to the use of Indians as allies or mercenaries. In a letter, he wrote that

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<sup>18</sup> Proclamation by Jackson, Fort Williams, April 2, 1814. Bassett, Correspondence, I, pp. 494-5.

<sup>19</sup> To William Blount, Nashville, June 17, 1812. Bassett, Correspondence, I, pp. 227-8.

"seventeen Cherokees under the command of Col. Brown acted with great bravery in the action" while others of the Natchez tribe "distinguished themselves."<sup>20</sup> In other correspondence, after expressing the hope that a certain band of Choctaws would remain attached to his command, Jackson described the principal disadvantage in the use of Indian allies. He found it difficult to keep them in the field. "As soon as they perform an excursion, and take a scalp, they must go home and have a dance. The greater part of those in the service will go home." In the same letter, Jackson wrote that "some Chickasaws" were on their way to join his forces and that a Colonel Hawkins had taken the field at the head of the Friendly Creeks "to chastize some hostile Seminoles."<sup>21</sup> It is obvious that different tribes generally had no common enemy, not even the white. Jackson was skillful in capitalizing on traditional jealousies when he planned his campaigns and selected his fighting forces.

Jackson did not wait for higher authority to sanction his use of Indian forces. When challenged, he resisted any official attempt to prevent their employment. Once, when questioned by an assistant district paymaster on his authority

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<sup>20</sup> To William Blount, Ten Island Camp, November 4, 1813. Bassett, Correspondence, I, p. 341.

<sup>21</sup> To Secretary of State James Monroe, Mobile, November 29, 1814. Bassett, Correspondence, II, pp. 101-2.

to have Indians and Negroes in the service, Jackson retorted:

Be pleased to keep to yourself your Opinions upon the policy of making payments to particular Corps. It is enough for you to receive my order for the payment of the troops with the necessary muster rolls without inquiring whether the troops are white, Black, or Tea....You will, upon the receipt of this.../muster list/...make payment of the Choctaws upon the muster rolls....<sup>22</sup>

The fact that Jackson was willing to employ Indians, and even to praise their fighting qualities occasionally, does not mean that he was favorably disposed toward them. He did not feel any obligation to his Indian soldiers other than the pay which he had promised to them. If his next assignment required that he demand from his recent allies the cession of their lands to the United States or even to make war on them and seize their lands, he proceeded without hesitation. Jackson's participation in a campaign in the Creek war in 1813 will illustrate this trait. OK

After defeating a large band of hostile Creeks with the aid of friendly Indians from the same nation, Jackson presided over the peace council at Fort Jackson. Most of the Indians who attended the council were friendly chieftains who had fought on the side of the whites or had submitted peacefully as Jackson marched onto their lands. Most who attended were expecting to be rewarded for their friendship and services to Jackson. He surprised them by demanding the OK

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<sup>22</sup>To W. Allen, December 23, 1814. Bassett, Life, p. 157.

cession of about one-half of the Creek territory, some of which was occupied by these same friendly Indians. Understandably, they protested. Jackson replied firmly that the cession was necessary to separate the Creeks from the Spanish to the south and the Choctaw and Chickasaw to the west. If the Indians refused the settlement, Jackson said the war would be continued. Baffled and in despair, they gave in to his demands.<sup>23</sup>

#### V. THE VALUE OF INDIAN TREATIES

Jackson's willingness to act according to the requirements of the moment are nowhere more evident than in his attitude toward making treaties with Indians. In principle he was opposed to Indian treaties, but in practice he often found it desirable to settle issues by treaty. The first reference to Indians in Jackson's published writings refers to the futility of contracting with them. He expressed doubt that further treaties should be attempted when he wrote:

...not less than Twelve Men have been killed and wounded in this Districk: one Question I would beg leave to ask why do we now attempt to hold a Treaty with them; have they attended to the Last Treaty; I answer in the Negative then why do we attempt to Treat with Savage Tribe that will neither adhere to

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<sup>23</sup>Bassett, Correspondence, I, pp. xv-xviii.

Treaties, nor to the law of Nations....<sup>24</sup>

In addition to arguing often that Indian treaties were worthless because the Indians would not abide by them, Jackson felt that the government was too inclined to punish whites for illegally entering Indian lands guaranteed by treaty and for killing Indians while overlooking crimes committed against whites by the Indians.<sup>25</sup>

(Jackson's dislike of Indian treaties did not deter him from negotiating with Indians when he saw a distinct advantage to be gained.) In 1816, for example, traveling home to Tennessee from New Orleans, he passed through Indian country and, acting under broad authority from the federal government, entered into a number of treaties to settle claims. From the Chickasaws, he secured the relinquishment of ten million acres which they claimed north of the

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<sup>24</sup>To John McKee, January 30, 1793. Bassett, Correspondence, I, p. 12. The treaty to which Jackson refers is the treaty of 1791 between the United States and the Cherokees. The tribe at that time occupied a tract of country lying within the limits of Georgia, North Carolina, South Carolina, Tennessee and Alabama. In the treaty, the United States "solemnly guaranteed to the Cherokee Nation all their lands not therein ceded." Charles Warren, The Supreme Court in United States History (Boston: Little, Brown and Company, 1937), I, p. 729, hereafter cited as Supreme Court. Actually, the treaty had been broken first by the whites, not the Indians. George D. Harmon, Sixty Years of Indian Affairs (Chapel Hill: The University of North Carolina Press, 1941), p. 46, hereafter cited as Sixty Years.

<sup>25</sup>To John McKee, May 16, 1794. Bassett, Correspondence, I, p. 13.

Tennessee River. These lands were in demand by the people of western Tennessee and appeared essential to future progress of the state. Though he thought little of the Chickasaw claim to the land, for the sake of peace Jackson agreed to give them ten thousand dollars a year for ten years as compensation for the cession. For similar reasons, he consented to give the same amount to the Cherokees who insisted that part of the ceded territory belonged to them. Jackson was able to leave the Indian country feeling that he had been more than just to the tribes and, at the same time, had acquired valuable territory for his fellow westerners.<sup>26</sup>

In negotiating with Indians in 1816, Jackson was in harmony with official government policy. In that year, every tribe within the domain of the United States was still officially considered a sovereign nation. The chief interest of the federal government in securing Indian treaties was to maintain peace and promote trade.<sup>27</sup>

In 1817, in a letter to newly-elected President Monroe, Jackson explained his Indian policies and introduced a new justification for abandoning Indian treaties. He recommended

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<sup>26</sup> James Parton, Life of Andrew Jackson (Boston: Ticknor and Fields, 1866), II, p. 336.

<sup>27</sup> Thomas L. McKenney and J. Hall, History of the Indian Tribes of North America (Philadelphia: Rice, Rutter and Company, 1865), I, p. viii. McKenney was the superintendent of Indian trade in the War Department from 1816-1822 and later was head of the Office of Indian Affairs in the War Department.

a departure from the long-established policy of recognizing tribal sovereignty. He reasoned that since Indians were subjects of the United States:

...then is it not absurd for the sovereign to negotiate by treaty with the subject. I have always thought, that Congress had as much right to regulate by acts of Legislation, all Indian concerns as they had of Territories; there is only this difference, that the inhabitants of Territories, are Citizens of the United States and entitled to all the rights thereof, the Indians are Subjects and intitled to their protection and fostering care;...I would therefore contend that the Legislature of the Union have the right to prescribe their bounds at pleasure, and provide for their wants and whenever the safety, interest or defence of the country should render it necessary for the Government of the United States to occupy and possess any part of the Territory, used by them for hunting, that they have the right to take it and dispose of it....

Anticipating that friends of the Indians would argue that Indians had become accustomed to being dealt with through treaties, Jackson explained that government weakness had required that the United States negotiate treaties with Indians. Now, the government had the strength to approach Indian affairs more realistically.<sup>28</sup>

In spite of these arguments, Jackson continued to make treaties with Indians. (Between the years 1817 and 1829, he negotiated with each of the major Indian nations in the South: Cherokee, Creek, Chickasaw, Choctaw and Seminole. The formula for each negotiation followed the same pattern. The

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<sup>28</sup> To the President, James Monroe, Nashville, March 4, 1817. Bassett, Correspondence, II, pp. 277-8.

Indians were told that they were not sovereign and that they could no longer live as independent nations within the boundaries of the white settlements. They had the choice either of remaining as farmers on six hundred and forty acres for each family, subject to the laws of the state, or of moving beyond the Mississippi where they could maintain their identity as a nation. Jackson recognized that the threat to Indian nationhood was an effective incentive for emigration. He used it consistently in the negotiations.<sup>29</sup> OK

Jackson realized that Indian treaties were a practical necessity. As the frontier moved westward, the acquisition of land by the United States usually was formalized by negotiating treaties with the retreating Indians.

Jackson's attitudes toward the Indian showed him to be a product of his age and his environment. The frontier troubles which he witnessed were but the latest in approximately two centuries of conflict between Indian and white. To understand Jackson's views, one must be aware of the nature of the antagonism between the two races.

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<sup>29</sup> F. M. Binder, "The Color Problem in Early National America as Viewed by John Adams, Jefferson and Jackson" (unpublished Doctor's thesis, Columbia University, 1962), p. 209.

## CHAPTER II

### THE INDIAN PROBLEM

The origins of Indian conflict can be traced to the earliest contacts between European colonists and the native Americans. Though the relationship was not immediately antagonistic, it soon became obvious that the aborigines were in the way. They were obstacles to progress, obstacles which must be cleared as the oak forests must be cleared to make way for civilization.

#### I. CLEARING THE LAND

The Indians were not blind to the ambitions of the white man.<sup>1</sup> They were aware that they were being pushed off their ancestral lands, but they were puzzled by the colonist who was friendly at one moment and hostile the next. Wearying of intermittent wars which he could not understand, for example, King Powhatan was reported to have said to Captain John Smith of the Virginia colony: "Why should you take by force from us that which you can obtain by love? Why should you destroy us who have provided you with food?..."<sup>2</sup>

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<sup>1</sup> Terms such as "white," "colonist" and "settler" refer to the inhabitant of European origin living in what is now the United States.

<sup>2</sup> William Brandon, The American Heritage Book of Indians (New York: American Heritage Publishing Company, Inc., 1961), p. 165.

Most of the differences between colonists and Indians concerned claims on land. For the American colonist, land ownership meant more than a mere claim. His conception of ownership required that the land be used as a European used land. It must be brought into cultivation. If land was not growing crops, it was "empty," therefore, available.

To the land-use concept, the English colonist added the idea of mission. God had given him this new country, and he would have it, even if it meant driving away those who possessed the land.

Indians had a different idea of land use. They believed that a particular tribe could have paramount claim on land (for hunting grounds, for example), but ownership was never vested in an individual. Whites often were able to acquire Indian lands by finding those in the tribe, usually chiefs, who would agree to alienate the land in return for personal gain.<sup>3</sup> There is reason to doubt that the chiefs were aware that they were alienating the land when they signed a document.

## II. EXPANSION JUSTIFIED

As Indian lands were acquired by the whites, the frontier advanced. The person to benefit most directly by the

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<sup>3</sup>The term "chief" held different meanings for the Indian and white. To the white, the chief was a leader who could speak for and bind the tribe with his actions. In fact, the chief had little personal authority within the tribe and had no authority to bind the tribe to any agreement with outsiders.

expansion was the frontier farmer. He was hungry for new land, and he favored policies that would continue to push Indians farther into the wilderness.

Indian troubles were common throughout the colonial period as the frontiersmen pressed against Indian lands. To secure the expanding settlements from Indian attack, colonial governments tried earnestly to find effective means of dealing with the Indians. One notable attempt was the Albany Congress, called in 1754 at the order of the British government. It was apparent at the meeting that both whites and Indians wished to settle the conflict. The Indians, like the whites, had no answers. Also, like the whites, they had complaints. An Indian at the meeting, responding to the encroachment of both the British and the French on Indian hunting lands, voiced his frustration:

We dont know what you Christians, English and French together, intend, we are so harrass'd in by both, that we have hardly a hunting place left. In a little while if we find a bear in a tree there will immediately appear an owner of the land to challenge the property, and hinder us from killing it, which is our livelihood. We are so perplexed between both that we hardly know what to say or think.<sup>4</sup>

Western expansionists raised the issue of frontier security during the War of 1812. Since Americans blamed the

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<sup>4</sup>E. B. O'Callaghan (ed.), Documents Relating to the Colonial History of the State of New York (Albany, N. Y., 1851-87), VI, p. 813, quoted in R. W. Van Alstyne, The Rising American Empire (Oxford: Basil Blackwell, 1960), p. 15.

British for inciting Tecumseh's Indians to attack the frontier, the conquest of Canada seemed to Harrison, Clay and others to be the one way to "extinguish the torch that lights up savage warfare." But Indian hostility, as contemporary anti-expansionists pointed out, was not due primarily to British incitement. Instead, it was fundamentally the result of the American policy of pressing aggressively onto Indian lands.<sup>5</sup>

Andrew Jackson agreed that Indian lands must be acquired for the sake of frontier peace and security. As early as 1814, he recommended that the Cherokee and Chickasaw claims be extinguished in the state of Tennessee. He was particularly concerned with the attacks made on whites who were passing through Indian territories:

...It can be with truth said to the chikesaws you have proved to us, that you cannot protect the whites on the roads through your country. The enemy you have permitted to pass through your nation have kild and plunder our citizens, carried off our women and children captives. We must therefore extend our settlements to the mississippi, to cut off all communication of the southern tribes with that of the north, and give to our citizens perfect safety in passing through their country....

But Jackson added that "we must give them a fair compensation for a surrender of their right."<sup>6</sup>

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<sup>5</sup>Albert K. Weinberg, Manifest Destiny (Gloucester, Mass.: Peter Smith, 1958), p. 386.

<sup>6</sup>To Major-General Thomas Pinckney, Nashville, May 18, 1814. Bassett, Correspondence, II, p. 3.

Jackson's theory of compensation did not apply to land that had been taken from Indians in battle. In his opinion, conquered land "rightfully belongs to the United States by conquest."<sup>7</sup>

[The extent to which Jackson would go to secure the frontier by the seizure of Indian land can be illustrated by reviewing the peace terms which he imposed on the Indians at Fort Jackson in 1814, ending the Creek War. To pay for the war and to prevent the possibility of future war, the United States, said Jackson, would have to indemnify itself with land from the whole Creek people. He demanded the surrender of twenty-three million acres, half of the ancient Creek lands. The territory which Jackson demanded now comprises one-fifth of the state of Georgia and three-fifths of Alabama. There was little distinction made in the confiscation between lands of friend and foe. Nearly half of the territory demanded belonged to tribes who had been loyal and fought for the United States during the War of 1812.]

Jackson later wrote to his wife, Rachel, that a "disagreeable business" was done and "I know your humanity would feel for them." In spite of this show of compassion, Jackson had no regrets for his part in the treaty-making. He had done what he felt was necessary to protect the interests

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<sup>7</sup>To Major-General Thomas Pinckney, Nashville, May 18, 1814. Bassett, Correspondence, II, p. 3.

of the westerner and the United States. In his opinion, the acquisition of Indian lands was the only way to remove the Indian menace from the frontier.<sup>8</sup>

Some federal officials did not agree that the Indians inevitably must give way to the whites. They sincerely wished to abide by treaties in which the United States promised to prevent settlers from encroaching on Indian lands. For example, in 1816 the United States Secretary of War ordered Jackson to remove settlers from reserved lands and to prevent white entry into the area. The Secretary instructed him to use force, if necessary, and to burn the settlers' cabins after their expulsion.<sup>9</sup>

Jackson objected. He was a loyal public servant, but by no means a docile one. He replied:

...the people of the west will never suffer any Indian to inhabit this country again, that has been for thirty years the den of the murderers of there wives, and helpless infants, and on the conquest of which, and for there security hereafter, they shed there blood and suffered privation. I tell you frankly they never will unless coerced by Government, and when this is attempted I fear it will lead to scenes that will make human nature shudder. I might not be mistaken if I was to say, it may lead to the destruction of the whole cherokee nation, and of course to a civill war....<sup>10</sup>

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<sup>8</sup> Marquis James, Life, pp. 176-9.

<sup>9</sup> Secretary Crawford to Jackson, Department of War, January 27, 1816. (The tribe and its location were not mentioned in the letter). Bassett, Correspondence, II, p. 227.

<sup>10</sup> To Secretary Crawford, Nashville, June 13 (?), 1816. Bassett, Correspondence, II, p. 248.

The Secretary insisted that his orders be executed, pointing out to Jackson that the settlers were fully aware that they were breaking the law when they moved onto the Indian lands.<sup>11</sup> Unfortunately, Jackson's published writings do not include any indication of his response to this letter.

Years later, as President of the United States, Jackson expressed regret in an annual message that whites found it necessary to subdue the Indians. But as a Tennessee frontiersman, he had been in the forefront in putting them down. When Tennessee waged and won the Creek war in 1818, it had definite objectives: to break the Spanish-Indian alliance, to bring the Creek trade into American instead of Spanish hands, to gain complete military ascendancy over the Creeks, to open and make safe the route from Tennessee to the Gulf through Creek country, to acquire rich lands for settlement and to plant American power so strongly on the Florida border that the future expulsion of Spain from Florida might be an easy task. Jackson was a willing instrument to accomplish these objectives. With his help, American national interests expanded at the expense of the Indians.<sup>12</sup>

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<sup>11</sup>Secretary Crawford to Jackson, War Department, July 1, 1816. Bassett, Correspondence, II, p. 251.

<sup>12</sup>Bassett, Life, p. 119.

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CHAPTER III

INDIAN REMOVAL

Jackson's attitudes toward the American Indian did not change noticeably after his election to the presidency. The most important feature of his administration, so far as the Indian was concerned, was the removal of tribes from their ancestral homes in the country east of the Mississippi to lands west of that river. In urging Indian removal, Jackson felt that he was continuing a long-established policy. In his Second Annual Message, which he delivered on December 6, 1830, he wrote:

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation....<sup>1</sup>

I. AN ATTITUDE AND A POLICY

Thomas Jefferson was one of the earliest prominent advocates of Indian removal. Jefferson had been under severe pressure to satisfy the land hunger of frontiersmen who were susceptible to talk of the advantages of secession. Georgia presented an especially thorny problem. The Yazoo land

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<sup>1</sup>James D. Richardson (ed.), A Compilation of the Messages and Papers of the Presidents (New York: Bureau of National Literature and Art, 1909), II, p. 519, hereafter cited as Messages.

controversy had angered many Georgians. They were aroused over the fraudulent sale of twenty million acres of land by a corrupt Georgia legislature to the Yazoo companies. In 1802, Georgia ceded her western territory, which included the Yazoo lands, to the United States. As a partial payment for the cession, the United States had promised to extinguish the Indian titles to land within the boundaries of that state as early as it could do so reasonably and peacefully. Although the promise did not specify that the Indians were to be removed from Georgia, both Georgians and Indians recognized this implication. Within a year, Jefferson had formulated plans to move the Indians west of the Mississippi. The idea of removal under Jefferson progressed to a point that by 1808 when some Cherokees, who had begun to acquire the benefits of civilization, expressed a preference for severalty and citizenship without removal, he insisted on removal.<sup>2</sup>

In addition to the benefits accruing to frontiersmen and the United States by the acquisition of Indian lands, Jefferson also saw monetary profit in removals. He contemplated what might become an Indian territory, perhaps an Indian state, to which all tribes might be removed. If this were accomplished, Indian wars would cease. The money saved from cessation of Indian wars, Jefferson reasoned, would

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<sup>2</sup>Hagan, American Indians, pp. 54-5.

soon offset the cost of Louisiana.<sup>3</sup>

The desire to acquire land at the expense of the Indians was tempered by the need to conciliate them. The United States government followed policies established during the colonial period. English colonists had courted Indians as allies against the French and Spanish. When this failed, the English tried to secure Indian neutrality. After the American Revolution, the United States found itself in the same position as that of the British government earlier. It needed the friendship of the Indians to keep its borders safe from the English on the north and Spanish on the south. Therefore, the United States followed the same conciliatory Indian policy.

Subsequent to the War of 1812, which largely removed the British danger, there was a change in official American Indian policy. There was less need to secure the Indians' friendship. As land-hungry settlers flooded into the frontier regions, contact with Indians increased, and friction resulted. The settlers' cries to remove the Indians to the country beyond the Mississippi became louder, and the removal policy gained more supporters.

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<sup>3</sup>A. H. Abel, "The History of the Events Resulting in Indian Consolidation West of the Mississippi River," American Historical Association, Annual Report for 1906 (Washington: Government Printing Office, 1908), I, p. 241, hereafter cited as "Indian Consolidation."

Advocates of removal justified the policy in various ways. The argument heard most often was that the Indian was an encumbrance on the land and had to give way to progress -- progress being equated with the white man's way of life.

Another argument was voiced, especially by certain politicians, including Andrew Jackson, and by some humanitarians.

This view suggested that establishing the Indian beyond the frontier would facilitate his eventual assimilation into the mainstream of American life by removing him from contact with white society for a period of adjustment. It was felt that proximity with the more advanced white civilization tended to degrade the simple Indian and speed his extinction. But in temporary isolation beyond the frontier, the Indian would gradually change from hunting to farming, and he would acquire a white man's education. He would abandon his Indian ways, and his society would resemble that of the white. At this point, his society would be ready for admittance in some form into the United States.

Sectionalism also entered into the debate. The Indian problems of New England had been solved a century earlier by more brutal methods than those being used in the nineteenth century. With their Indian problems far in the past, inhabitants of the northeastern section of the country could deplore the actions of southerners and westerners.

While the debate churned on, removals were being

implemented. During James Monroe's administration, Secretary of War John C. Calhoun, Jackson and the President stood at the head of a group of men who favored a vigorous removal policy. Jackson as a military hero, Governor of Florida and United States Senator, was the leading spirit and exercised a weighty influence over the official Indian policy of the government.

Monroe and his advisers developed a removal policy that was generally approved in principle by Monroe's successors. First, Congress must by suitable legislation make it possible for the War Department to carry on negotiations for removal. The Senate then must approve the treaties. Second, room must be found for eastern tribes in a country already occupied by plains tribes. These latter must be induced to allow the emigrant Indians to settle and enjoy their new homes in peace. Third, the tribes east of the Mississippi must be persuaded to transfer their lands to the United States and to accept in exchange lands west of that river. Monroe's policy did not include coercion. The Indians would be persuaded to emigrate.<sup>4</sup> This is precisely the policy which Jackson advocated later during the early part of his presidency.

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<sup>4</sup>Philip Korn, "A Study of the Attitudes of Thomas Jefferson and Andrew Jackson Towards the American Indian" (unpublished Master's thesis, Columbia University, 1952), pp. 12-14.

There is another point of kinship between the Indian problems of Jackson and his predecessors. The Cherokees, who had resisted Jefferson's removal attempts and who were to plague Jackson's efforts, also proved thorns in the side of Monroe. In March of 1820, President Monroe requested appropriations from Congress to extinguish by treaty the Indian title to all lands in Georgia. The Cherokees were approached on the subject of removal, but they replied that they were determined never again to cede one more foot of their land. They complained that that part of the tribe which had emigrated had suffered severely from sickness and wars and that the remainder refused to follow them. To emphasize their decision, a delegation went to Washington and told the President that the Cherokees were the original inhabitants of America and that they now stood on the soil of their own territory. They refused to recognize the sovereignty of any state within the limits of their territory.<sup>5</sup> Ironically, Jackson used the same argument later to justify removal of the Cherokees after that tribe attempted to establish itself as a sovereign nation within the limits of Georgia.<sup>6</sup>

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<sup>5</sup>Ulrich B. Phillips, "Georgia and State Rights," American Historical Association, Annual Report for 1901 (Washington: Government Printing Office, 1902), II, p. 69.

<sup>6</sup>Second Annual Message, December 6, 1830. Richardson, Messages, II, p. 522.

Pressure for Indian removal continued during the administration of John Quincy Adams. Adams was hampered by scruples and left it to other men to push removal officially, but there was no question that he favored the policy. He agreed that it was unconstitutional for a new state to be carved from the territory of an existing state, but he would not tolerate violence on the part of the state in removing the "alien" authority.<sup>7</sup>

Considering Jackson's statements and deeds regarding Indians throughout his life, it was not surprising that as President, he sought to conclude the removals. Nor is it surprising that when states decided to extend their sovereignty over the Indians within their borders, Jackson supported the moves even in the face of a Supreme Court decision.<sup>8</sup>

Jackson set the tone of his official Indian policy in his First Inaugural Address on March 4, 1829:

...It will be my sincere and constant desire to observe towards the Indian tribes within our limits, a just and liberal policy, and to give that humane and considerate attention to their rights and their wants which are consistent with the habits of our Government, and the feelings of our people....<sup>9</sup>

Exactly what actions would be taken to implement his "just and liberal" policy remained to be seen. A clue might be

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<sup>7</sup> Bassett, Life, p. 686.

<sup>8</sup> Worcester vs. Georgia. See page 56.

<sup>9</sup> Richardson, Messages, II, p. 438.

found in an opinion of Thomas L. McKenney of the Office of Indian Affairs, a branch of the War Department which was responsible for carrying out the Indian policy of the administration: "...I look upon the Indians...to be nothing but children and am convinced that nothing would be so good for them as to treat them as such...."<sup>10</sup>

It is obvious that westerners were happy with Jackson's election and expected great things from him. But if Indians could believe what Jackson had said on many occasions, they also had reason to hope for fair treatment. He had always made a great display of justice. Throughout his career, even while fighting Indians, he urged honesty in dealing with them. For example, he advised a newly-appointed agent who was preparing to deal with the Chickasaws to "be careful to promise nothing to them, but what you will religiously perform...."<sup>11</sup> Another time, following his appointment as a commissioner to negotiate with the Chickasaws, he cautioned his co-commissioner that "...we will have to take a high and firm ground, or we will fail in success. We must speak to them in the language of truth...."<sup>12</sup> As early as 1815,

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<sup>10</sup>Quoted in the New York Evening Post, October 4, 1829.

<sup>11</sup>To Colonel John D. Terrill, Hermitage, July 29, 1826. Bassett, Correspondence, II, p. 309.

<sup>12</sup>To Isaac Shelby, Nashville, August 11, 1818. Bassett, Correspondence, II, p. 387.

Jackson had tried to convince the Creeks that he was to be trusted: "Did I ever tell you a lie?...you know I have never deceived or told you lies...."<sup>13</sup>

Jackson's emphasis on honesty in dealing with Indians was a practical matter. He felt that nothing would cause Indians to break off negotiations faster than for them to suspect that the commissioner was lying to them.<sup>14</sup> In contrast, he was convinced that "no confidence is to be placed in the honesty, or Justice of an Indian."<sup>15</sup>

As President, one of Jackson's first objectives was to secure a bill to implement removal. He recommended that Congress set apart an ample region west of the Mississippi to which the Indians might remove and live without conflict with the whites.<sup>16</sup> Under Jackson's urging, Congress gave legislative sanction to his Indian policy with the Removal Bill of 1830. The Bill provided for an exchange of lands, compensation for improvements and financial assistance during the

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<sup>13</sup> Jackson's Talk to the Creeks, Nashville, September 4, 1815. Bassett, Correspondence, II, pp. 216, 217.

<sup>14</sup> To Colonel John D. Terrill, Hermitage, July 29, 1826. Bassett, Correspondence, II, p. 309.

<sup>15</sup> To Secretary Crawford, Nashville, July 24, 1816. Bassett, Correspondence, II, p. 255.

<sup>16</sup> First Annual Message, December 8, 1829. Richardson, Messages, II, pp. 457-9.

emigration and initial adjustment to their new homes.<sup>17</sup> It did not authorize the Indians to set up a government of their own in their new homeland west of the Mississippi, as Jefferson, Monroe and Jackson, at one time, seem to have contemplated.<sup>18</sup>

Throughout Jackson's tenure as President, he was convinced that the federal government was extremely liberal in its program for removal. He repeated this opinion often in speeches. That there was considerable opposition to removal,<sup>19</sup> not only from Indians, but also from white citizens, is evident in the necessity that he felt as late as 1835 to justify the policy in his annual message that year. The official government attitude can be explained no better than with a liberal quotation from this message. In it, Jackson described in detail exactly what the federal government had promised to do for the Indians who had emigrated beyond the Mississippi:

...A territory exceeding in extent that relinquished has been granted to each tribe. Of its climate, fertility, and capacity to support an Indian population the representations are highly favorable. To these districts the Indians are removed at the expense of the United States, and with certain supplies of clothing, arms, ammunition, and other

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<sup>17</sup> Hagan, American Indians, p. 72.

<sup>18</sup> J. P. Kinney, A Continent Lost -- A Civilization Won (Baltimore: The Johns Hopkins Press, 1937), p. 66, hereafter cited as Continent Lost.

<sup>19</sup> See Chapter V.

indispensable articles; they are also furnished gratuitously with provisions for the period of a year after their arrival at their new homes. In that time, from the nature of the country and of the products raised by them, they can subsist themselves by agricultural labor, if they choose to resort to that mode of life; if they do not they are upon the skirts of the great prairies, where countless herds of buffalo roam, and a short time suffices to adapt their own habits to the changes which a change of the animals destined for their food may require. Ample arrangements have also been made for the support of schools; in some instances council houses and churches are to be erected, dwellings constructed for the chiefs, and mills for common use. Funds have been set apart for the maintenance of the poor; the most necessary mechanical arts have been introduced, and blacksmiths, gunsmiths, wheel wrights, millwrights, etc., are supported among them. Steel and iron, and sometimes salt, are purchased for them, and plows and other farming utensils, domestic animals, looms, spinning wheels, cards, etc., are presented to them. And besides these beneficial arrangements, annuities are in all cases paid, amounting in some instances to more than \$30 for each individual of the tribe, and in all cases sufficiently great, if justly divided and prudently expended, to enable them, in addition to their own exertions, to live comfortably. And as a stimulus for exertion, it is now provided by law that in all cases of the appointment of interpreters or other persons employed for the benefit of the Indians a preference shall be given to persons of Indian descent, if such can be found who are properly qualified....

In the same message, Jackson explained that the land set aside for the Indians west of the Mississippi was to be forever guaranteed to them. He took great pains to emphasize that emigrant Indians would never again have to fear white encroachment on their land. If any whites had already settled on land that had been promised, their settlements were to be destroyed.<sup>20</sup>

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<sup>20</sup> Seventh Annual Message, December 7, 1835. Richardson, Messages, III, pp. 171-2.

Most of the Indians remaining east of the Mississippi when Jackson was elected President were persuaded to remove peacefully during his tenure. But some resisted. [A group of Sacs and Foxes in 1832 tried to return to their ancestral villages after they had been removed and were massacred in the resulting fighting dignified in history as the Black Hawk War.] The reluctant Cherokees in Georgia presented a unique problem. These southern Indians had made considerable progress toward white civilization. Most of the leaders were Americans who had been adopted into the tribe or were half-breeds who had considerable knowledge of white ways. Many of the Cherokees were farmers and wore white man's clothes. They had built grist mills, schools and churches. Within the nation, there was a newspaper, the Cherokee Phoenix, printed in the Cherokee alphabet. Further, the Cherokees had investigated the land beyond the Mississippi that had been promised to them and found it a hostile land populated by hostile savages.

To try to prove their claim that the Cherokees were a stable, civilized people, the Cherokee leadership wrote a constitution and established a government patterned after that of the United States. Since the nation rested within the boundaries of Georgia, that state acted to prevent this usurpation of its sovereignty. Between 1828 and 1831, it extended its laws over the Cherokee people and, at the same

time, abolished the Cherokee government. Discovery of gold in Cherokee country made the area even more desirable to the land-hungry Georgians. Federal troops, acting under treaty obligations to the Cherokees, prevented white intruders from entering the nation's territory, but the troops were withdrawn by President Jackson when the Georgia governor protested that their presence violated his state's sovereignty.

The Cherokees found quickly that the federal courts were powerless to help them and that President Jackson would not help them. Having exhausted all legal means of preventing removal and faced with forcible eviction from their homes, a faction of the tribe was persuaded in 1835 to sign the Treaty of New Echota providing for their removal. As Jackson left office, the removals had largely been accomplished. Except for a few stragglers and holdouts, all Indian bands that had lived east of the Mississippi had been transported west of that river, mostly to the Arkansas River country in what is now Oklahoma.<sup>21</sup>

## II. A HUMANITARIAN POLICY

Throughout his political career, Jackson's principal public justification for removal was its beneficial effects

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<sup>21</sup> Summary of Indian removals taken primarily from Hagan, American Indians, pp. 66-91.

on the Indians. He saw it as the only way to preserve their identity. He claimed that backward "savages" could not continue to exist in proximity with a more advanced white civilization. They could survive only by emigrating to a land that was more compatible with their way of life. This idea was supported by Jackson's Secretary of War who was responsible for carrying out Jackson's Indian policy. In a report issued on November 30, 1829, the Secretary wrote:

...it is important to maintain...[the Indian] ... as a people....Experience proves, that within the states, they cannot remain....The states will not consent for their limits to be occupied by a people possessed of savage habits, and who claim to exercise the right of government, independent of any control but their own....

A country beyond the Mississippi better adapted to their habits and pursuits, and where they will be entirely free from all state interference, is the place they should retire to; not through any compulsion to be exercised, but by a course which shall satisfy them clearly that it is for their interest they should do so, and that their happiness requires it....<sup>22</sup>

Before he was elected President, Jackson expressed the belief that the relocated savages might acquire civilized ways and someday become part of the United States. In 1826, in a letter to John Terrill, newly-appointed special agent with the responsibility of preparing the Chickasaws for a cession of their lands and subsequent removal, Jackson wrote:

...It might not...be useless to bring to their view

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<sup>22</sup>Quoted in the New York Evening Post, December 11, 1829.

the hope of a union between the Choctaws Creeks and Chickasaws, as a speedy means of making them a great, powerful, and happy people, and, when their children shall be educated, of enabling them to become a member of the United States, as Alabama and Mississippi are.<sup>23</sup>

This idea -- that a resettled, pacified, civilized Indian society might someday qualify for statehood -- Jackson abandoned after entering the White House.

In his First Annual Message, though not promising eventual statehood, Jackson described an arrangement that would leave the emigrant tribes virtually independent.

There...[in the West]...they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race and to attest the humanity and justice of this Government....<sup>24</sup>

Jackson recognized that the United States had a debt to pay the Indians. For this reason, he championed removal as the best way to compensate them for past encroachments by the white. In his First Annual Message, Jackson lamented the extinction of certain of the northwestern Indians and called for removal as a means to prevent the same fate for the southeastern Indians;

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<sup>23</sup>To Colonel John D. Terrill, Hermitage, July 29, 1826. Bassett, Correspondence, II, p. 309.

<sup>24</sup>Richardson, Messages, II, p. 458.

Our conduct toward...[the Indians in Georgia and Alabama]...is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river and from mountain to mountain, until some of the tribes have become extinct and others have left but remnants to preserve for awhile their once terrible names. Surrounded by the whites with ~~their arts of civilization, which by destroying the~~ resources of the savage doom him to weakness and decay, the fate of the Mohegan, the Narragansett, and the Delaware is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the States does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity....<sup>25</sup>

In each of his subsequent annual messages, Jackson reemphasized the benefits of emigration to the Indians and spoke of the progress of removal. In his Second Annual Message, December 6, 1830, he pointed out that emigration to the western lands would enable the Indians to pursue happiness in their own way and under "their own rude institutions." Decay of their culture would be retarded, and, hopefully, under the protection of the Government and through the influence of "good counsels," they might "cast off their savage habits and become an interesting, civilized, and Christian community."<sup>26</sup> In his Third Annual Message, December 6, 1831, he restated his conviction that Indian

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<sup>25</sup> Richardson, Messages, II, p. 458.

<sup>26</sup> Richardson, Messages, II, p. 520.

emigration would benefit not only whites, the individual states and the United States, but also the Indians. He painted a grim picture of the future for the Indians who remained east of the Mississippi:

...What the native savages become when surrounded by a dense population and by mixing with the whites may be seen in the miserable remnants of a few Eastern tribes, deprived of political and civil rights, forbidden to make contracts, and subjected to guardians, dragging out a wretched existence, without excitement, without hope, and almost without thought.<sup>27</sup>

The following year, in his Fourth Annual Message, December 4, 1832, Jackson pointed out that eastern Indians were becoming increasingly aware that removal furnished the only hope of their ultimate prosperity.<sup>28</sup>

Though some Indians voluntarily emigrated, there were others who were not convinced that they would benefit by removal. The Cherokees especially were reluctant. In his Fourth Annual Message, Jackson responded to the resistance of the Cherokees. He seemed to be at a loss to explain why they should refuse to accept the generous offer of the Government:

...They can not but have seen in these offers the evidence of the strongest disposition on the part of the Government to deal justly and liberally with them. An ample indemnity was offered for their present possessions, a liberal provision for their

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<sup>27</sup> Richardson, Messages, II, p. 555.

<sup>28</sup> Richardson, Messages, II, p. 604.

future support and improvement, and full security for their private and political rights. Whatever difference of opinion may have prevailed respecting the just claims of these people, there will probably be none respecting the liberality of the propositions....<sup>29</sup>

In his fifth and seventh annual messages, 1833 and 1835 respectively, Jackson again mentioned the humanitarian aspects of the removal policy. In the 1833 message, he was able to report that:

...the experiment...has so far proved successful. The emigrants generally represented to be prosperous and contented, the country suitable to their wants and habits, and the essential articles of subsistence easily procured....<sup>30</sup>

In the 1835 message, he declared that "ages of fruitless endeavors" had taught Americans that the Indians could not live in contact with a civilized community and prosper. He explained that though the past could not be recalled, the future could be provided for. "No one can doubt," he noted, "the moral duty of the Government of the United States to protect and if possible to preserve and perpetuate the scattered remnants of this race which are left within our borders."<sup>31</sup> The Senate Committee for Indian Affairs agreed that the Indians' future after their relocation beyond the Mississippi would be secure:

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<sup>29</sup> Richardson, Messages, II, p. 604.

<sup>30</sup> Richardson, Messages, III, pp. 32-3.

<sup>31</sup> Richardson, Messages, III, p. 171.

With this uninhabitable region of the west of the Indian territory, they cannot be surrounded by white population. They are on the outside of us, and in a place which will ever remain on the outside.<sup>32</sup>

## II. THE INEVITABILITY OF REMOVAL

Jackson believed that it was too late to inquire whether it was just for the United States to have included the Indians and their lands within the bounds of the individual states. The formation of state boundaries had been accomplished in the past, and those steps could not be retraced. Jackson explained in his First Annual Message that a state, once formed, could not be dismembered by Congress or restricted in the exercise of its constitutional power.<sup>33</sup> Therefore, the United States could not resist the actions of a state to bring all the territory within its borders under its control, even though part of the territory was occupied by Indian tribes that had made bilateral treaties with the United States.

Jackson was convinced that neither Congress nor any state had ever contemplated allowing Indians or Indian lands within a state's boundary to remain outside the jurisdiction

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<sup>32</sup>Report of the Senate Committee for Indian Affairs, 1836, quoted by William Christie Macleod, The American Indian Frontier (New York: Knopf, 1928), p. 466, hereafter cited as Indian Frontier.

<sup>33</sup>Richardson, Messages, II, p. 458.

of the state. In 1830, he explained:

Why, in authorizing Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama to form constitutions and become separate States, did Congress include within their limits extensive tracts of Indian lands, and, in some instances, powerful Indian tribes? Was it not understood by both parties that the power of the States was to be coextensive with their limits, and that with all convenient dispatch the General Government should extinguish the Indian title and remove every obstruction to the complete jurisdiction of the State governments over the soil?...

In the same message, Jackson stated what he felt to be the responsibility of the federal government in the matter:

It is...therefore, a duty which this Government owes to the new States to extinguish as soon as possible the Indian title to all lands which Congress ...included within their limits. When this is done the duties of the General Government in relation to the States and the Indians within their limits are at an end. The Indians may leave the State or not, as they choose....<sup>34</sup>

Though Jackson wished the United States government to discharge its obligation by merely extinguishing title, ostensibly by treaty, this did not happen. Instead, the federal government often directly aided removal by transporting the Indians to the West.

Jackson's removal policy theoretically was not coercive. But since the only alternative to removal was to remain and submit to the laws of the state of residence, opponents of removal posed the inevitable question: what happens if the

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<sup>34</sup>Second Annual Message, December 6, 1830. Richardson, Messages, II, p. 522.

Indians refuse both alternatives? Jackson never answered this question to the satisfaction of the opposition.

The Removal Bill of 1830 did not provide for compulsory removal. It might appear, therefore, that the opponents of the policy had nothing to fear from the federal government. Yet, Indians who resisted removal and their supporters who knew the views of the President knew also that this was not permissive legislation. They understood that coercion would be used if it proved necessary to accomplish removal.<sup>35</sup>

In spite of assurances by Jackson and his predecessors in the White House, force ultimately was used by him and his successors to complete removal. Jackson sent federal troops south in connection with Cherokee troubles.<sup>36</sup> The final stages of removal, during the presidency of Martin Van Buren, also were accomplished by force. General Winfield Scott was given the responsibility in 1838 to complete the process. By then, only about 2,000 out of a total of 17,000 eastern Cherokees, the only large Indian group remaining east of the Mississippi, had moved west. May 23, 1838 was set as the deadline for departure. Scott had command of 7,000 men. On May 10, he issued a proclamation to the Cherokee nation, warning them that the emigration must begin at once as

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<sup>35</sup>Kinney, Continent Lost, p. 66.

<sup>36</sup>Richard B. Morris, "Andrew Jackson, Strikebreaker," American Historical Review, LV, No. 1 (October, 1949), p. 67.

commanded by the President, whose orders he had come to enforce. The proclamation concluded:

...My troops already occupy many positions...and thousands and thousands are approaching from every quarter to render assistance and escape alike hopeless ....Will you, then, by resistance compel us to resort to arms...or will you by flight seek to hide yourself in mountains and forests and thus oblige us to hunt you down.<sup>37</sup>

Jackson considered removal to be the solution of the Indian problem. Convinced that there was no other acceptable alternative, he pursued the policy dogmatically. Though the opposition to removal increased year by year, he refused to yield.

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<sup>37</sup>Grant Foreman, Indian Removal (Norman: University of Oklahoma Press, 1953), p. 286.

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## CHAPTER IV

### THE RESPONSE TO INDIAN REMOVAL

The policy and practice of Indian removal brought a spirited response, both negative and positive, from the American population. Citizens of states which were trying to extend their jurisdiction to all lands lying within their boundaries generally championed removal since Indian emigration would eliminate the major obstacle to realizing this objective. The public in other states was split on the issue. Indian reaction to the policy also was divided. Some tribes accepted it as the only way to preserve their social and political identities, but others resisted.

#### I. THE UNITED STATES AND THE SEVERAL STATES

Indian problems often caused friction between Washington and state capitals. Trouble between the United States and Georgia, for example, can be traced to 1802 when the federal government had agreed to extinguish Indian titles within the boundaries of that state. As the years passed and the promise was not fulfilled, Georgians chafed and pressed the federal government for action. In Washington, President Monroe's administration made a gesture toward securing a peaceful relinquishment of titles to Indian lands in Georgia. Negotiations led to the Treaty of Indian Springs of 1825

which required that the Creeks give up 4,700,000 acres of their land. The United States Senate did not ratify the Indian Springs agreement, and its revision in the Washington Treaty of 1826 restored to the Creeks nearly a million acres of their Georgia lands. This plunged the state and the federal government, now under the direction of President John Quincy Adams, into heated argument. Georgia became so aroused that it all but threatened armed resistance against the Union. The Creek problem essentially was settled when the United States government began their removal in 1828 under the terms of the Washington Treaty.<sup>1</sup>

The Cherokees presented a different sort of problem when they attempted in 1827 to establish themselves as an independent nation. Georgia vowed to put down this usurpation of her sovereignty once and for all. The state legislature refused to recognize the Cherokee government and declared that Cherokee lands were henceforth to be considered part of the public domain of the state. To provide for the Indians' subsistence, the state government declared its intention to grant lands to individual Indians in the same way and in the same amounts that whites were granted parcels of the public domain. The Cherokees were to become individual subjects of the state, though under some of the legal disabilities

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<sup>1</sup> Thomas D. Clark, Frontier America (New York: Charles Scribner's Sons, 1959), pp. 472-3.

attaching to free Negroes. Georgia then prepared to enforce its will on the Indians. In spite of the federal government's obligations to protect the Indians, there was doubt that Washington would act against Georgia.<sup>2</sup>

Since the federal government would have to be either actively involved in removal or, at least, remain neutral, Georgia followed the presidential campaign of 1828 with particular interest. Within a few weeks after Jackson's overwhelming victory, the Georgia legislature took definite action to carry out its declared intention to nullify the new Cherokee constitutional government. Two acts were passed. The first incorporated Cherokee lands into some of the frontier counties of Georgia. The second formally extended the laws of Georgia over the Cherokee country, effective January 1, 1830, and nullified tribal enactments. The Indians protested against these acts of Georgia and declared them null and void within the nation. They appealed to the President for relief, but the retiring administration could do nothing. An extra session of the Cherokee Council then drew up memorials to Congress, asking for protection in accordance with treaty obligations. However, Congress was not in session at the time and did not meet for several months.<sup>3</sup>

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<sup>2</sup> Macleod, Indian Frontier, pp. 464-5.

<sup>3</sup> Harmon, Sixty Years, p. 184.

While the Cherokees became increasingly fearful, Georgians were delighted with the Indian policies of the newly-elected Jackson. An editorial in a leading Georgia newspaper stated:

...Every Georgian must be now gratified at the vote he gave to Andrew Jackson for President, for it now appears that judging of the future by what has already taken place, he will not disappoint the just expectation of the people. Impartiality towards the States will mark his official conduct; a strict adherence to the provisions of the Federal Constitution will be observed; and the rights of the States as well as the powers they have not delegated to the Federal Government, will be religiously respected....<sup>4</sup>

Jackson proved faithful to the trust placed in him by Georgians. Responding to the Cherokee protests against the actions of the Georgia legislature, Jackson stated:

...The Indians of Georgia and Alabama call upon the United States to sustain them, as a separate and independent people, within the limits of the states wherein they are located; but the Constitution, ... [declares] ...that no new state shall be formed or erected within the jurisdiction of any other state, without consent of its legislature...

Therefore, Jackson agreed with John Quincy Adams and other predecessors that it would be unconstitutional to allow the Indians to set up separate nations, and that it would be contrary to the Constitution for the federal government to

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<sup>4</sup>Quoted in the Georgia Journal, May 30, 1829, reprinted in the Daily National Intelligencer, June 12, 1829, which was cited by Marie Patricia Mahoney, "American Public Opinion of Andrew Jackson's Indian Policy, 1828-1835" (unpublished Master's thesis, Clark University, 1935), pp. 24-5, hereafter cited as "Public Opinion."

intervene on the Indians' behalf.<sup>5</sup>

Removal, then, though the United States would assist, was to be primarily a matter between each state and the Indians who lived within its boundaries. In this view, Jackson had considerable support. The New York Evening Post of January 4, 1830 editorialized:

...Should the legislature of Georgia attempt to exact arbitrary and unjust sway over the Cherokees... the shame and the reproach will be on Georgia -- not on the United States for refraining to exercise an unconstitutional power....

Jackson did not fear for the rights of Indians who chose to stay and obey the laws of the state of their residence rather than to emigrate. He had faith that the state would protect their rights as long as they remained obedient individuals.<sup>6</sup>

The discovery of gold in Cherokee territory complicated matters further. Georgia became more determined than ever to force the Indians to leave the state. The Cherokee country was mapped into counties and surveyed. Lots of 160 acres and gold lots of forty acres were distributed among the white citizens of the state. Each Cherokee was given a tract of 160 acres, but without a deed. This meant that possession of it depended upon the will of the state legislature. During

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<sup>5</sup>Quoted in the New York Evening Post, December 11, 1829.

<sup>6</sup>First Annual Message, December 8, 1829. Richardson, Messages, II, p. 459.

the inevitable land contests that followed, a law was passed prohibiting any Indian from bringing suit in the state courts or to testify against a white man. Laws also were passed declaring invalid any testimony of an Indian unless supported by that of two white men, thus practically cancelling all debts due to Indians. Since these laws made it impossible for an Indian to protect himself or his property, whites entered the Cherokee country in great numbers, seized horses and cattle and forcibly ejected Indian families from their homes to make room for the whites. The Cherokees had no recourse in the courts.<sup>7</sup>

The Cherokees turned to the United States for assistance. They appealed to President Jackson to protect the Cherokee nation from the encroachments of Georgia. They cited treaties between the United States and the Cherokees by which the United States promised to guarantee their safety. But Jackson would not act. Instead, he admitted the right of the state to survey the Indian lands, to annul the acts of the Cherokee government and to extend its laws over them. He refused to recognize the Cherokee constitution and denied that the nation had any rights that stood in opposition to those of Georgia.

Abandoning any hope of relief from the President, the Cherokee chiefs turned to the judicial branch of the federal

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<sup>7</sup>Harmon, Sixty Years, pp. 186-7.

government in a final effort to save themselves. They filed for an injunction in the United States Supreme Court to restrain Georgia's government officials from enforcing the laws of Georgia within Cherokee territory. A subpoena was served on the governor of Georgia which he, in accordance with the instructions of the Georgia legislature, refused to recognize. The state government preserved officially an "ominous and sullen silence," although unofficially it was openly stated that, in case of an adverse decision by the Court, the state would refuse to abide by the decision.<sup>8</sup>

Georgians were outraged by the case. The leading newspaper of Georgia voiced public sentiment in that state by an editorial stating:

Has it come to this, that a sovereign and independent State is to be insulted, by being asked to become a party before the Supreme Court with a few savages residing in her own territory!!! Unparalleled impudence!<sup>9</sup>

The case, *Cherokee Nation vs. Georgia*, was followed with considerable interest throughout the country. There were many who supported the position of Jackson and Georgia. But there was also a substantial opposition. Some feared the implications of Georgia's ignoring the Supreme Court, even fearing for the Union. This latter view was expressed

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<sup>8</sup> Warren, Supreme Court, I, p. 745.

<sup>9</sup> Warren, Supreme Court, I, p. 732.

by an editorial in the September 18, 1830 issue of Niles

Register:

...the authority of the Supreme Court will be supported....Without some high and common arbiter for the settlement of disputes of this character, the Union is not worth one cent....There must needs be some tribunal of a last resort; something which the common sense of all men, for self-preservation, shall accept, not as infallible but as the nearest possible approach to perfection....

Before the case came before the Supreme Court, another suit arose that presented the same issues and gave Georgia the opportunity to show her contempt for the Court and to assert her sovereign rights. A Cherokee named George Tassels was convicted of murder and sentenced to death by the Superior Court of Hall County, Georgia. The Cherokee nation obtained a writ of error signed by John Marshall. Georgia was ordered to appear before the Supreme Court to defend the judgment of the lower court.

Georgia's reply was prompt and belligerent. The legislature resolved that "the interference by the Chief Justice of the Supreme Court of the United States, in the administration of the criminal laws of this state,... is a flagrant violation of her rights;..." Further, the legislature ordered all officers of the state to disregard any direction coming from the Supreme Court, and the Governor was authorized and ordered to repel any invasion upon the administration of the criminal laws of the state. The Governor was directed to carry out the decision of the state.

court in the Tassels murder case. Tassels was promptly hanged. The Supreme Court was helpless. President Jackson, by siding with Georgia, in effect nullified the authority of the Court.<sup>10</sup>

John Quincy Adams saw grim consequences. On January 4, 1831 he wrote in his diary:

...The Constitution, the laws and treaties of the United States are prostrate in the State of Georgia. Is there any remedy for this state of things? None. Because the Executive of the United States is in League with the State of Georgia -- This example -- will be imitated by other states, and with regard to other national interests -- perhaps the tariff.... The Union is in most imminent danger of dissolution -- The ship is about to founder....<sup>11</sup>

In March, 1831, in the wake of the humiliating result of the Tassels controversy, Marshall delivered the decision of the Supreme Court in the case of Cherokee Nation vs. Georgia. The sympathies of the Court were with the Indians, but the majority opinion was that since the Cherokees were not citizens of the United States, nor, as contended by them, a foreign nation, they were declared not competent to appear as a party to a suit in the Supreme Court.<sup>12</sup> Georgians were

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<sup>10</sup> Albert J. Beveridge, The Life of John Marshall (Boston: Houghton Mifflin Company, 1919), IV, pp. 542-3, hereafter cited as John Marshall.

<sup>11</sup> Beveridge, John Marshall, IV, pp. 543-4.

<sup>12</sup> Thomas C. Cochran (advisory ed.) Concise Dictionary of American History (New York: Charles Scribner's Sons, 1962), p. 173, hereafter cited as Dictionary.

overjoyed with the decision and sought to give the untrue impression that the Court had decided in favor of Georgia's claims.<sup>13</sup>

The validity of Georgia's expansionist laws were to be questioned again before the United States Supreme Court in the case of Worcester vs. Georgia. Worcester had been working among the Cherokees for many years. He was licensed by the federal government, employed by the American Board of Commissioners for Foreign Missions, and had been appointed postmaster of New Echota, a Cherokee town, by President John Quincy Adams. Worcester and ten other New England missionaries were arrested by Georgia authorities on the charge that they had violated the state law which prohibited white people from entering Cherokee country unless they had first obtained permission of the governor and had taken an oath to support the laws of the state. Shortly after their arrest, the Superior Court of Gwinnett County released them on a writ of habeas corpus. The Court reasoned that since the men were licensed missionaries who were expending federal funds appropriated for civilizing Indians, they must be considered as agents of the federal government.

Georgia protested immediately. The state demanded that Worcester's appointment as postmaster of New Echota be

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<sup>13</sup>Mahoney, "Public Opinion," p. 40.

withdrawn and inquired of Jackson whether the missionaries were United States government agents. Jackson removed Worcester from office and assured Georgia that the missionaries were not agents of the federal government. Worcester and the others were then ordered to leave the state. They refused and were arrested, tried and convicted. They appealed to the United States Supreme Court and won a reversal of the Georgia conviction.

In the decision of the Court, Chief Justice John Marshall declared that the Cherokees were an independent nation with boundaries defined by treaty agreement with the United States.<sup>14</sup> The next obvious step should have been the Chief Executive's enforcement of the law, as interpreted by the Supreme Court. But Jackson chose to ignore the ruling, as he had done earlier in the Tassels case. The decision had no effect on his attitudes or his objectives. He continued to press for extinguishment of Indian title to all lands within the boundaries of the several states.

In his Third Annual Message delivered on December 6, 1832, Jackson expressed his optimism that the Indian problems of all the states would soon be eliminated:

...the Chickasaws and Choctaws...[have]...accepted the generous offer of the Government and agreed to remove beyond the Mississippi River, by which the whole of the State of Mississippi and western part of

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<sup>14</sup>Beveridge, John Marshall, IV, pp. 547-8.

Alabama will be freed from Indian occupancy and opened to a civilized population....

At the request of...Georgia, the registration of Cherokee Indians for emigration has been resumed.... Those who prefer remaining at their present homes will hereafter be governed by the laws of Georgia, as all her citizens are, and cease to be the objects of peculiar care on the part of the General Government.

After noting that Indian title to lands in Ohio and Indiana also were in the process of being extinguished, Jackson added:

It is confidently believed that perseverance for a few years in the present policy of the Government will extinguish the Indian title to all lands lying within the States composing our Federal Union, and remove beyond their limits every Indian who is not willing to submit to their laws. Thus will all conflicting claims to jurisdiction between the States and the Indian tribes be put to rest....<sup>15</sup>

After the Indians were gone, no longer would their friends press the United States government to protect the tribes from being dominated by the states in which they resided. This source of friction between the federal government and the states would vanish.

## II. PUBLIC REACTION TO JACKSON'S REMOVAL POLICY

American public opinion toward Andrew Jackson's Indian policy was both varied and complex. Support for or opposition to the President's policy was based on a number of considerations: humanitarianism, economics, politics, sectionalism and racism.

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<sup>15</sup>Richardson, Messages, II, pp. 554-5.

The South and West heartily advocated the removal of the remaining eastern tribes beyond the Mississippi for economic reasons as well as security. With the line of settlement moving steadily westward and the increasing importance of cotton as a staple crop, the southern whites hungered for rich, new lands to bring into cultivation to replace the worn-out lands of the Southeast. The fact that southerners would threaten the very permanency of the Union by ignoring decisions of the United States Supreme Court indicates the depth of feeling in the South.

In the Northwest, in areas removed from the immediate frontier, public opinion tended to oppose removal for political reasons. The opposition in this area was concerned less with humanitarianism than with the expressed intent of Washington to provide funds to implement removal. Northwesterners favored internal improvements financed by the federal government, and they were afraid that implementation of removal would siphon off funds that could be used to improve transportation facilities in the West.

There were states outside the Northwest which also opposed removal because of their support for federally-financed internal improvements. Maryland was one of these. An editorial in the Baltimore Chronicle of June 21, 1830 explained this view:

At the moment when the President...has suppressed Internal Improvements in our state and thereby

destroyed a principal means of support to the honest laborer, we have a bill passed and sanctioned by him, which is likely to cost the state of Maryland six-hundred and fifty-two thousand dollars! to remove the Indians from Georgia. Had that sum been applied to the internal improvements of this state, it would have assisted in the maintenance of thousands, advanced the material prosperity of the people, and raised Maryland to an elevated rank among the States of the Union. But we have "Jackson and Reform," and ruin and degradation are the consequences....

Even after passage of the Removal Bill, which would seem to have dealt a death blow to internal improvements, supporters of the latter still hoped to block federal expenditures for removal. The emotional and political undertones of the issue are apparent in an editorial in the Cincinnati American of June 17, 1830:

The iniquitous bill...can now only be counteracted in one way, and it becomes all the friends of the honor of the Nation, of internal improvements, and of the rights of the Indians, to effect that object.

We presume the Indian bill can only be put into operation by effective treaties. These must be strangled in the Senate. Sixteen new Senators are to be elected for the next Congress, and the people must exert their utmost influence to produce the election of such men as will be opposed to the unparalleled injustice and faithfulness, that would otherwise result from the measures of the administration in regard to this question....

The sentiment of the central, northern and northeastern sections of the country generally was adverse to removal. Reasons for opposition varied from humanitarianism to politics. There were, however, some who supported removal for purely selfish reasons. For example, opponents of the tariff were mainly pro-Jackson and naturally supported the

President's Indian policy as did the opponents of internal improvements.

Most churches opposed the removal policy as detrimental to the Indians. Church groups often petitioned Congress to protect the rights of the Indians. The Baptist Church was a notable exception to the otherwise almost general opposition of the churches to removal. The Baptists advocated colonizing the Indians west of the Mississippi. Another organization, the New York Board for the Preservation, Emigration, and Improvement of the Aborigines favored removal. Certain missionary organizations in the North also supported emigration as a means of protecting the Indians. They reasoned that the Indians would be happier in a virgin country, away from contact with whites.

Humanitarians, both North and South, vigorously protested against Jackson's removal policy. Memorials were sent to Congress, and the policy was denounced in the humanitarian press, of which the New York Observer was typical. Humanitarians argued that the rights of the Indians were sacred and were guaranteed by treaty and, therefore, must be respected. The Indians were depicted as the victims, of an immoral policy, and the American people were the judges to whom the humanitarians directed their appeal.<sup>16</sup>

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<sup>16</sup>The foregoing overview of public opinion of Jackson's Indian policy was taken primarily from Mahoney, "Public Opinion," pp. 2, 21, 74, 116-9.

Anti-slavery humanitarians included the Indians in their crusade. At a time when abolitionists were making little headway in winning support for the eradication of slavery, the plight of the Indians, especially the Cherokees, aroused sympathy in most of the country.<sup>17</sup>

Jackson was impatient with the humanitarians. He acknowledged their good intentions, but he felt that they were misled. He responded to their pleas in his Second Annual Message:

Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been long busily employed in devising means to avert it, but its progress has never for a moment been arrested, and one by one have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race and to tread on the graves of extinct nations excite melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes as it does to the extinction of one generation to make room for another... Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers....The present policy of the Government is but a continuation of the same progressive change by a milder process....<sup>18</sup>

The President's removal policy was also attacked in Congress, and often there were political undertones in the criticism. In House of Representatives debate, for example, Storrs of New York exposed the fallacy of pretending to remove the Indians for their own good from a community where

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<sup>17</sup> Harmon, Sixty Years, p. 187.

<sup>18</sup> December 6, 1830. Richardson, Messages, II, pp. 520-1.

they had pleasant homes, churches and schools, to a wilderness populated by hostile tribes scarcely emerged from savagery. Further, President Jackson was charged with having delegated to himself powers that had never been conceded to the Executive. For when once a treaty was ratified by the Senate, it became the law of the land and the President could not abolish it. Instead, it was his duty to enforce it.<sup>19</sup>

The political implications of Georgia's refusal, with the blessings of the President, to abide by Supreme Court decisions aroused considerable public reaction. Newspapers throughout the country carried editorials commenting on the confrontation during the Tassels murder controversy. The Boston Courier, a Whig paper, remarked in its January 21, 1831 issue: "It is idle to pretend to wink this question out of sight. The integrity and permanence of the Union are at stake." The National Journal, January 4, 1831, said:

The plain question which the rashness of these intemperate politicians has forced on the country is whether the judicial arm of the General Government shall be amputated, or armed with vigor, and whether by the mere volition of one of the States of the Union, the structure of our Government shall at once, and violently, be overthrown.

The National Intelligencer, another Whig paper, deplored the "awful consequences" of aiding Georgia, and the extraordinary circumstances of the present conjecture "that the Official Gazettes are engaged in a combination to weaken the

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<sup>19</sup> Abel, "Indian Consolidation," pp. 379-80.

Supreme Court of the United States in the confidence and esteem of the people,..." The New York Commercial Advertiser of January 12 stated bluntly that "the authority of the Supreme Court is condemned, the Constitution of the United States is trampled in the dust, and all this General Jackson will pronounce to be right." The New York Daily Advertiser of January 4 warned:

In case of resistance to the authority of the judicial tribunals and the process of the law, he [Jackson] must enforce obedience to the law at all hazards. A refusal will render him liable to impeachment.<sup>20</sup>

In short, the opposition press implied that resistance to the Supreme Court was treason, that the Supreme Court was not to be intimidated and demanded that President Jackson enforce the laws.

Jackson's supporters were quick to respond. They charged that the opposition was trying to bring the Supreme Court into collision with the President as well as with the states. According to the charge, the opposition was trying to enlist the influence of the Court in its political campaign to overthrow the present administration. Why else, claimed Jackson's supporters, did their opponents say that the Court would not be intimidated when they knew that Andrew Jackson would not be intimidated?<sup>21</sup>

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<sup>20</sup> Newspaper references quoted in Warren, Supreme Court, I, pp. 194-5.

<sup>21</sup> Beveridge, John Marshall, IV, p. 195.

Martin Van Buren was especially disturbed by Marshall's concluding remarks in the Cherokee Nation vs. Georgia case. Marshall's opinion ended with the statement that the question of whether the Indians had a right to their lands "'might perhaps' be decided by a court in a proper case with proper parties." Van Buren considered this a deliberate "design to operate upon the public mind adversely to Georgia and the President," and thereby to affect the political situation by encouraging another confrontation with the Supreme Court.<sup>22</sup>

Not all Jackson's Indian problems were in the Southeast. While the attention of the public was focused primarily on the plight of the Cherokees, there were still troubles in the Northwest. The Boston Courier of October 24, 1832, commented on an Indian war waged chiefly in Illinois and Wisconsin:

...An iniquitous treaty, enforced with violence and blood-spilling, has driven Black Hawk to arms. Some hundreds of lives were lost and half a million of dollars expended. All this misery and waste is fairly attributed to the imbecile misconduct of Andrew Jackson....<sup>23</sup>

The Indians who yet remained east of the Mississippi certainly could agree with these sentiments. They were faced

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<sup>22</sup> John C. Fitzpatrick (ed.), "Autobiography of Martin Van Buren," American Historical Association, Report for 1918 (Washington: Government Printing Office, 1920), II, pp. 191-2.

<sup>23</sup> Quoted in Mahoney, "Public Opinion," p. 67.

with the prospect of eviction from their homes and involuntary relocation to a savage land. They did not accept the prospect meekly.

### III. THE INDIAN RESPONSE

Most of the troubles between Indian and white can be traced to the negotiation, violation or abrogation of treaties which had included the guarantee of Indian lands. Actions to change relationships between Indian and white usually were initiated by the white and were detrimental to the Indian.

The earliest Indian treaties negotiated by the new federal government in the eighteenth century often included promises that the United States would protect Indian claims to lands. In a 1791 treaty with the Creeks, for example, a clause read that: "The United States solemnly guarantee to the Creek nation all their land within the limits of the United States." A pact concluded the same year with the Cherokees stated: "The United States solemnly guarantee to the Cherokee nation all their lands not hereby ceded. If any citizen of the United States, or other settler not of the Indian race, establishes himself upon the territory of the Cherokees, the United States declare that they will withdraw their protection from that individual, and give him up to be punished as the Cherokee nation thinks fit." The Indians had

learned from bitter experience that these were hollow promises. When they were offered new lands beyond the Mississippi, they feared that the settlement would be only temporary. They had no assurance that they would actually be able to dwell in peace in the promised country without the fear of dispossession once again.<sup>24</sup>

Alexis de Tocqueville was an eye-witness to the removals and wrote a thoughtful analysis of the Indian reaction to white pressure for emigration. He saw a mixed response. Some joyfully consented to quit their beleaguered homeland. But the most civilized refused to abandon their homes and growing crops. They were afraid that once the work of civilization was interrupted, it would never be resumed. According to de Tocqueville, they feared that the domestic habits which they had so recently acquired would be irrevocably lost in the midst of a country that was still barbarous and where nothing was prepared for the subsistence of an agricultural people. They knew that their entrance into the proffered lands would be opposed by hostile savages that already inhabited the area. They also were aware that they had lost the energy of barbarians without having yet acquired the resources of civilization to resist their

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<sup>24</sup>Alexis de Tocqueville, Democracy in America (New York: Vintage Books, 1945), I, p. 366, cited hereafter as Democracy.

attacks.<sup>25</sup>

Supporters of removal were lavish in their descriptions of the country west of the Mississippi. A Major Walker who was employed by the United States government to assist the Creeks during removals reported after a trip to the Arkansas country that it was "as fine and fertile as any on earth. The Creeks who are there could not be persuaded to come back. I never saw such a change for the better in any people...."<sup>26</sup>

The Mobile Register, October 15, 1829, also reported on Walker's return from the West. The news item mentioned that Walker had with him four principal Creek chiefs, three of whom had spent the last year in the territory. According to the article, the party confirmed the accounts which had been "uniformly" given of the country and spoke in the highest terms of the fertility of the soil, the abundance of game and the excellent climate. The report continued:

...it is understood the faith of the Government is pledged that it shall remain secure from the encroachment of the whites, and that it shall afford the Indians a permanent residence.

We have seen and conversed with several of the chiefs and head men who have visited the country, some of whom are shrewd and intelligent; they are all of the opinion that their condition and prospects

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<sup>25</sup>De Tocqueville, Democracy, I, p. 366.

<sup>26</sup>Quoted in the New York Evening Post, October 15, 1829.

would be incalculably benefitted by a removal....<sup>27</sup>

The glowing reports of the Promised Land generally did not convince the southeastern Indians that they should emigrate. A Cherokee commission sent to investigate the proposed removal site reported on its return that the western land was unfit for agriculture and that, once there, the Cherokees would have to fight savage tribes to gain possession of the country.<sup>28</sup> In spite of the favorable words of their chiefs who had accompanied Walker, the great majority of the Creeks were no more convinced than the Cherokees that they should emigrate. A United States agent who lived among the Creeks stated that he had been informed by several Indians, one in particular in whom he placed much confidence, that Creek councils had resolved "to Stay and die...to a man fighting for the soil of their fathers." The agent also said that his reliable informant told him that "deputations have been sent to the Cherokees, the Choctaws and Seminoles, to solicit their concurrence in sentiment and action...." The agent added that the Cherokee reply indicated agreement and that the leader of that nation was preparing a talk, advising the Cherokees never to give up their lands, but to kill every

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<sup>27</sup>Cited in the New York Evening Post, March 4, 1829.

<sup>28</sup>Beveridge, John Marshall, IV, p. 541.

white man that crossed the boundary line into the nation.<sup>29</sup>

The Cherokee decision to resist removal was confirmed by articles in the Cherokee Phoenix. The Augusta Chronicle of July 29, 1829, reviewing a Phoenix article, stated: "We speak with confidence when we say, coercion alone will remove them to the western country allotted for the Indians." Then the Chronicle item quoted a Cherokee chief of "great influence and authority," W. Hicks:

I will hold to my country until driven from it by the bayonet; but if otherwise, I will take my flight to the western wilds, to seek a retreat in a country... where the voice of the civilized men gives place to yells of savage men and ferocious beast -- there to spend my days in obscurity, and to look back on my injured country, and mourn the fate of...[my]...noble but unfortunate race.<sup>30</sup>

Hick's statement dramatizes the determination of the Cherokees to stay on their eastern lands. Also, the picture of the Promised Land conveyed by this respected Cherokee chief is considerably different from that presented by Major Walker and other advocates of removal.

With such contradictory accounts, all from seemingly reliable sources, observers often were hard-pressed to know which viewpoint to accept. No doubt, one accepted the view that closely paralleled his own feelings. For example, a

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<sup>29</sup> Columbus Enquirer (Georgia), July 18, 1829, cited in Augusta Chronicle (Georgia), July 25, 1829, reprinted by New York Evening Post, August 4, 1829.

<sup>30</sup> Cited in the New York Evening Post, August 7, 1829..

newspaperman attempted to explain away the opposing view:

The accounts of hostile feelings on the part of the southern Indians toward the government, of their resolutions not to enter into any treaty for their emigration, and their determination to resist the execution of the state laws within their settlements, we have reason to believe will turn out to be great exaggeration, if not, as is still more probable, mere inventions. We have no doubt that they will consent to any proposal for a change in their situation, made by their real friends, and with a view of improving their condition, in preserving them both from the corruptions and quarrels incident to their immediate neighborhood to a white population.<sup>31</sup>

Though admitting the resistance of the southern Indians to removal, many northerners, including Andrew Jackson and Major Walker, believed that most of the Indians wanted to emigrate but that their chiefs held them back. Walker had lived among the Creeks and felt he knew them well. He claimed that at least two-thirds of the nation wanted desperately to emigrate, but feared their leaders who had threatened them with punishment and death if they dared attempt to go.<sup>32</sup>

Thomas L. McKenney, head of the Office of Indian Affairs, agreed with Walker and Jackson that the chiefs were preventing removal. Furthermore, he claimed that he could prove it by citing letters which he had received from the Indians themselves and from "gentlemen of high standing,

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<sup>31</sup> Editorial in the New York Evening Post, August 12, 1829.

<sup>32</sup> New York Evening Post, October 7, 1829.

citizens of the States bordering these people."<sup>33</sup> The latter appear somewhat dubious sources.

McKenney proposed to solve the problem by placing an armed force in Georgia. He carefully spelled out what the force would do:

Its presence should be preceded by the solemn declaration that it was coming not to compel a single Indian to quit the place of his choice, but only to protect those who desire to better their condition....Humanity seems to require this, and, if this measure had been adopted sooner, many who now smart under the lash of their chiefs, and who are doomed to pass the remainder of their lives with mutilated bodies, would be free from the one, and not to have to endure the suffering and disgrace of the other.<sup>34</sup>

The Cherokee Phoenix responded in a number of articles to the charge that the Cherokee chiefs were preventing individuals from emigrating. In one article, the Phoenix replied to McKenney by stating that "the great body of this tribe are not anxious to remove." In answer to McKenney's claim that the chiefs had prescribed death to any who enrolled for emigration, the writer charged him guilty of a gross slander:

...why is it that this gentleman delights to assert things that are utterly unfounded? Is it his intention, together with those who are endeavoring to remove the

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<sup>33</sup>Quoted in the New York Evening Post, October 15, 1829.

<sup>34</sup>Annual Report for 1829, Bureau of Indian Affairs, Department of War, quoted in the New York Evening Post, December 23, 1829.

Indians to effect their end by deceiving the public?... That the truth may be known, we are perfectly willing that the "Indian Board" should despatch a responsible agent to this nation and obtain facts from individuals;...also, our columns shall always be open for the reply of any who may think that we have misrepresented the views of the majority of this nation....<sup>35</sup>

Jackson firmly believed that removal could be completed smoothly but for the power of the chiefs. Therefore, he worked out a plan designed to break their hold on their people. He ordered a change in the manner of paying federal annuities to the Cherokee nation. For many years, the payment had been made to the elected treasurer of the tribe and was used by the chiefs to promote the general welfare. Under Jackson's plan, agents were to make a pro-rata payment directly to each individual. This would eliminate the chiefs from the procedure. The amount to go to each person under Jackson's scheme was approximately forty-two cents. But the cost of individual travel to the disbursing agency was several times that amount. The Cherokees voted several times that they wished to receive it in the old way and refused to accept the new procedure, but Jackson would not yield.<sup>36</sup>

The Cherokees found that Jackson not only would not help them, but would prevent the Supreme Court from coming to their assistance. During the Court hearing on Cherokee

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<sup>35</sup> Cited in the New York Evening Post, October 15, 1829.

<sup>36</sup> Harmon, Sixty Years, pp. 187-8.

Nation vs. Georgia, the Indians increasingly feared that Jackson would not enforce a decision that was favorable to the Cherokees. Their fears were reflected in the closing words of their counsel:

What is the value of that Government in which the decrees of its Courts can be mocked with impunity.... It is no Government at all, or at best a flimsy web of form, capable of holding only the feeblest insects, while the more powerful of wing break thru at leisure....

In pronouncing your decree you will have declared the law; and it is a part of the sworn duty of the President of the United States to "take care that the laws be faithfully executed." ...If he refuses to perform this duty, the Constitution has provided a remedy. But is this Court to anticipate that the President will not do his duty....I believe that if this injunction shall be awarded, there is a moral force in the public sentiment of the American community, which will alone sustain it and constrain obedience....<sup>37</sup>

The question of whether Jackson would execute a decision unfavorable to his policies did not arise. The Court's decision was simply that it did not have jurisdiction in the case.

The question did arise, however, with the decision in the case of Worcester vs. Georgia. An editorial in the Cherokee Phoenix, September 15, 1832, voiced discouragement at Jackson's response to the decision:

However unpleasant the fact may be to us, yet it is a fact which our eyes see it fully demonstrated every day, that the President of the United States

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<sup>37</sup> Warren, Supreme Court, I, pp. 747-8.

does not take the first step to defend the rights of the Cherokees, under the decision of the Supreme Court. But this is not all -- he now officially tells us that he is not bound by that decision, and, by inference, intends to disregard it.

...What sort of hope have we then from a president, who feels himself under no obligation to execute, but has abundance of inclination to disregard the laws and treaties as interpreted by a proper branch of the Government? We have nothing to expect from such an executive: -- and if General Jackson is disposed to do as he pleases the remedy is not with us, but with the people of the United States -- We shall see whether that remedy shall be promptly applied....<sup>38</sup>

Some Cherokees saw that further resistance was futile and began to advocate emigration in order to live in peace again. This was the Peace Party. Jackson negotiated with this group as if it were representing the whole nation. A treaty was concluded with this faction and was submitted to the whole nation for ratification. It was overwhelmingly defeated.

The regularly-constituted Cherokee government became alarmed at what the Peace Party might accomplish in Washington and decided to send a group of its own. Jackson received both and played one group against the other. The regular government offered to sell a large part of the eastern Cherokee country for \$20 million, but Jackson rejected it as excessive. He then negotiated with the peace faction which agreed to a payment of \$4 $\frac{1}{2}$  million for the same country.

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<sup>38</sup> Mahoney, "Public Opinion," p. 45.

When the resulting treaty was submitted to the Cherokee nation for ratification, both groups unexpectedly united and the treaty was defeated. When strife developed later between the two forces, the federal government in 1835 took advantage of the split and forced the New Echota treaty on the nation, much against the will of the majority. The treaty was the final act in the political struggle over removal.

That there was broad opposition to Jackson's removal policy from both whites and Indians is indisputable. The fact that he responded negatively to this opposition tended to belie his claim, on other occasions, to be acting in the name of the people.

## CHAPTER V

### THE EXPEDIENT ANDREW JACKSON

With his practical mind and aggressive spirit, Andrew Jackson met issues as they arose, sometimes on his own initiative and sometimes on the suggestions of others. In solving the problems of the moment, he occasionally contradicted himself. He was either unconscious of his inconsistencies, or if aware of them, he was not bothered by them. Nowhere was his opportunism better illustrated than in his Indian policies.<sup>1</sup>

Early in his public career, in 1817, Jackson felt that the best thing that could be done for Indians would be to expose them to the civilizing influences of a superior white culture. In a letter to President Monroe, Jackson explained that the existence and happiness of the Indians in the frontier regions depended upon a change in their habits and customs. The game had been largely destroyed in the area, so they could:

...no longer exist by their bows and arrows and Gun. They must lay them aside and produce by labour; from the earth a subsistence; in short they must be civilized; to effect which their territorial boundary must be curtailed; as long as they are permitted to roam over vast limits in pursuit of game, so long will they retain their savage manners, and customs....

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<sup>1</sup> Edward James, American Flutarch, p. 192.

...to produce this grand object, circumscribe their bounds, put into their hands the utensils of husbandry, yield them protection, and enforce obedience to those just laws provided for their benefit, and in a short time they will be civilized, and by placing near them an industrious and virtuous population you set them good examples; their manners<sup>2</sup> habits and customs will be imbibed and adopted....

In short, for the Indian's own good, he should become a farmer, and the best way to accomplish this would be to place his society adjacent to a white society so he can learn by imitation.

Before Jackson became President, he had completely reversed this view. In the letter to Monroe quoted above, he recommended proximity to a white society as the only way to save the Indian. Later, in a message to Congress, he declared this impossible:

That those tribes can not exist surrounded by our settlements and in continual contact with our citizens is certain. They have neither the intelligence, the industry, the moral habits, nor the desire of improvement which are essential to any favorable change in their condition. Established in the midst of another and a superior race, and without appreciating the causes of their inferiority or seeking to control them, they must necessarily yield to the force of circumstances and ere long disappear....<sup>3</sup>

Yet, Jackson acknowledged in a speech four years earlier that: "A portion...of the Southern tribes, having mingled

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<sup>2</sup>To the President, James Monroe, Nashville, March 4, 1817. Bassett, Correspondence, II, pp. 277-8.

<sup>3</sup>Fifth Annual Message, December 3, 1833. Richardson, Messages, III, p. 33.

much with the whites...[have]<sup>4</sup>...made some progress in the arts of civilized life...."

Jackson's tendency to contradict himself is also apparent in his attitude toward honesty. He often failed to follow his frequent advice to others to be completely honest in dealing with Indians. To illustrate, in an address to Congress in early summer of 1830, Jackson spoke of Indian attempts to erect independent states within white commonwealths. In late summer of the same year, he explained state-making a bit differently when he spoke to a delegation from the Chickasaw nation concerning removal. In his argument to convince the delegates that removal was inevitable, he said: "States have been erected within your ancient limits...." Jackson pointed out that the new white states claimed a:

...right to govern and control your people as they do their own citizens, and to make them answerable to their civil and criminal codes. Your great father has not the power to prevent this state of things....

On the other hand, since the previous May the President had been negotiating a treaty with the Choctaws (signed thirty-five days after this speech to the Chickasaws), whereby the United States guaranteed to protect the Choctaws in the future against the same "state of things" that Jackson told the

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<sup>4</sup>First Annual Message, December 8, 1829. Richardson, Messages, II, p. 457.

Chickasaws he had no power to prevent.<sup>5</sup>

Jackson also was not forthright in dealing with the Cherokees and Creeks when he sent General William Carrol to Georgia to encourage sentiment for emigration. Instructed to keep his official status secret, Carrol was authorized to distribute presents liberally among the poorer Indians, the children of chiefs and among the leaders themselves. His purpose was to gain a personal following so that, later, he could use his new-found influence to build support for emigration. Jackson's scheme did not work. Carrol subsequently reported that the Indians were too discerning to be deceived.<sup>6</sup>

Jackson's expediency is evident once more in his opinions on the sovereignty of states. His views changed with the political climate. During the removal problems in the Southwest, he felt that Georgia had jurisdiction over all Indians within its boundaries. He considered the Indian problem basically Georgia's, not the United States'. This view was a complete reversal of an attitude held earlier during his Indian campaigns in the South. During his march into Florida, Jackson was angered when he learned that Georgian

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<sup>5</sup> Seymour Dunbar, A History of Travel in America (New York: Tudor Publishing Company, 1937), pp. 576-7, hereafter cited as Travel.

<sup>6</sup> Harmon, Sixty Years, pp. 186-7.

troops had attacked an Indian village in that state which he had recently visited:

...I have received...the letter...detailing the base, cowardly and inhuman attack, on the old woman and men of the ...village, whilst the Warriors of that village was with me, fighting the battles of our country against the common enemy....

That the Governor of a state should assume the ~~right to make war against an Indian tribe in perfect~~ peace with and under the protection of the U. States, is assuming a responsibility, that I trust you will be able to excuse to the Government of the U. States, to which you will have to answer, and through which I had so recently passed, promising the aged that remained at home my protection and taking the warriors with me on the campaign is as unwarrantable as strange. But it is still more strange that there could exist within the U. States, a cowardly monster in human shape, that could violate the sanctity of a flag, when borne by any person, but more particularly when in the hands of a superannuated Indian chief worn down with age. Such base cowardice and murderous conduct as this transaction affords, has not its parallel in history and should meet with its merited punishment.<sup>7</sup>

Jackson's inconsistencies cannot always be explained by pointing out the changes in politics and in his attitudes. For example, while he denied federal sovereignty over Georgia on the question of Indian removal, at the same time he upheld federal sovereignty over South Carolina in the nullification controversy. He warned the South Carolinians that "the laws of the United States must be executed. I have no discretionary power on the subject; my duty is emphatically

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<sup>7</sup> To the Governor of Georgia (William Rabun), On March Towards Pensacola 7 Miles Advanced of Fort Gadsden, May 7, 1818. Bassett, Correspondence, II, p. 315.

pronounced in the Constitution...."<sup>8</sup>

In spite of these words in the Proclamation, Jackson's opportunistic nature led him to decide, virtually on a case-to-case basis, when he would enforce the law. Since he was elected by the people, he considered himself as qualified as the Supreme Court to interpret the law. Jackson is reported to have said that he had as good a right, "being a coordinate branch of the government," to order the Supreme Court as that tribunal had to require him to execute its decisions.<sup>9</sup> Whether or not he made the famous comment, "John Marshall has made his opinion, now let him enforce it," Jackson was certainly in full accord with the spirit of the remark.<sup>10</sup>

Difficulties in federal management of Indian affairs can be traced to the vagueness of the Constitution on the matter. This document did not definitely place responsibility with any particular office for the absolute control of the Indians. Congress was given the power to "regulate commerce...with the Indians" while the President was assigned authority to make treaties with them. Congress also found

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<sup>8</sup> "Proclamation to the People of South Carolina."  
Thomas A. Bailey, The American Spirit (second edition;  
Boston: D. C. Heath and Company, 1968), I, pp. 258-9.

<sup>9</sup> Quoted in the New York Advertiser, March 7, 1832.

<sup>10</sup> Glyndon G. Van Deusen, The Jacksonian Era (in The New American Nation Series, eds. Henry Steele Commager and Richard B. Morris. New York: Harper and Row, Publishers, 1959), p. 49.

constitutional authority for its actions in the general welfare and national defense clauses.<sup>11</sup> To these powers, Jackson added the right of the President, unilaterally, to abolish Indian treaties. This was part of the legacy left to his successors.

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<sup>11</sup> Prucha, Indian Policy, pp. 42-3.

## CHAPTER VI

### A LEGACY

*intro*

Andrew Jackson lived most of his life on the frontier. He was a first-hand witness to the steady encroachment of whites on the ancestral hunting and farming lands of the Indians. There are indications that he sympathized with their plight, but it is obvious from his policy, once he was in a position to establish policy, that he considered any injustices done to Indians outweighed by the benefits accruing to whites. Throughout his life, where the interests of Indian and white clashed, he felt that the Indian had to give way.

#### I. REMOVAL: A LEGACY OF CHAOS

Jackson's justification for removal was based on both legal grounds and personal convictions. He cited the United States Constitution when he refused to acknowledge the right of the Cherokee nation to set up its own independent government. By so doing, he ignored treaty obligations to the same nation. No doubt, the choice, whether to obey the Constitution or execute treaties concluded by himself and his predecessors, was made easier by his own convictions.

(President Jackson believed in the rights of states, and he considered Indian problems primarily to be state problems.)

He believed the Indians had no rights which would supersede the rights of the states.

Jackson rejected the Indians' claim of sovereignty, referring in particular to the Cherokees in his First Annual Message:

...With their abstract and natural right to self-government, there can be no doubt; and, in like manner, emancipated negroes have a natural right to form themselves into a separate government, but ...the impropriety of permitting this to be done is as apparent in the one case as in the other.<sup>1</sup>

This statement is an interesting combination of expediency and the eighteenth century belief in natural rights. The histories of Negroes and Indians in America are hardly comparable, however. Negroes had never governed themselves as an independent nation on the land which they occupied, as the Cherokees had. The Negroes had no ancient claim to territory in America, as the Cherokees had. No Negro society in America had ever been recognized as sovereign, nor had such a society entered into treaties with the United States whereby rights and lands were guaranteed to them, as the Cherokees had. But Jackson chose to ignore the historical backgrounds of Indians and Negroes and recognized the inherent rights of all free men to form a social compact. Nevertheless, for practical reasons, he denied the right of either group to political autonomy.

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<sup>1</sup>December 8, 1829. Richardson, Messages, II, p. 458.

There is a technical justification for Jackson's contention that the southern Indians were not sovereign. Under the terms of the Treaty of Hopewell of November 1785 between the Cherokees and the United States and almost identical treaties a few months later with the Choctaws and the Chickasaws, the Indians placed themselves under the protection of the United States. Also, the treaties gave the United States control of tribal trade and fixed boundaries between the different tribes and between the Indians and whites.<sup>2</sup> In defense of the Indian view, it must be remembered that the United States continued to deal with the tribes as though they were still independent, entering into negotiations with them and concluding treaties as between sovereign nations.<sup>3</sup>

In addition to the nebulous question of sovereignty, there was another: would the Indians really benefit by removal? Jackson was convinced that there was no other way. He believed that they must be moved to a place where they could live their "rude, savage" life, separated from the pressures of white civilization, until they were ready to be accepted in some form into the United States. In speeches,

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<sup>2</sup>Cochran, Dictionary, p. 434. Louis Filler and Allen Guttman (eds.), The Removal of the Cherokee Nation (in Problems in American Civilization Series, ed. Richard F. Fenno, Jr. Boston: D. C. Heath and Company, 1962), p. 2.

<sup>3</sup>Frucha, Indian Policy, p. 142.

he described what the federal government was doing for the Indians in their new homelands west of the Mississippi. It is obvious from Jackson's own descriptions that the government did not attempt to create an environment in which the emigrants would live a "rude, savage" life. The society that Jackson described had all the trappings of a white society.

If the southeastern Indians were making progress in their old homeland toward a white civilization, this fact would cast doubt on the claim that they must be relocated before they could become civilized. Certainly, they were backward in comparison with their white neighbors, but the term "savage" hardly seems appropriate to describe all of them. The progress of the Cherokees toward white civilization, which Jackson publicly acknowledged, has been mentioned.

Neither were the Chickasaws barbarians at the time of their proposed removal. As early as 1827, the Chickasaws were definitely on the upgrade. They lived in 800 houses which cost an average of \$150 each, though some were worth as much as \$2,000. Most of the farm properties had barns, corncribs and other outbuildings. The nation possessed ten mills, about fifty mechanical workshops and some orchards. Each household owned an average of two horses, two cows, five hogs and a flock of chickens. The total value of their stock in that era of cheap prices was \$84,000. The value of the

fences they had built around their farms was \$50,000.<sup>4</sup> The Chickasaws maintained ferries and taverns along Indian roads used by white travelers. Like the Cherokees and Choctaws, the Chickasaws exported a part of their agricultural produce and domestic manufactures to neighboring white states.<sup>5</sup>

Such descriptions of Indian progress toward white civilization should not be interpreted to mean that the entire tribe was involved in the progress. The claim that the Cherokees had made considerable advances, for example, must be tempered by the fact that most of them were not educated and were not wealthy, land-owning, slave-holding farmers. And most had not adopted the ways of the whites. Hence, many whites, including Andrew Jackson, could believe the argument that the Indians could not be assimilated in their present condition and for their own benefit should be removed to a location where they could be gradually civilized.

The Cherokees sealed their fate when they attempted to establish an independent government. Their tactic of trying to create a state within a state would have set up impossible stresses for the federal system. Many whites who might otherwise have sympathized with their predicament could not accept this violation of Georgia's sovereignty. In

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<sup>4</sup>From reports of Thomas McKenney, Indian Agent to the Chickasaws, cited in Dunbar, Travel, p. 374.

<sup>5</sup>Dunbar, Travel, pp. 574-5.

retrospect, it is obvious that from the beginning their case was hopeless and removal inevitable.<sup>6</sup>

Had removal been accomplished without force, then it would be easier to believe that Jackson was sincere in his humanitarian justification for the policy. But the use of force and the suffering that accompanied the removals tended to belie these gestures. The magnitude of the emigration was not comprehended by Jackson or Congress. Political incompetents were appointed to positions of authority. The result was mismanagement, corruption and needless suffering.<sup>7</sup>

One of the most discerning critics of American Indian policy during the period removal was under way was Alexis de Tocqueville. He wrote:

It is impossible to conceive the frightful sufferings that attend these forced migrations. They are undertaken by a people already exhausted and reduced; and the countries to which the newcomers betake themselves are inhabited by other tribes, which receive them with jealous hostility. Hunger is in the rear, war awaits them, and misery besets them on all sides. To escape from so many enemies, they separate, ...The social tie...is then dissolved; they have no longer a country, and soon they will not be a people; their very families are obliterated; their common name is forgotten; their language perishes; and all traces of their origin disappear....I should be sorry to have my reader suppose that I am coloring the picture too highly; I saw with my own eyes many of the miseries that I have just described, and was the witness of sufferings that I have not the power to portray.<sup>8</sup>

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<sup>6</sup>Hagan, American Indians, p. 76.

<sup>7</sup>Mahoney, "Public Opinion," p. iii.

<sup>8</sup>De Tocqueville, Democracy, I, p. 352.

Contrary to Jackson's expectations that the relocated Indians would eventually earn acceptance into the mainstream of American life, emigrés were forced to resort to savagery to survive. As early as 1816, clashes occurred between the western tribes and the migrating Indians. The Chickasaws who arrived west of the Mississippi in the 1830's did not take up their assigned lands because they feared "wild tribes." The Comanches, Osages and Pawnees were the chief antagonists. The eastern Indians held their own at first, being better armed. But when the weapons promised by the United States government failed to appear, they suffered at the hands of the native tribes. Probably, the President of the United States was kept informed of this state of affairs.

Thus, the Indians whom Jackson would wean from their warlike, savage ways either had to revive these qualities or be overrun. The cult of the warrior was still strong enough among the displaced Indians that they often willingly took up the challenge of the plains tribes. Later, some of the emigrants were employed by the Texans in the war against Mexico. Others joined the Mexicans against the Texans. Thrust into such a life, it is little wonder that the removed tribesmen failed to make the progress predicted by Jackson and other defenders of his removal policy.<sup>9</sup>

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<sup>9</sup>Hagan, American Indians, pp. 86-7.

In the end, the removals proved only an expedient. The emigrants' titles to land in the West proved less stable than those they had held in the East. Before the removal of the eastern tribes had been concluded, the lands in the West, guaranteed in perpetuity to the Indians by the United States government, had already begun to fall to white expansionism.<sup>10</sup>

## II. WAS JACKSON AN INDIAN-HATER?

The average frontiersman who daily had to face the danger of Indian attack had a burning hatred for that race. Generally, he also held the Indian in contempt as an inferior human being. It would be out of the ordinary for a man who had lived almost all his life on the frontier not to have developed these attitudes. Yet, there is little evidence to indicate that Jackson hated Indians. Occasional comments in his letters and speeches indicate the contrary.

Yet, one must take care not to confuse compassion with his ever-present expediency. For example, Jackson wrote in 1802 to Colonel McKinney, commander of militia in Jackson County, Tennessee, ordering him to prevent an officer under his command from continuing his illegal raids on Indian camps. He also expressed concern over news that the civil authorities in McKinney's county had ignored a recent murder

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<sup>10</sup> Mahoney, "Public Opinion," p. 71.

of an Indian. Did this illustrate Jackson's sense of fairness to Indians, or does it merely show that he understood the seriousness of the situation better than others? In the same letter, he explained that:

...your county being on the Frontier place your citizens in a dangerous situation, and the unwarrentable act of killing the Indian lately may involve in it the lives of a number of the innocent....<sup>11</sup>

Apparently, Jackson feared that the wronged Indians might seek revenge against innocent whites.

Other correspondence also indicated that Jackson's feelings for the Indian might be based on expediency. In a letter expressing concern for the plight of the Creeks, Jackson wrote that "the whole creek nation is in a most wretched State, and I must repeat, that they must be fed and clothed..." This was not compassion, for Jackson continued: "...or necessity will compell them to embrace the proffered friendship of the British...."<sup>12</sup>

Nevertheless, Jackson's feelings toward the Indians were not without genuine compassion. Following the defeat of the Creek renegade Red Sticks, for example, Jackson expressed regret in a letter that "two or three women and

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<sup>11</sup>To Colonel McKinney, May 10, 1802. Bassett, Correspondence, I, p. 62.

<sup>12</sup>To Secretary Armstrong, Fort Jackson, August 10, 1814. Bassett, Correspondence, II, p. 25.

children were killed by accident." At the end of the Creek war, Jackson was openly touched by the condition of the Red Sticks. "Could you only see the misery and the wretchedness of those creatures," Jackson wrote to his wife, Rachel, "perishing from want of food and Picking up the grains of corn scattered from the mouths of horses."<sup>13</sup>

If there were no other evidence, the fact that he adopted an Indian boy would tend to counter the charge that Jackson hated Indians as a race. He wrote to his wife in 1813:

.../I am sending to you<sup>7</sup>...the little Lyncoya. He is the only branch of his family left, and the others when offered to them to take care of would have nothing to do with him but wanted him to be killed....my interpreter took him up carried him on his back and brought him to me. Charity and Christianity says he ought to be taken care of and I send him to my little Andrew and I hope will adopt him as one of our family....<sup>14</sup>

In the following years, many of Jackson's letters to his wife mention the adopted child. Some examples follow:

...kiss my Two sons for me...<sup>15</sup>

...tell the two little Andrews I pray God to bless them, I hope they will be good boys.<sup>16</sup>

<sup>13</sup>Marquis James, Life, pp. 171, 176.

<sup>14</sup>To Mrs. Jackson, Fort Strother, December 19, 1813. Bassett, Correspondence, I, pp. 400-1.

<sup>15</sup>To Mrs. Jackson, St. Marks, April 8, 1818. Bassett, Correspondence, II, p. 358.

<sup>16</sup>To Mrs. Jackson, Rogersville, Tennessee. November 19, 1823. Bassett, Correspondence, III, p. 215.

...I would be delighted to receive a letter from  
 ...Lyncoya....I would like to exhibit...him...to  
 Mr. Monroe and the Secretary of War, as I mean to try  
 to have him received at the military school....<sup>17</sup>

...Tell Lyncoya to read his book and be a good boy  
 and obey you in all things....<sup>18</sup>

...Tell Lyncoya I expect him to be a good boy and  
 to hear from you when I come home that he has been  
 so in my absence, and has learned his Book well.<sup>19</sup>

It appears that Jackson's attitudes toward the Indians  
 were not based on a racial hatred at all. He did not make  
 war on them or urge their removal because he held them in  
 contempt. Rather, it seems that he considered them to be  
 outside the mainstream of American life and, of necessity,  
 had to be treated in a manner that would best serve the  
 immediate interests of national growth, unity and safety.

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<sup>17</sup>To Mrs. Jackson, Washington, December 7, 1823.  
 Bassett, Correspondence, III, pp. 215-6.

<sup>18</sup>To Mrs. Jackson, Washington, December 28, 1823.  
 Bassett, Correspondence, III, p. 220.

<sup>19</sup>To Mrs. Jackson, Washington, D. C., March 27,  
 1824. Bassett, Correspondence, III, p. 241.

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