

CHAPTER 9

Answers should be
approximately
1/2 pg each

DOCUMENT SET 2

End of the Trail: Andrew Jackson and the Rationale for Indian Removal

Just as industrialization transformed the society and economy of urban America, an advancing frontier forced dramatic social adjustments in the Old Northwest and in the Southwest. Perhaps the most striking confrontation was the cultural clash between Native Americans and land-hungry speculators and frontier people, who escalated pressure on tribes that retained title to their ancestral lands. As your textbook notes, rapid economic and political development in the West resulted in the subordination of the Indians east of the Mississippi River by 1840. Their misery increased in direct proportion to the strength of an increasingly powerful national government. Moreover, conditions in Indian Territory further complicated the problems faced by the transplanted tribes, as shown by your text's "Place in Time" essay on Tahlequah.

While Americans had long grappled with the problem of Indian resistance, rapid population movement following the War of 1812 lent urgency to the search for a solution. A further complication lay in the absence of consensus on an acceptable philosophy of Indian relations. Federal government policy initially reflected an assimilationist approach, which assumed that the Indians would willingly adopt the ways of white American society. But white settlers rarely shared this vision of the future. Their relentless drive into tribal lands precipitated sharp conflicts by the time Andrew Jackson assumed the presidency.

Since overt extermination was not acceptable to most Americans, and the federal government seemed unable to protect tribal enclaves against aggressive settlers and uncooperative state governments, politicians sought an alternative policy. The result was increasing support in Washington for Indian removal to the trans-Mississippi West. There, it was argued, the segregated Indian could move gradually toward the white man's concept of civilization.

The following documents examine the ways in which the removal policy was carried out. These events are placed in the context of a government approach to the Indians that evolved from the presidency of James Monroe through that of Martin Van Buren. The main focus of this unit, however, is on the crucial innovations of the Jacksonian period.

As you examine the evidence, be especially conscious of white cultural assumptions. Notice how the term *civilization* was used in these documents. Identify the long-term goal of the federal Indian policy. Try to determine what legal, constitutional, and moral problems the removal issue raised. A careful review of these documents will reveal how the ethnocentrism of white people influenced their relations with Indians on the advancing frontier.

Questions for Analysis

- ① As you work with these documents, what do you identify as the central theme of American thinking concerning Native American cultural traditions and practices? Define *ethnocentrism*. How are ethnocentric ideas expressed? Why did the Five Civilized Tribes constitute a serious practical and moral problem for the political figures responsible for developing and implementing Indian policy? Give examples
- ✗ What does the evidence reveal about the psychological and physical impact of the removal policy on the tribes affected? What factors prevented the tribal leadership from successfully resisting government policy? Were these problems internal or external to the tribes themselves? What was the outcome of removal, as revealed in the "Place in Time" essay on Tahlequah, Indian Territory?
- ③ Reviewing the documents before you, compare the arguments presented for and against removal by government officials, chief executives, and "friends" of the American Indian. In what ways did their fundamental assumptions about the Indian and the long-term interests of the tribes differ? What light does the evidence shed on the reasons for those differences? How do the documents help you to account for similarities in outlook? compare reasons for and against
Give examples
- ④ What do the documents reveal about the constitutional relationship of the execu-

Consider:

What are the different roles of the branches of government & how do they relate to the issue here?

look up the definition if you don't know the meaning

Executive and judicial branches of government? How did the debate over the legal rights and prerogatives of state and federal governments relate to the evolution of American federalism? What were the future implications of these disagreements?

Do you see any relationship between the tragedy of removal and the modern struggle of Native Americans to establish an independent identity within but removed from American society? What were the long-term implications of nineteenth-century assumptions with regard to the Indian's place in American national life?

- ⑥ In what ways did the removal policy reflect Andrew Jackson's overall political and social philosophy? How did it clarify his convictions concerning the role of the federal government in securing the general welfare and serving the public interest? ~~What do Jackson's policies as executive suggest about his view of the individual in history?~~

1. John C. Calhoun Outlines the War Department's Indian Policy, 1825

Of the four southern tribes, two of them (the Cherokees and Choctaws) have already allotted to them a tract of country west of the Mississippi. That which has been allotted to the latter is believed to be sufficiently ample for the whole nation, should they emigrate; and if an arrangement, which is believed not to be impracticable, could be made between them and the Chickasaws, who are their neighbors, and of similar habits and dispositions, it would be sufficient for the accommodation of both. A sufficient country should be reserved to the west of the Cherokees on the Arkansas, as a means of exchange with those who remain on the east. To the Creeks might be allotted a country between the Arkansas and the Canadian river, which limits the northern boundary of the Choctaw possessions in that quarter. There is now pending with the Creeks a negotiation, under the appropriation of the last session, with a prospect that the portion of that nation which resides within the limits of Georgia may be induced, with the consent of the nation, to cede the country which they now occupy for a portion of the one which it is proposed to allot for the Creek nation on the west of the Mississippi. Should the treaty prove successful, its stipulations will provide for the means of carrying it into effect, which will render any additional provision, at present, unnecessary. . . .

Almost all of the tribes proposed to be affected by the arrangement are more or less advanced in the arts of civilized life, and there is scarcely one of them which has not the establishments of schools in the

nation, affording, at once, the means of moral, religious, and intellectual improvement. These schools have been established, for the most part, by religious societies, with the countenance and aid of the Government; and, on every principle of humanity, the continuance of similar advantages of education ought to be extended to them in their new residence. There is another point which appears to be indispensable to be guarded, in order to render the condition of this race less afflicting. One of the greatest evils to which they are subject is that incessant pressure of our population, which forces them from seat to seat, without allowing time for that moral and intellectual improvement, for which they appear to be naturally eminently susceptible. To guard against this evil, so fatal to the race, there ought to be the strongest and the most solemn assurance that the country given them should be theirs, as a permanent home for themselves and their posterity, without being disturbed by the encroachments of our citizens. To such assurance, if there should be added a system, by which the Government, without destroying their independence, would gradually unite the several tribes under a simple but enlightened system of government and laws formed on the principles of our own, and to which, as their own people would partake in it, they would, under the influence of the contemplated improvement, at no distant day, become prepared, the arrangements which have been proposed would prove to the Indians and their posterity a permanent blessing. . . .

2. The Cherokees Resist Removal, 1830

We are aware, that some persons suppose it will be for our advantage to remove beyond the Mississippi. We think otherwise. Our people universally think otherwise. Thinking that it would be fatal to their interests, they have almost to a man sent their memorial to congress, deprecating the necessity of a removal. This question was distinctly before their minds when they signed their memorial. Not an adult person can be found, who has not an opinion on the subject, and if the people were to understand distinctly, that they could be protected against the laws of the neighboring states, there is probably not an adult person in the nation, who would think it best to remove; though possibly a few might emigrate individually. There are doubtless many, who would flee to an unknown country, however beset with dangers, privations and sufferings, rather than be sentenced to spend six years in a Georgia prison for advising one of their neighbors not to betray his country. And there are others who could not think of living as outlaws in their native land, exposed to numberless vexations, and excluded from being parties or witnesses in a court of justice. It is incredible that Georgia should ever have enacted the oppressive laws to which reference is here made, unless she had supposed that something extremely terrific in its character was necessary in order to make the Cherokees willing to remove. We are not willing to remove; and if we could be brought to this extremity, it would be not by argument, not because our judgment was satisfied, not because our condition will be improved; but only because we cannot endure to be deprived of our national and individual rights and subjected to a process of intolerable oppression.

We wish to remain on the land of our fathers. We have a perfect and original right to remain without interruption or molestation. The treaties with us, and laws of the United States made in pursuance of treaties, guarantee our residence and our privileges, and secure us against intruders. Our only request is, that these treaties may be fulfilled, and these laws executed. . . .

The removal of families to a new country, even under the most favorable auspices, and when the spirits are sustained by pleasing visions of the future, is attended with much depression of mind and sinking of heart. This is the case, when the removal is a matter of decided preference, and when the persons concerned are in early youth or vigorous manhood. Judge, then, what must be the circumstances of a removal, when a whole community, embracing persons of all classes and every description, from the infant to the man of extreme old age, the sick, the blind, the lame, the improvident, the reckless, the desperate, as well as the prudent, the considerate, the industrious, are compelled to remove by odious and intolerable vexations and persecutions, brought upon them in the forms of law, when all will agree only in this, that they have been cruelly robbed of their country, in violation of the most solemn compacts, which it is possible for communities to form with each other; and that, if they should make themselves comfortable in their new residence, they have nothing to expect hereafter but to be the victims of a future legalized robbery!

Such we deem, and are absolutely certain, will be the feelings of the whole Cherokee people, if they are forcibly compelled, by the laws of Georgia, to remove; and with these feelings, how is it possible that we should pursue our present course of improvement, or avoid sinking into utter despondency? We have been called a poor, ignorant, and degraded people. We certainly are not rich; nor have we ever boasted of our knowledge, or our moral or intellectual elevation. But there is not a man within our limits so ignorant as not to know that he has a right to live on the land of his fathers, in the possession of his immemorial privileges, and that this right has been acknowledged and guaranteed by the United States; nor is there a man so degraded as not to feel a keen sense of injury, on being deprived of this right and driven into exile. . . .

3. Andrew Jackson's Second Annual Message to Congress, 1830

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pur-

sued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is ap-

proaching . . . a happy consummation. Two important tribes, [the Choctaws and the Chickasaws], have accepted the provision made for their removal at the last session of Congress, and it [is] believed that their example will induce the remaining tribes also to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will incalculably strengthen the southwestern frontier and render the adjacent States strong enough to repel future invasions without remote aid. It will relieve the whole State of Mississippi and the western part of Alabama of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under

the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community

In the consummation of a policy originating at an early period, and steadily pursued by every Administration within the present century—so just to the States and so generous to the Indians—the Executive feels it has a right to expect the cooperation of Congress and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the compact which made them members of our Confederacy. . . .

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 themselves have 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. The purchase of their lands does not alter in the least their personal relations with the State government. No act of the General Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. That they possess by virtue of their sovereign power within their own limits in as full a manner before as after the purchase of the Indian lands; nor can this Government add to or diminish it. . . .

4. Christian Missionaries Oppose Removal, 1830

. . . At present many of the Cherokees are dressed as well as the whites around them, and of most of them the manner of dress is *substantially* the same. A part of the old men, perhaps nearly half, retain, not indeed the original Indian dress, but that, nearly, which prevailed a dozen years since. Almost all the younger men have laid it aside. A very few aged women are seen with only a petticoat and short gown, meeting each other at the waist, which, twenty years ago, was the general style of female dress. Except these very few, no woman appears without at least a decent gown, extending from the neck to the feet. . . . If the present course continues, when those who are now in the decline of life shall have passed away, the dress of the Cherokees will scarcely distinguish them from their white neighbors.

The Cherokee women generally manufacture more or less good substantial cloth. . . .

Thirty years ago a plough was scarcely seen in the nation. Twenty years ago there were nearly 500. Still the ground was cultivated chiefly by the hoe only. Six years ago the number of ploughs, as enumerated, was 2,923. Among us all, we scarcely know a field which is now cultivated without ploughing. Consequently the quantity of land under cultivation is increased several fold. Habits of industry are much increased, and still increasing. . . .

The diffusion of property among the people is becoming more general.

In no respect, perhaps, is the approach to civilization more evident than in regard to the station assigned to women. Though in this respect there is still room for improvement, yet in general they are allowed to hold their proper place.

Polygamy, which has prevailed to some extent, is becoming rare. It is forbidden by law, but the law

being as yet without a penalty annexed, has probably much less influence than public opinion, which makes the practice highly disreputable. A few are still living in a state of polygamy, but at present almost no one enters the state. . . .

In regard to intemperance there is much to deplore, but it is, we believe, an undisputed fact, that its prevalence has greatly diminished, and is still diminishing. Indeed we are confident that, at present, the Cherokees would not suffer in this respect by a comparison with the white population around. . . .

In education we do not know that the progress of the Cherokees should be called rapid. Certainly it is far less so than is desirable. The following facts, however, will serve to correct some misstatements on this subject. We have before us the names of 200 Cherokee men and youths who are believed to have obtained an English education sufficient for the transaction of ordinary business. . . .

Of the number who are able to read their own language in Guess's alphabet we should vary somewhat in our individual estimates. None of us, however, supposes that less than a majority of those who are between childhood and middle age can read with greater or less facility. . . .

In regard to the state of religion we deem it sufficient to state, as nearly as we are able, the number of members of the several religious societies. To the Presbyterian churches belong 219 members, of whom 167 are Cherokees. In the United Brethren's churches are 45 Cherokee members. In the Baptist churches probably about 90; we know not the exact number. The official statement of the Methodist missionaries made a little more than a year ago gave 736 as the number of members in their societies, including those who are denominated seekers. . . .

The [Cherokee] legislature consists of two branches, styled the National Committee and Council, the former numbering 16 members and the latter 24. The presiding officers of both these branches are full Cherokees. . . . No measure can be adopted without the concurrence of both houses, and conse-

quently every public measure has the sanction of a body of which two thirds of the members are of unmixed Indian blood. . . .

One sentiment manifestly pervades the whole nation—that the extension of the laws of the states over them, without their consent, would be a most oppressive and flagrant violation of their natural and conventional rights; and the sufferance of it by the United States, as flagrant a violation of those treaties on which alone they have relied for security. . . .

[I]t is impossible that the jurisdiction of the several states should be established over them without producing the most unhappy results. It is not easy to conjecture what course, in such an event, the majority would adopt. Any thing approaching to unanimity could not be expected. Some would undoubtedly join their brethren in Arkansas; some, if we may judge from remarks which we frequently hear, would seek a refuge beyond the boundaries of the United States; while others still would make the experiment of remaining, subject to authorities to which they must render an unwilling obedience. Either alternative would be adopted with such feelings as would in many, we fear in most instances, preclude the probability of their making further progress in improvement, or even retaining the ground they have gained. The news of the failure of their cause, would drive them to despair, and despair, there is every reason to fear, would goad many of them on to ruinous excesses of vice, if not, in some instances, to blind revenge. . . .

To us it appears that the Cherokees are in a course of improvement, which promises, if uninterrupted, to place them, at no distant period, nearly on a level with their white brethren. Laboring, as we are, to aid them in their progress, we cannot do otherwise than earnestly deprecate any measure which threatens to arrest it. In this light we view the attempt to remove them from their inheritance, or subject them, against their will, to the dominion of others. Our sympathies are with them. . . .

5. The Supreme Court's Assertion of National Sovereignty, 1832

WORCESTER v. GEORGIA, 1832

. . . The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed

possessors of the soil, from time immemorial, with the single exception of that imposed by irresistible power, which excluded them from intercourse with any other European potentate than the first discoverer of the coast of the particular region claimed; and

this was a restriction which those European potentates imposed on themselves, as well as on the Indians. The very term "nation," so generally applied to them, means "a people distinct from others." The Constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers who are capable of making treaties. The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves, having each a definite and well understood meaning. We have applied them to Indians, as we have applied them to the other nations of the earth

The settled doctrine of the law of nations is, that a weaker power does not surrender its indepen-

dence—its right to self-government, by associating with a stronger, and taking its protection. A weak state, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government, and ceasing to be a state. Examples of this kind are not wanting in Europe. . . .

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

6. Alexis de Tocqueville Observes Legalism in American-Indian Relations, 1864

. . . . The development of European habits has been much accelerated among these Indians by the mixed race which has sprung up. Deriving intelligence from the father's side, without entirely losing the savage customs of the mother, the half-blood forms the natural link between civilization and barbarism. Wherever this race has multiplied, the savage state has become modified, and a great change has taken place in the manners of the people.

The success of the Cherokees proves that the Indians are capable of civilization, but it does not prove that they will succeed in it. . . .

From whichever side we consider the destinies of the aborigines of North America, their calamities appear irremediable: if they continue barbarous, they are forced to retire; if they attempt to civilize themselves, the contact of a more civilized community subjects them to oppression and destitution. . . .

The conduct of the Americans of the United States towards the aborigines is characterized, on the other hand, by a singular attachment to the formal-

ties of law. Provided that the Indians retain their barbarous condition, the Americans take no part in their affairs; they treat them as independent nations, and do not possess themselves of their hunting-grounds without a treaty of purchase; and if an Indian nation happen to be so encroached upon as to be unable to subsist upon their territory, they kindly take them by the hand and transport them to a grave far from the land of their fathers.

The Spaniards were unable to exterminate the Indian race by those unparalleled atrocities which brand them with indelible shame, nor did they even succeed in wholly depriving it of its rights; but the Americans of the United States have accomplished this twofold purpose with singular felicity, tranquilly, legally, philanthropically, without shedding blood, and without violating a single great principle of morality in the eyes of the world. It is impossible to destroy men with more respect for the laws of humanity.

Chapter 9: Document Set 2 References

1. John C. Calhoun Outlines the War Department's Indian Policy, 1825
"Report of John C. Calhoun to President James Monroe," January 25, 1825, *American State Papers, Indian Affairs* (Washington, D.C., 1834), Vol. 2, pp. 543-544.
2. The Cherokees Resist Removal, 1830
"Memorial of the Cherokee Nation," *Niles Weekly Register*, Vol. 38 (August 21, 1830), pp. 454-457.
3. Andrew Jackson's Second Annual Message to Congress, 1830
Andrew Jackson, Second Annual Message, December 6,