

INDIAN REMOVAL SOCRATIC SEMINAR (1ST WAVE READING)

Reading 1:

Andrew Jackson defends the removal policy, in his Second Annual Message 1830 (this annual presidential address to the United States is now known as *The State of the Union Address*)

[Your version is the complete text. Participants who enter this on the next waves will have a different version. The emboldened section of this reading is the text they have read**]**

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. Two important tribes 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. These consequences, some of them so certain and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

Toward the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits and make them a happy, prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the General Government in relation to the State authorities. For the justice of the laws passed by the States within the scope of their reserved powers they are not responsible to this Government. As individuals we may entertain and express our opinions

of their acts, but as a Government we have as little right to control them as we have to prescribe laws for other nations.

With a full understanding of the subject, the Choctaw and the Chickasaw tribes have with great unanimity determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi River. Treaties have been made with them, which in due season will be submitted for consideration. In negotiating these treaties they were made to understand their true condition, and they have preferred maintaining their independence in the Western forests to submitting to the laws of the States in which they now reside. These treaties, being probably the last which will ever be made with them, are characterized by great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

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. In the monuments and fortresses of an unknown people, spread over the extensive regions of the West, we behold the memorials of a once powerful race, which was exterminated or has disappeared to make room for the existing savage tribes. Nor is there anything in this which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the conditions in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns, and prosperous farms, embellished with all the improvements which art can devise or industry execute, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization, and religion?

The present policy of the Government is but a continuation of the same progressive change by a milder process. The tribes which occupied the countries now constituting the Eastern States were annihilated or have melted away to make room for the whites. The waves of population and civilization are rolling to the westward, and we now propose to acquire the countries occupied by the red men of the South and West by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did or than our children are now doing? To better their condition in an unknown land our forefathers left all that was dear in earthly objects. Our

children by thousands yearly leave the land of their birth to seek new homes in distant regions. Does Humanity weep at these painful separations from everything, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds and almost thousands of miles at their own expense, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government when, by events which it can not control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the West on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children? Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement. . . .

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to the laws of the States, will unite in attempting to open the eyes of those children of the forest to their true condition, and by a speedy removal to relieve them from all the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened.

Reading 2: **Memorial and Protest of the Cherokee Nation, 1836**

The Cherokees were happy and prosperous under a scrupulous observance of treaty stipulations by the government of the United States, and from the fostering hand extended over them, they made rapid advances in civilization, morals, and in the arts and sciences. Little did they anticipate, that when taught to think and feel as the American citizen, and to have with him a common interest, they were to be despoiled by their guardian, to become strangers and wanderers in the land of their fathers, forced to return to the savage life, and to seek a new home in the wilds of the far west, and that without their consent.

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, guaranty our residence and our privileges, and secure us against intruders.

Reading 3:
Chief Justice John Marshall ruling in Worcester v Georgia

The Cherokee nation...is a distinct community, occupying its own territories, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter.

Reading 4:
Wilson Lumpkin, Governor of Georgia's response to Supreme Court decision

The ingenuity of man might be challenged to show a single sentence of the Constitution of the United States giving power, either direct or implied, to the general government...to nullify the laws of a State...or coerce obedience, by force, to the mandates of the judiciary of the Union.

Reading 5 (Background):
Indian Removal 1814-1858 www.pbs.org

Early in the 19th century, while the rapidly-growing United States expanded into the lower South, white settlers faced what they considered an obstacle. This area was home to the Cherokee, Creek, Choctaw, Chicasaw and Seminole nations. These Indian nations, in the view of the settlers and many other white Americans, were standing in the way of progress. Eager for land to raise cotton, the settlers pressured the federal government to acquire Indian territory.

Andrew Jackson, from Tennessee, was a forceful proponent of Indian removal. In 1814 he commanded the U.S. military forces that defeated a faction of the Creek nation. In their defeat, the Creeks lost 22 million acres of land in southern Georgia and central Alabama. The U.S. acquired more land in 1818 when, spurred in part by the motivation to punish the Seminoles for their practice of harboring fugitive slaves, Jackson's troops invaded Spanish Florida.

From 1814 to 1824, Jackson was instrumental in negotiating nine out of eleven treaties which divested the southern tribes of their eastern lands in exchange for lands in the west. The tribes agreed to the treaties for strategic reasons. They wanted to appease the government in the hopes of retaining some of their land, and they wanted to protect themselves from white harassment. As a result of the treaties, the United States gained control over three-quarters of Alabama and Florida, as well as parts of Georgia, Tennessee, Mississippi, Kentucky and North Carolina. This was a period of

voluntary Indian migration, however, and only a small number of Creeks, Cherokee and Choctaws actually moved to the new lands.

In 1823 the Supreme Court handed down a decision which stated that Indians could occupy lands within the United States, but could not hold title to those lands. This was because their "right of occupancy" was subordinate to the United States' "right of discovery." In response to the great threat this posed, the Creeks, Cherokee, and Chicasaw instituted policies of restricting land sales to the government. They wanted to protect what remained of their land before it was too late.

Although the five Indian nations had made earlier attempts at resistance, many of their strategies were non-violent. One method was to adopt Anglo-American practices such as large-scale farming, Western education, and slave-holding. This earned the nations the designation of the "Five Civilized Tribes." They adopted this policy of assimilation in an attempt to coexist with settlers and ward off hostility. But it only made whites jealous and resentful.

Other attempts involved ceding portions of their land to the United States with a view to retaining control over at least part of their territory, or of the new territory they received in exchange. Some Indian nations simply refused to leave their land -- the Creeks and the Seminoles even waged war to protect their territory. The First Seminole War lasted from 1817 to 1818. The Seminoles were aided by fugitive slaves who had found protection among them and had been living with them for years. The presence of the fugitives enraged white planters and fueled their desire to defeat the Seminoles.

The Cherokee used legal means in their attempt to safeguard their rights. They sought protection from land-hungry white settlers, who continually harassed them by stealing their livestock, burning their towns, and squatting on their land. In 1827 the Cherokee adopted a written constitution declaring themselves to be a sovereign nation. They based this on United States policy; in former treaties, Indian nations had been declared sovereign so they would be legally capable of ceding their lands. Now the Cherokee hoped to use this status to their advantage. The state of Georgia, however, did not recognize their sovereign status, but saw them as tenants living on state land. The Cherokee took their case to the Supreme Court, which ruled against them.

The Cherokee went to the Supreme Court again in 1831. This time they based their appeal on an 1830 Georgia law which prohibited whites from living on Indian territory after March 31, 1831, without a license from the state. The state legislature had written this law to justify removing white missionaries who were helping the Indians resist removal. The court this time decided in favor of the Cherokee. It stated that the Cherokee had the right to self-government, and declared Georgia's extension of state law over them to be unconstitutional. The state of Georgia refused to abide by the Court decision, however, and President Jackson refused to enforce the law.

In 1830, just a year after taking office, Jackson pushed a new piece of legislation called the "Indian Removal Act" through both houses of Congress. It gave the president power to negotiate removal treaties with Indian tribes

living east of the Mississippi. Under these treaties, the Indians were to give up their lands east of the Mississippi in exchange for lands to the west. Those wishing to remain in the east would become citizens of their home state. This act affected not only the southeastern nations, but many others further north. The removal was supposed to be voluntary and peaceful, and it was that way for the tribes that agreed to the conditions. But the southeastern nations resisted, and Jackson forced them to leave.

Jackson's attitude toward Native Americans was paternalistic and patronizing -- he described them as children in need of guidance. and believed the removal policy was beneficial to the Indians. Most white Americans thought that the United States would never extend beyond the Mississippi. Removal would save Indian people from the depredations of whites, and would resettle them in an area where they could govern themselves in peace. But some Americans saw this as an excuse for a brutal and inhumane course of action, and protested loudly against removal.

Their protests did not save the southeastern nations from removal, however. The Choctaws were the first to sign a removal treaty, which they did in September of 1830. Some chose to stay in Mississippi under the terms of the Removal Act.. But though the War Department made some attempts to protect those who stayed, it was no match for the land-hungry whites who squatted on Choctaw territory or cheated them out of their holdings. Soon most of the remaining Choctaws, weary of mistreatment, sold their land and moved west.

For the next 28 years, the United States government struggled to force relocation of the southeastern nations. A small group of Seminoles was coerced into signing a removal treaty in 1833, but the majority of the tribe declared the treaty illegitimate and refused to leave. The resulting struggle was the Second Seminole War, which lasted from 1835 to 1842. As in the first war, fugitive slaves fought beside the Seminoles who had taken them in. Thousands of lives were lost in the war, which cost the Jackson administration approximately 40 to 60 million dollars -- ten times the amount it had allotted for Indian removal. In the end, most of the Seminoles moved to the new territory. The few who remained had to defend themselves in the Third Seminole War (1855-58), when the U.S. military attempted to drive them out. Finally, the United States paid the remaining Seminoles to move west.

The Creeks also refused to emigrate. They signed a treaty in March, 1832, which opened a large portion of their Alabama land to white settlement, but guaranteed them protected ownership of the remaining portion, which was divided among the leading families. The government did not protect them from speculators, however, who quickly cheated them out of their lands. By 1835 the destitute Creeks began stealing livestock and crops from white settlers. Some eventually committed arson and murder in retaliation for their brutal treatment. In 1836 the Secretary of War ordered the removal of the Creeks as a military necessity. By 1837, approximately 15,000 Creeks had migrated west. They had never signed a removal treaty.

The Chickasaws had seen removal as inevitable, and had not resisted. They signed a treaty in 1832 which stated that the federal government would provide them with suitable western land and would protect them until they moved. But once again, the onslaught of white settlers proved too much for the War Department, and it backed down on its promise. The Chickasaws were forced to pay the Choctaws for the right to live on part of their western allotment. They migrated there in the winter of 1837-38.

The Cherokee, on the other hand, were tricked with an illegitimate treaty. In 1833, a small faction agreed to sign a removal agreement: the Treaty of New Echota. The leaders of this group were not the recognized leaders of the Cherokee nation, and over 15,000 Cherokees -- led by Chief John Ross -- signed a petition in protest. The Supreme Court ignored their demands and ratified the treaty in 1836. The Cherokee were given two years to migrate voluntarily, at the end of which time they would be forcibly removed. By 1838 only 2,000 had migrated; 16,000 remained on their land. The U.S. government sent in 7,000 troops, who forced the Cherokees into stockades at bayonet point. They were not allowed time to gather their belongings, and as they left, whites looted their homes. Then began the march known as the Trail of Tears, in which 4,000 Cherokee people died of cold, hunger, and disease on their way to the western lands.

By 1837, the Jackson administration had removed 46,000 Native American people from their land east of the Mississippi, and had secured treaties which led to the removal of a slightly larger number. Most members of the five southeastern nations had been relocated west, opening 25 million acres of land to white settlement and to slavery.

INDIAN REMOVAL SOCRATIC SEMINAR (2ND WAVE READING)

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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 excites 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...Nor is there anything in this which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forebears. What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns, and prosperous farms?

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Although the five Indian nations had made earlier attempts at resistance, many of their strategies were non-violent. One method was to adopt Anglo-American practices such as large-scale farming, Western education, and slave-holding. This earned the nations the designation of the "Five Civilized Tribes." They adopted this policy of assimilation in an attempt to coexist with settlers and ward off hostility. But it only made whites jealous and resentful.

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The Cherokee used legal means in their attempt to safeguard their rights. They sought protection from land-hungry white settlers, who continually harassed them by stealing their livestock, burning their towns, and squatting on their land. In 1827 the Cherokee adopted a written constitution declaring themselves to be a sovereign nation. They based this on United States policy; in former treaties, Indian nations had been declared sovereign so they would be legally capable of ceding their lands. Now the Cherokee hoped to use this status to their advantage. The state of Georgia, however, did not recognize their sovereign status, but saw them as tenants living on state land. The Cherokee took their case to the Supreme Court, which ruled against them.

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Reading 5 (Background):

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Other attempts involved ceding portions of their land to the United States with a view to retaining control over at least part of their territory, or of the new territory they received in exchange. Some Indian nations simply refused to leave their land -- the Creeks and the Seminoles even waged war to protect their territory. The First Seminole War lasted from 1817 to 1818. The Seminoles were aided by fugitive slaves who had found protection among them and had been living with them for years. The presence of the fugitives enraged white planters and fueled their desire to defeat the Seminoles.

The Cherokee used legal means in their attempt to safeguard their rights. They sought protection from land-hungry white settlers, who continually harassed them by stealing their livestock, burning their towns, and squatting on their land. In 1827 the Cherokee adopted a written constitution declaring themselves to be a sovereign nation. They based this on United States policy; in former treaties, Indian nations had been declared sovereign so they would be legally capable of ceding their lands. Now the Cherokee hoped to use this status to their advantage. The state of Georgia, however, did not recognize their sovereign status, but saw them as tenants living on state land. The Cherokee took their case to the Supreme Court, which ruled against them.

The Cherokee went to the Supreme Court again in 1831. This time they based their appeal on an 1830 Georgia law which prohibited whites from living on Indian territory after March 31, 1831, without a license from the state. The state legislature had written this law to justify removing white missionaries who were helping the Indians resist removal. The court this time decided in favor of the Cherokee. It stated that the Cherokee had the right to self-government, and declared Georgia's extension of state law over them to

be unconstitutional. The state of Georgia refused to abide by the Court decision, however, and President Jackson refused to enforce the law.

In 1830, just a year after taking office, Jackson pushed a new piece of legislation called the "Indian Removal Act" through both houses of Congress. It gave the president power to negotiate removal treaties with Indian tribes living east of the Mississippi. Under these treaties, the Indians were to give up their lands east of the Mississippi in exchange for lands to the west. Those wishing to remain in the east would become citizens of their home state. This act affected not only the southeastern nations, but many others further north. The removal was supposed to be voluntary and peaceful, and it was that way for the tribes that agreed to the conditions. But the southeastern nations resisted, and Jackson forced them to leave.

Jackson's attitude toward Native Americans was paternalistic and patronizing -- he described them as children in need of guidance. and believed the removal policy was beneficial to the Indians. Most white Americans thought that the United States would never extend beyond the Mississippi. Removal would save Indian people from the depredations of whites, and would resettle them in an area where they could govern themselves in peace. But some Americans saw this as an excuse for a brutal and inhumane course of action, and protested loudly against removal.

Their protests did not save the southeastern nations from removal, however. The Choctaws were the first to sign a removal treaty, which they did in September of 1830. Some chose to stay in Mississippi under the terms of the Removal Act.. But though the War Department made some attempts to protect those who stayed, it was no match for the land-hungry whites who squatted on Choctaw territory or cheated them out of their holdings. Soon most of the remaining Choctaws, weary of mistreatment, sold their land and moved west.

For the next 28 years, the United States government struggled to force relocation of the southeastern nations. A small group of Seminoles was coerced into signing a removal treaty in 1833, but the majority of the tribe declared the treaty illegitimate and refused to leave. The resulting struggle was the Second Seminole War, which lasted from 1835 to 1842. As in the first war, fugitive slaves fought beside the Seminoles who had taken them in. Thousands of lives were lost in the war, which cost the Jackson administration approximately 40 to 60 million dollars -- ten times the amount it had allotted for Indian removal. In the end, most of the Seminoles moved to the new territory. The few who remained had to defend themselves in the Third Seminole War (1855-58), when the U.S. military attempted to drive them out. Finally, the United States paid the remaining Seminoles to move west.

The Creeks also refused to emigrate. They signed a treaty in March, 1832, which opened a large portion of their Alabama land to white settlement, but guaranteed them protected ownership of the remaining portion, which was divided among the leading families. The government did not protect them from speculators, however, who quickly cheated them out of their lands. By 1835 the destitute Creeks began stealing livestock and crops from white

settlers. Some eventually committed arson and murder in retaliation for their brutal treatment. In 1836 the Secretary of War ordered the removal of the Creeks as a military necessity. By 1837, approximately 15,000 Creeks had migrated west. They had never signed a removal treaty.

The Chickasaws had seen removal as inevitable, and had not resisted. They signed a treaty in 1832 which stated that the federal government would provide them with suitable western land and would protect them until they moved. But once again, the onslaught of white settlers proved too much for the War Department, and it backed down on its promise. The Chickasaws were forced to pay the Choctaws for the right to live on part of their western allotment. They migrated there in the winter of 1837-38.

The Cherokee, on the other hand, were tricked with an illegitimate treaty. In 1833, a small faction agreed to sign a removal agreement: the Treaty of New Echota. The leaders of this group were not the recognized leaders of the Cherokee nation, and over 15,000 Cherokees -- led by Chief John Ross -- signed a petition in protest. The Supreme Court ignored their demands and ratified the treaty in 1836. The Cherokee were given two years to migrate voluntarily, at the end of which time they would be forcibly removed. By 1838 only 2,000 had migrated; 16,000 remained on their land. The U.S. government sent in 7,000 troops, who forced the Cherokees into stockades at bayonet point. They were not allowed time to gather their belongings, and as they left, whites looted their homes. Then began the march known as the Trail of Tears, in which 4,000 Cherokee people died of cold, hunger, and disease on their way to the western lands.

By 1837, the Jackson administration had removed 46,000 Native American people from their land east of the Mississippi, and had secured treaties which led to the removal of a slightly larger number. Most members of the five southeastern nations had been relocated west, opening 25 million acres of land to white settlement and to slavery.

