

**Teaching American History for All
MDUSD/UCB H-SSP
11th Grade Lesson: “The Indian Removal Act”**

Developed by: Paula Dillon, 11th Grade Teacher, Clayton Valley High School

Teaching American History Grant Focus Question:

How did definitions of citizenship change from the 17th century to the 20th century?

11th Grade Yearlong Focus Question:

How have the powers of the United States federal government expanded or been limited since the Civil War?

Unit Focus:

Unit 1: Review Unit (Chapter 3: The Growth of a Young Nation)

Unit Focus Question:

How did events pertaining to states' rights versus the federal government shape our nation?

Unit Working Thesis:

N/A

Lesson Focus Question:

How and why did Jackson justify Indian removal? Who resisted the Indian Removal Act, and why?

Lesson Working Thesis:

Jackson used the power of the federal government to forcibly remove Indians from existing states, justifying his actions as benevolent and generous. However, the brutality of the Indian Removal Act was met with resistance from the Indian tribes, as well as criticism from Christian groups.

Reading and Writing Strategy/ies:

- A reading of two primary sources:
 - *First Annual Message to Congress (1829)*, Andrew Jackson
 - *In Defense of the Cherokees: The “William Penn” Essays* by Jeremiah Evarts
 - Both of these are available here:
http://www.cerritos.edu/soliver/Student%20Activites/Trail%20of%20Tears/trail_of_tears.htm
- CAMPS Graphic organizer

Suggested Amount of Time:

One to one-and-a-half 50-minute class periods.

Textbook:

Danzer, Gerald et al. *The Americans: Reconstruction to the 21st Century*. Evanston, Illinois: McDougal Littell Inc., 2006, pp.124-125.

Context of the lesson in the unit (and its connection to Citizenship):

Students have learned the concepts of Jefferson Democracy and have started the age of Jackson, including the economic differences among the North and South, Jackson's election and the spoils system. Here, they will learn about Jackson's policies toward Indians, the methods he used to remove Indians from existing states, and the criticisms against the Indian Removal Act.

Lesson Procedure:

1. Introduction

- Have students read the short section on the Indian Removal Act and the Trail of Tears on p. 124 of the text, and look at the illustrated map on page 125.
- Explain to students that they will be reading two primary sources containing two different points of view regarding the Indian Removal Act- one from President Andrew Jackson, and another from Jeremiah Evarts, a Christian missionary who sharply criticized the brutality of Jackson's policies.
- Hand out the CAMPS graphic organizer to the students, along with copies of Andrew Jackson's *First Annual Message to Congress (1829)*. This contains background information on Jackson, which can be reviewed with the class.

2. Reading Strategy

- Read the speech with the class using your preferred reading strategy. Discuss with students the attitude of benevolence that Jackson portrays in his speech, in contrast to the actual violence and hostility against the Indian tribes during this time.
- Have students work in pairs to complete the CAMPS portion for this document.
- Teacher will lead discussion of student answers.
- Hand out a copy of Jeremiah Evert's "William Penn" essay, *In Defense of the Cherokee (1829)*.

Homework (or the next day):

Students will read the essay by Jeremiah Evert and complete the second column of the CAMPS graphic organizer. During the next class session, the teacher will lead a discussion of student answers.

History-Social Science Content Standards:

11.1: Students analyze the significant events in the founding of the nation and its attempts to realize the philosophy of government described in the Declaration of Independence.

Historical and Social Sciences Analysis Skills:

Students interpret past events and issues within the context in which an event unfolded rather than solely in terms of present day norms and values.

Reading/Language Arts Content Standards:**2.0 Reading Comprehension (Focus on Informational Materials)***Structural Features of Informational Materials*

2.1 Analyze both the features and the rhetorical devices of different types of public documents (e.g., policy statements, speeches, debates, platforms) and the way in which authors use those features and devices.

Andrew Jackson and United States Policy Removal of the Cherokee Nation

Introduction

Andrew Jackson's election to the presidency in November 1828 has been widely regarded as a watershed in the history of United States Indian policy. Scholars have debated his motivations with arguments ranging from his history as an Indian fighter and "hater," to claims that his main concern was national security, to assertions that he was anxious to halt the decline and extinction of the Native peoples in the East. Despite their disagreements, none have suggested that his role was unimportant.

Jackson's contemporaries also believed that his election was a turning point. The first westerner to occupy the White House (Tennessee was then considered the West); his victory dramatized the rapidly growing political power of the region west of the Appalachians. If one believed that western needs and interests differed from those of the Atlantic states, Jackson's election seemed like the dawn of a new day. Jackson also represented the coalescence of a new political movement, the Democratic party, viewed by many as an important alternative to the political philosophy and American system of John Quincy Adams, Daniel Webster, and Henry Clay. Jackson, in other words, personified change. While many welcomed a new order, others feared and resented it.

Seen in this light, the debate over Indian removal during 1829–1830 represented a larger set of issues that went to the heart of American public life. What were the proper relationships between the federal government and the states? Could the concept of shared sovereignty that marked the H constitutional system be satisfactorily defined? The emerging conflict over slavery made these questions increasingly crucial, just as it polarized the attempts to answer them.

But, of course, the debate over Indian removal was also much more than a part of the ongoing dispute over constitutional interpretation. For forty years the United States government had followed a set of policies, including the negotiation of treaties that recognized the sovereignty of the nations of Native Americans and had committed itself to helping them preserve and protect that status. None of Jackson's predecessors, even in their frustration over their failures to convince the tribes to do as they wished, seriously considered rejecting such recognition. But Jackson, on record for more than ten years as favoring such a step, did so in 1829 when he decided to honor Georgia's claims of jurisdiction over the Cherokees.

Congressional implementation of Jackson's views came in the form of the Indian Removal Act, a bill that senators and representatives hotly debated. All claimed primary concern for the best interests of the Indians, but the constitutional and legal implications of removal remained central to the dispute. Indian policy became a partisan issue in the debate over removal and continued to be so during the next decade of party alignment known as the second party system.

The removal bill, enacted largely along party lines, thus aligned Congress with the president in support of Georgia's claims to sovereignty over the Cherokees. The Supreme

Court's rejection of state jurisdiction in the 1832 Worcester decision, an important moral victory for the Cherokees, had little immediate effect. The Court neither designed nor implemented Indian policy; that was the responsibility of the president and Congress. And in 1832, in the midst of the larger debate over the nature of the federal system, there was no agreement that either must abide by the decisions of the Court. As a result, the president and Congress succeeded in achieving a dramatic restructuring of the relations among the Indians, the states in which they lived, and the federal government. Andrew Jackson was instrumental in making that happen.

First Annual Message, Andrew Jackson

In his first annual message, delivered December 8, 1829, President Andrew Jackson outlined his Indian policy and called on Congress to enact legislation that would remove eastern Indians to the region west of the Mississippi. Jackson had a reputation, won during the Creek War of 1813–14, as an Indian fighter, but this was not a blood and glory pronouncement. He was critical, however, of the policies of his predecessors.

“Professing a desire to civilize and settle them, we have at the same time lost no opportunity to purchase their lands and thrust them further into the wilderness,” he explained. Thus, the “civilization” policy, despite “lavish, expenditures,” had largely been a failure, except in the South where the Cherokees “have lately attempted to erect an independent government.” State legislation that subjected Indians to state laws induced the Cherokees to call on the United States for protection. Can the government, Jackson asked, “sustain these people in their pretensions?” The answer clearly was no. The Constitution expressly forbade the erection of one state within the borders of another without the consent of the latter. The Indians, therefore, had two choices: they could “emigrate beyond the Mississippi or submit to the laws of those States.”

Jackson's address publicly clarified his recognition of the sovereign rights of the states over the Indian country within their borders. Previous administrations, even as they defended removal as the ideal policy solution to the growing “crisis in Indian affairs,” had been unwilling to force the Indians to move. Indeed, the course of federal Indian policy since the 1790s had been the opposite as it sought to exclude and remove state involvement and interference and to emphasize the nation-to-nation relation between the United States and the tribes. Jackson's decision to actively support removal, therefore, was revolutionary, and political opponents seized on it as another demonstration of the president's regressive understanding of the nature of the federal union.

First Annual Message to Congress (1829) Andrew Jackson

It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. Professing a desire to civilize and settle them, we have at the same time lost no opportunity to purchase their

lands and thrust them farther into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate.... A portion, however, of the Southern tribes, having mingled much with the whites and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection....

I informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government would not be countenanced by the Executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those States....

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 a while their once terrible name. 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....

As a means of effecting this end I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limit of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it.... There 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....

This emigration would be voluntary, for it would be as cruel and unjust to compel the aborigines to abandon the graves of their fathers and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the States they must be subject to their laws....

State of the Union Address, 1830, Andrew Jackson

The next selection comes from Jackson's second State of the Union message, presented on December 6, 1830. In it the president takes pride in the unfolding of his policy, extols its virtues, and predicts success. But the president still looks for vindication and is anxious for a speedy conclusion. Things will continue to go well, he assures his opponents, encouraging everyone to join in the humane task of convincing the tribes that so far have refused to retreat that for their own good they must do so now.

What are the benefits of removal that Jackson recounts? Are they important and valuable? Could they have been achieved in some other way? What is the tone of his expressions of sympathy for the Indians? How does Jackson position himself as "helping" the Indians, much as a father would help his children?

ANDREW JACKSON

State of the Union Address

December 6, 1830

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...

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 condition 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.

In Defense Of The Cherokees: The “William Penn” Essays

Introduction:

Jeremiah Evarts, chief administrative officer of the large interdenominational missionary consortium the American Board of Commissioners for Foreign Missions, had definite ideas about the proper relation between the Indian tribes and the United States. Born in Vermont and trained as an attorney, he had become convinced early in his life that God had a special mission for the United States to lead the way in the conversion of the world to Christianity. American leadership required that the United States be a “beacon of goodness” that radiated the light of justice and morality in all of its affairs. Christian citizens were obligated, he believed, to critique their leaders if they strayed from the path and demand that they return. Otherwise, Evarts feared, God would punish the United States with disasters and destruction.

Since 1817, the American Board had maintained a significant presence in the Cherokee Nation. Several missionaries lived there, operated schools, conducted religious services, studied the language, worked on a translation of the Bible, and sent back to headquarters in Boston a steady stream of correspondence and reports on their progress. Evarts read all the reports, studied what additional sources he could find, and developed a deep and abiding respect for the Cherokees. Furthermore, with a lawyer’s eye, he analyzed the history of Indian policy in all of its legislative and administrative aspects. To him, the Constitution clearly authorized Congress and the president to conduct relations with the Indians outside the involvement of the states. Treaties were the acts of sovereigns, and the policy of the United States had always been to respect the sovereign rights of the tribes. By definition, therefore, tribal sovereignty was superior to the claims of the states. In addition, neither Evarts nor his associates in New England were Democrats. Their view of the Union and the proper relation of the federal and state governments convinced them that the Constitution intended the national government to take an active, leading role in public affairs, to override and inhibit the narrow and selfish provincialism of the states, and to set the moral tone for the country.

Evarts was both outraged and terrified by the events of the winter of 1828–1829. Georgia’s extension of jurisdiction over the Cherokees and the Cherokee protest to the president had elicited the response of the Jackson administration. Though conveyed in a private letter dated April 18, 1829, from Secretary of War John Eaton to the Cherokee Council, the news that the government would not protect the Cherokees from the actions of Georgia law but rather would encourage the state’s aggressive policy quickly made its way to Evarts’s desk at the American Board offices. Shortly thereafter, Thomas L. McKenney, the War Department official chiefly responsible for the administration of Indian policy, wrote Evarts to explain and justify Jacksonian policy. Unable to win the support of the American Board, McKenney approached Episcopalian and Dutch Reformed church officials in New York; they agreed with Jackson’s arguments and in July, with McKenney’s active involvement, organized the Indian Board for the Emigration, Preservation, and Improvement of the Aborigines of America. This organization of lay and clerical religious leaders, McKenney hoped, would offer a persuasive alternative moral voice to Evarts and the American Board.

All of this jolted Evarts, who believed that the new policy was unconstitutional, illegal, immoral, and fraught with danger. Not only would the policy run roughshod over Indian

human and legal rights, it would surely rain untold suffering and hardship onto a helpless and innocent people. Furthermore, God would punish the United States for such immorality, and Evarts shivered to think of the consequences.

Thus motivated, between August 5 and December 19, 1829, Evarts wrote and published in the Washington National Intelligencer twenty-four articles entitled “Essays on the Present Crisis in the Condition of the American Indians.” Published under the pseudonym of William Penn, Evarts’s essays constitute a propaganda masterpiece of historical, legal, and moral analysis and interpretation of America’s relations with the Indians. The essays, reprinted in dozens of papers and published as a separate pamphlet, responded to Jackson’s position and shaped the arguments on removal that resounded in Congress and the press during the early months of 1830.

The selection printed here is a summary of the “William Penn” essays written by Evarts late in 1829 as the body of a petition that opponents of removal could sign and send to their congressmen. Entitled “A Brief View,” this represented one of many efforts by Evarts and those of like mind to bombard Congress with expressions of popular outrage. Note the logic of Evarts’s presentation. How does he mix history, law, and morality to make his points? Do his views of the Cherokees betray a paternalistic attitude? What kinds of future relations between Indians and non-Indians does Evarts imagine?

WILLIAM PENN [JEREMIAH EVARTS][i]

“A Brief View of the Present Relations between the Government and People of the United States and the Indians within Our National Limits”

November 1829

In the various discussions, which have attracted public attention within a few months past, several important positions, on the subject of the rights and claims of the Indians, have been clearly and firmly established. At least, this is considered to be the case, by a large portion of the indifferent and reflecting men in the community. Among the positions thus established are the following: which, for the sake of precision and easy reference, are set down in regular numerical order.

1. The American Indians, now living upon lands derived from their ancestors, and never alienated nor surrendered, have a perfect right to the continued and undisturbed possession of these lands.
2. Those Indian tribes and nations, which have remained under their own form of government, upon their own soil, and have never submitted themselves to the government of the whites, have a perfect right to retain their original form of government, or to alter it, according to their own views of convenience and propriety.
3. These rights of soil and of sovereignty are inherent in the Indians, till voluntarily surrendered by them; and cannot be taken away by compacts between communities of whites, to which compacts the Indians were not a party.
4. From the settlement of the English colonies in North America to the present day, the right of Indians to lands in their actual and peaceable possession, and to such form of

government as they choose, has been admitted by the whites; though such admission is in no sense necessary to the perfect validity of the Indian title.

5. For one hundred and fifty years, innumerable treaties were made between the English colonists and the Indians, upon the basis of the Indians being independent nations, and having a perfect right to their country and their form of government.
6. During the revolutionary war, the United States, in their confederate character, made similar treaties, accompanied by the most solemn guaranty of territorial rights.
7. At the close of the revolutionary war, and before the adoption of the federal constitution, the United States, in their confederate character, made similar treaties with the Cherokees, Chickasaws, and Choctaws.
8. The State of Georgia, after the close of the revolutionary war, and before the adoption of the federal constitution, made similar treaties, on the same basis, with the Cherokees and Creeks.
9. By the constitution of the United States, the exclusive power of making treaties with the Indians was conferred on the general government; and, in the execution of this power, the faith of the nation has been many times pledged to the Cherokees, Creeks, Chickasaws, Choctaws, and other Indian nations. In nearly all these treaties, the national and territorial rights of the Indians are guaranteed to them, either expressly, or by implication.
10. The State of Georgia has, by numerous public acts, implicitly acquiesced in this exercise of the treaty-making power of the United States.
11. The laws of the United States, as well as treaties with the Indians, prohibit all persons, whether acting as individuals, or as agents of any State, from encroaching upon territory secured to the Indians. By these laws severe penalties are inflicted upon offenders; and the execution of the laws on this subject, is specially confided to the President of the United States, who has the whole force of the country at his disposal for this purpose.

The positions here recited are deemed to be incontrovertible. It follows, therefore,

That the removal of any nation of Indians from their country by force would be an instance of gross and cruel oppression:

That all attempts to accomplish this removal of the Indians by bribery or fraud, by intimidation and threats, by withholding from them a knowledge of the strength of their cause, by practicing upon their ignorance, and their fears, or by vexatious opportunities, interpreted by them to mean nearly the same thing as a command; —all such attempts are acts of oppression, and therefore entirely unjustifiable:

That the United States are firmly bound by treaty to protect the Indians from force and encroachments on the part of a State; and a refusal thus to protect them would be equally an act of bad faith as a refusal to protect them against individuals: and

That the Cherokees have therefore the guaranty of the United States, solemnly and repeatedly given, as a security against encroachments from Georgia and the neighboring

States. By virtue of this guaranty the Cherokees may rightfully demand, that the United States shall keep all intruders at a distance, from whatever quarter, or in whatever character, they may come. Thus secured and defended in the possession of their country, the Cherokees have a perfect right to retain that possession as long as they please. Such retention of their country is no just cause of complaint or offence to any State, or to any individual. It is merely an exercise of natural rights, which rights have been not only acknowledged but repeatedly and solemnly confirmed by the United States.

Although these principles are clear and incontrovertible, yet many persons feel an embarrassment from considering the Cherokees *as living in the State of Georgia*. All this embarrassment may be removed at once by bearing in mind, that the Cherokee country is not in Georgia, in any sense affecting sovereignty, right of soil, or jurisdiction; nor will it rightfully become a part of Georgia, till the Cherokees shall first have ceded it to the United States....

Again, it is supposed, that the existence of a little separate community of Indians, living under their own laws, and surrounded by communities of whites, will be fraught with some great and undefined mischief. This supposed evil is set forth under learned and hard names. It is called an *anomaly, an imperium in imperio*,^[1] and by various other pedantic epithets. When the case is accurately examined, however, all the fog clears away, and nothing appears in the prospect but a little tract of country full of civilized Indians, engaged in their lawful pursuits, neither molesting their neighbours, nor interrupting the general peace and prosperity.

If the separate existence of the Indian tribes were an inconvenience to their neighbours, this would be but a slender reason for breaking down all the barriers of justice and good faith. Many a rich man has thought it very inconvenient, that he could not add the farm of a poor neighbour to his possessions. Many a powerful nation has felt it to be inconvenient to have a weak and dependent state in its neighbourhood, and has therefore forcibly joined the territory of such state to its own extensive domains. But this is done at the expense of honour and character, and is visited by the historian with his severest reprobation.

In the case before us the inconvenience is altogether imaginary. If the United States were examined, with a view to find a place where Indians could have a residence assigned them, so that they might be as little as possible in the way of the whites, not a single tract, capable of sustaining inhabitants, could be found more secluded than the present country of the Cherokees. It is in the mountains, among the head waters of rivers diverging in all directions; and some parts of it are almost inaccessible. The Cherokees have ceded to the United States all their best land. Not a twentieth part of what remains is of a very good quality. More than half is utterly worthless. Perhaps three tenths may produce moderate crops. The people of the United States have a free passage through the country, secured by treaty. What do they want more? If the Cherokee country were added to Georgia, the accession would be but a fraction joined to the remotest corner of that great State; – a State now scarcely inferior in size to any State in the Union except Virginia; a State having but six or seven souls to a square mile, counting whites and blacks, and with a soil and climate capable of sustaining a hundred to the square mile with the greatest of ease. There is no mighty inconvenience, therefore, in the arrangement of Providence, by which the Cherokee claim a resting place on the land which God gave to their fathers....

There is one remaining topic, on which the minds of many benevolent men are hesitating; and that is, *whether the welfare of the Indians would not be promoted by a removal.* Though they have a right to remain where they are; though the whole power of the United States is pledged to defend them in their possessions; yet it is supposed by some, that they would act wisely, if they would yield to the pressure, quietly surrender their territory to the United States, and accept a new country beyond the Mississippi, with a new guaranty.

In support of this supposition, it is argued, that they can never remain quiet where they are; that they will always be infested by troublesome whites; and that the states, which lay claim to their territory, will per severe in measures to vex and annoy them.

Let us look a moment at this statement. Is it indeed true, that, in the very prime and vigour of our republican government, and with all our boasted reliance upon constitutions and laws, we cannot enforce as plain an act of Congress as is to be found in our national statute-book? Is it true, that while treaties are declared in the constitution to be the supreme law of the land, a whole volume these supreme laws is to be at once avowedly and utterly disregarded? Is the Senate of the United States, that august body, as our newspapers have called it a thousand times, to march in solemn procession, and burn a volume of treaties? Are the archives of state to be searched, and a hundred and fifty rolls, containing treaties with the Indians, to be brought forth and consigned to the flames on Capitol Hill, in the presence of the representatives of the people, and all the dignitaries of our national government? When ambassadors from foreign nations inquire, What is the cause of all this burning? are we to say? Forty years ago President Washington and the Senate made treaties with the Indians, which have been repeated and confirmed by successive administrations. The treaties are plain, and the terms reasonable. But the Indians are weak, and their white neighbors will be lawless. The way to please these white neighbours is, therefore, to burn the treaties, and then call the Indians our dear children, and deal with them precisely as if no treaties had ever been made.” Is this answer to be given to the honest inquires of inteffigent foreigners? Are we to declare to mankind, that in our country law is totally inadequate to answer the great end for which human laws are made, that is, the protection of the weak against the strong? And is this confession to be made without feeling and without shame? It cannot be. The people of the United States will never subject themselves to so foul a reproach. They will not knowingly affix to the character of a republican government so indelible a stigma. Let it not be said, then, that the laws of the country cannot be executed. Let it never be admitted, that the faith of the nation must be violated, lest the government should come into coffi sion with white intruders upon Indian lands: –with intruders, whose character is admitted to be lawless; and who can be invested with power, in no other way than by tamely yielding to their acts of encroachment and aggression

The laws can be executed with perfect ease. The Indians can be defended. The faith of the nation can be preserved. Let the President of the United States, whenever the Indians shall be threatened, issue his proclamation, describing the danger and asserting the majesty of the laws. Let him refer to the treaties and the acts of Congress, which his oath of office obliges him to enforce; let him recite the principal provisions of these treaties and acts, and declare, in the face of the world, that he shall execute the laws, and that he shall confidently rely upon the aid and co-operation of all good citizens: –let him do this, and neither he, nor the country, will be disappointed. Law will triumph, and

oppression will hide its head.

But it may be supposed, after all, that it would be for the benefit of the Cherokees and other tribes to remove beyond the Mississippi, and there enjoy the advantages, which are offered by the general government. These advantages are developed in a plan, which has been some years before the American people, and which is in substance, as follows:

Congress will set apart a tract of country of moderate dimensions, beyond Missouri, Arkansas, and Louisiana, (principally west of the territory of Arkansas,) and will guaranty it as the perpetual residence of Indians. Upon this tract of country shall be congregated numerous tribes, now residing in different states and territories. The land shall be divided among the tribes and individuals, as Congress shall direct. The emigrants, thus congregated, shall be governed by white rulers, till they are sufficiently amalgamated, instructed, and civilised, to be admitted to some share in the government themselves. The United States will pay the expense of a removal; will furnish implements of agriculture, the mechanical arts, schools, and other means of civilization. Intruders will be excluded; ardent spirits will never be permitted to pass the line of demarcation; good morals and regular habits will be promoted; and the Indians will rise rapidly in the scale of intelligence and virtue. This is the plan; and some good men have so much confidence in it, that they advise the Indians to embrace it, as their only refuge.

But before this advice is officiously pressed upon the Cherokees and other tribes, let the following things be considered.

1. The Cherokees and other tribes are now separate communities, or nations. They have rights as communities, and, under this associated character, they hold the United States by the strong obligations of treaties. They can, therefore, so long as their present relation continues, make a strong, united, and irresistible appeal to the justice and magnanimity of the United States. But the moment they consent to a removal, the existence of their separate communities will cease. Their act of consent to a removal may be called a treaty; but the moment the treaty is signed one of the parties become defunct. Let the terms be violated ever so grossly, and there is no nation of Indians to claim redress. Individuals may complain, but there is no community; for by consent to a removal, the Indians come as much under the government of the United States, as the District of Columbia is. Such a change in their condition is a great one; and let no man advise to it, unless he has duly considered its consequences. From being an independent people, rapidly improving in their character and habits, they will be put into leading strings, and will instantly feel that they are vassals. From walking abroad on their own possessions, as they are now wont to do, they will feel like paupers and mendicants, taken by the government, and stowed away in a crowded poor-house. At least these feelings seem very natural, if they are not certain.
2. There must be much suffering, in the removal of the 60,000 souls, which constitute the south-western tribes; —much exposure, sickness, hunger, nakedness, either on the journey, or soon after the arrival. The expense will be great; but this our national treasury can bear. The personal suffering comes wholly upon the Indians.
3. The removal must be conducted gradually. Of course all existing associations must be broken up; and the emigrants would be scattered along, at considerable intervals, and

thus compelled to form new connexions. This alone would greatly impede their progress in civilization.

4. From the best accounts, which can be obtained of the country, which is selected for this permanent residence of Indians, it is deficient in wood and water, two articles of indispensable necessity to the emigrants. It is certain, that the Chickasaws, who visited this country last year at the expense of government, were unanimously dissatisfied with it as a place for their future residence. No man should advise the Indians to remove from their present habitations, unless he is in possession of undoubted evidence that the place, to which they are to be transported, is a desirable residence, or at least a comfortable one. No such evidence has yet been produced.
5. The crowding together of different tribes, speaking languages entirely unintelligible to each other, and accustomed to different habits, would be productive of quarrels, and effectually impede the progress of improvement.
6. The proposed plan of government is entirely visionary, and has nothing, in the history of human affairs, to sustain it. The white rulers, who should have the charge of controlling and guiding such a heterogeneous mixture of different tribes, would need to be men of the most eminent qualifications; —men of great wisdom, firmness, patience, disinterestedness, and active persevering benevolence. With all these qualifications, their success would be doubtful; without them, defeat would be certain. But there is not the remotest probability, that a majority of agents and sub-agents would be of this character. Judging from all past experience, some of them would be profane, licentious, and overbearing; and a majority would be selfish, looking principally at the emoluments of office and caring little for the Indians.
7. No guaranty of a new country could be given to the Indians. The pretended guaranty would be either a treaty, one of the parties to which would cease to exist at the moment of signing, or an act of Congress, which might be repealed whenever Congress should please. Indeed, in these circumstances, it is an insult to common sense to talk of a guaranty. Even supposing half a dozen, or half a score, of Indian tribes, crowded together on the same territory, under white rules, could maintain their separate national existence, a thing manifestly impossible; but supposing this, how could these tribes insist on their right by treaty to lands upon which they had been placed by the United States, when they had previously left the original soil of their ancestors, because treaties were not strong enough to defend their possession. They can never have a title to a new country of equal validity with their title to the soil of their fathers. So they will regard the matter; and so all men will regard it.
8. It may be expected, therefore, that they will hardly get settled in their new location, before they will be urged to remove again. It will be impossible to escape the cupidity of the whites. If the Indians become outcasts and vagabonds, it will be said that they may as well be driven beyond the Rocky Mountains at once. If they, or a part of them, should live comfortably, it will prove that white men would live comfortably on the same soil. In a quarter of a century, the population of the United States will be 25,000,000. There will probably be 4,000,000 whites west of the Mississippi. Why should these whites be more tender of the rights of Indians than the whites of the present day?

9. The Cherokees, and the other south-western tribes, cannot be persuaded to remove voluntarily. If they go at all, they will go by constraint. They will consider the United States as guilty of the grossest violation of treaties. Of this state of their minds, the proof is already abundant; and, their mind being in this state, they cannot enter with vigour into any measures for their own good, but will abandon themselves to indolence, to despondency, and finally to despair.

These suggestions are made without the least intention to exaggerate. Let them be attentively examined.

May a gracious Providence avert from this country the awful calamity of exposing ourselves to the wrath of heaven, as a consequence of disregarding the cries of the poor and defenseless, and perverting to purposes of cruelty and oppression, that power which was given us to promote the happiness of our fellow-men.

[1] “Empire within an empire” (Latin).

[i] This text is taken from Francis Paul Prucha, ed., *Cherokee Removal: The William Penn” Essays and Other Writing* (Knoxville: University of Tennessee Press, 1981), 201-211.

<p>Focus Question: How and why did Jackson justify Indian removal? Who resisted the Indian Removal Act, and why?</p> <p>TEACHER KEY</p>		<p><i>Title: First Annual Message to Congress, 1829, A. Jackson</i></p> <p><i>Type of doc: Primary source</i></p>	<p><i>Title: In Defense of the Cherokee: The "William Penn" Essays by Jeremiah Evarts</i></p> <p><i>Type of doc: Primary source</i></p>
C	<p>Context</p> <p>--When and where was this taking place? --What was going on before, during, & after event or era being studied? --What else was happening? --How might have surrounding events shaped this document?</p>	<ul style="list-style-type: none"> - December 8, 1829; A speech made to members of Congress by President Andrew Jackson. - Jackson had been elected president in Nov. 1828. As a westerner, he brought to light the new power of the growing and expanding western territories of the U.S. As a Democrat, he believed the federal government should have more authority over states' jurisdictions of Indian tribes. - There were economic, political, and cultural tensions between the Northern and Southern states, and the issue of slavery was central to these tensions. 	<ul style="list-style-type: none"> - November 1829; the United States. - The American Board of Commissioners for Foreign Missions had been present in the Cherokee Nation, building schools and spreading Christianity. Indians had been continuously pushed off their lands east of the Mississippi. During this time, there was conflict over the role of the federal government in Indian affairs, slavery, trade, and other significant issues. Jackson had just become president, and introduced a policy of forcibly removing Indians to areas west of the Mississippi. Later, Indians of the Cherokee Nation and other tribes were rounded up, forced into camps, and forced to march more than 8,000 miles on the Trail of Tears, during which more than one-fourth of the Indians died in brutal conditions.
	A	<p>Author</p> <p>--Who was the author? --What were the author's background, social class qualifications, sex & race? --When did the author write this?</p>	<ul style="list-style-type: none"> - Andrew Jackson - From Tennessee, then considered the west. - Part of the new Democratic party - White male, descendant of Scotch-Irish immigrants, had fought in the Creek War of 1813-1814 and had a reputation as an Indian fighter.
<p>Audience</p> <p>--Who would have been expected to see or read this source?</p>		<ul style="list-style-type: none"> - This was primarily addressed to members of Congress. 	<ul style="list-style-type: none"> - This was primarily addressed to Congress and the press, but was meant to inspire the general public and other Christian organizations.

<p>M</p>	<p>Message --What does this document tell us? --What is the document’s main idea or thesis?</p>	<ul style="list-style-type: none"> - Andrew Jackson was in favor of a policy to move Indians to regions west of the Mississippi, where there were no established states. He saw this as a benevolent and generous gesture on the federal government’s behalf, and claimed that this would be beneficial for Indians and whites. Indians could become more “civilized”, if they were willing, and if not, they could still take this generous “gift” from the government, so they would not be burdened with having to share the whites’ land. - The government has not been successful in civilizing Indians, so they should be moved to western territories, where they could stay and be civilized, and this would save them from extinction/other tragedies. 	<ul style="list-style-type: none"> - American Indians have a right to this land which is rightfully there, and Indian tribes are sovereign bodies, therefore any treaties between the States and sovereign tribes must be upheld; the federal government has no constitutional right to force Indians off their land. - Since treaties have been made between state governments and tribes, it would be immoral and a form of “gross and cruel oppression” to remove them from their lands through the use of bribery, fraud, manipulation, and violence. -The U.S. has a responsibility to uphold these treaties, because it has a duty to protect natural rights. To not do this slanders the nation’s own honor and character.
<p>P</p>	<p>Perspective --What perspective or point of view does the document present? --What “loaded” words give you clues about the author’s point of view?</p>	<ul style="list-style-type: none"> - The view that Indians aren’t civilized, and should be pushed farther west to be separated from white-settled lands. - Loaded words: “arts of civilization”, “attempted”, “submit”, “uncontrolled possessors”, “persuasion”, “force”, “once terrible name”, “extinct”, “doom”, “savage”, “weakness”, “enjoyment”, “benevolent”, “cruel and unjust”... 	<ul style="list-style-type: none"> - The perspective that American Indians have a natural right to their land, and that the United States must abide by the treaties it has formed with them. To not do so would be hypocritical and shameful. - Loaded words: “gross and cruel oppression”, “unjustifiable”, “bad faith”, “supposed evil”, “inconvenience”, “disregarded”, “lawless”...
<p>S</p>	<p>Significance --Taken together, what story do the documents tell? --How do these sources help us answer our focus question?</p>	<p>-Student answers will vary throughout the discussion.</p>	

Focus Question: How and why did Jackson justify Indian Removal? Who resisted the Indian Removal Act, and why?		<i>Title:</i> <i>Type of doc:</i>	<i>Title:</i> <i>Type of doc:</i>
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