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Was Andrew Jackson's Indian Removal Policy Motivated by Humanitarian Impulses? While virtually all historical accounts of the Jackson era, both scholarly and popular, devote some space to the relocation of Indian Inhabitants of the eastern United States to an Indian territory west of the Mississippi, very few acknowledge that the process as it was carried out by the Jackson administration violated guarantees contained in the congressional legislation which authorized removal. There was nothing humanitarian about the Removal Act or in the process of the Indian Removal Policy.

However, the actions of President Jackson were a gross abuse of presidential power. Therefore, such actions were responsible for the broken hearts and lost lives along The Trail of Tears. The President insisted that the Indians would not be forced to remove. If they wished to reside within the state they might do so but only on condition that they understood they would be subject to state law. He would never force them to remove, never compel them to surrender their lands. That high and noble sentiment as interpreted by land-greedy state officials meant absolutely nothing.

Fraud and deception also accompanied the exchange of land. , Indeed, historians frequently misunderstand and often misrepresent the provisions of this law. One recent writer, for example, claims erroneously " In 1830 the United States Congress passed... A statute authorizing use of military force to compel the relocation of all indigenous peoples east of the Mississippi River to points west. " A widely read survey of American history maintains that the law empowered " the President to send any eastern tribe beyond the Mississippi if he wished, using force if needed. Other textbooks contain <https://assignbuster.com/was-andrew-jacksonassignment-assignment/>

the same claim. While specialists familiar with the primary sources are certainly aware of the limits of the legislation passed in 1830, they have generally focused on the removal process itself and, for the most part, have devoted little if any attention to the discrepancy between the laws provisions and the administration's actions. Some historians note in passing that the law did not authorize the measures Jackson used, but provide few details.

As a result, the Impression that Jackson had received congressional authorization to remove Indians from their homelands at the point of a bayonet remains widespread. The experience of removal is one of the horror stories of the modern era. Beginning with the Choctaws it decimated whole tribes. An entire race of people suffered. What it did to their lives, their culture, their language, their customs is a tragedy of truly staggering proportions. The irony is that removal was intended to prevent this calamity. In a message to the Congress of the United States dated 8 December 1829 Jackson declared of removal: " This emigration should be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers, and seek a home in a distant land. The president added that ; our conduct toward these people" would reflect on " our national character. " This perspective on Indian affairs is particularly interesting in light of Jackson's treatment of Indians during his first year of office, which reflected his long-standing belief that Indian treaties were not really binding on the nation.

Not for long. They found small consolation from the courts. The Cherokees' lawyer, William Wire, sued in the Supreme Court for an injunction that would permit the Indians to remain in Georgia unmolested by state law. He argued a

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Tanatan snookers ad a right to self-government as a foreign nation and that this right had long been recognized by the United States in its treaties with the Indians. He hoped to make it appear that Jackson himself was the nullifier of federal law.

In effect he challenged the entire removal policy by asking for a restraining order against Georgia. 3 The Jackson administration had refused to intervene to protect the Cherokee from the state of Georgia, which by legislative act had denied the Cherokees' right to tribal self-government and challenged their ultimate ownership of their land. Repudiating al past constitutional precedents, Andrew Jackson had declared that the federal government could not interfere with the states' management of Indian affairs within their own borders.

In his 1829 message to Congress, Jackson noted that " years ago I stated to them my belief that if the states chose to extend their laws over them it would not be in the power of the federal government to prevent it. "

Secretary of War Eaton, speaking for the President, several months earlier had informed Cherokee leaders that the guarantees in treaties with the United States that they claimed retorted their rights against encroachment by Georgia in fact were nothing more than temporary grants of privilege awarded by a conquering power-?? the United States-?? to a vanquished people, the Cherokee.

There were, Eaton declared, no guarantees in any treaty that could be considered permanent, nor could any clause be construed as " adverse to the sovereignty of Georgia. " Indeed, in the early stages of Congress's

deliberations on Indian removal, the report of the House Committee on Indian Affairs, written by close associates of the president, dismissed Indian treaty-asking as nothing more than an “empty gesture” to placate Indian “vanity.” Such treaties were not really treaties, the committee declared, but were only a “stately form of intercourse” useful in gaining Indian acquiescence in peacemaking and land cession.

Although that view was rejected in the bill finally presented to Congress, it was reflected still in the words of some pro-removal congressmen and thereby served to arouse suspicion of the administration’s real intent with regard to Indian removal. The other prediction that mocked Jackson’s commitment to economy was the cost of the operation. In the completed legislation the Congress had appropriated \$500,000 but the actual cost of removal is incalculable. For one thing the process extended over many years and involved many tribes. Naturally some Indians resisted Jackson’s will and the government was required to apply force.

The resulting bloodshed and killing and the cost of these Indian wars cannot be quantified. For a political party that prized economy above almost everything else the policy of Indian removal was a radical departure from principle. Still many Democrats argued that the actual cost was a small price to pay for the enormous expanse of land that was deeded to the American empire. In Jackson’s eight years in office seventy-odd treaties were signed and ratified, which added 100 million acres of Indian land to the public domain at a cost of roughly \$68 million and 32 million acres of land west of the Mississippi River.

The expense was enormous, but so was the land-grab. Although privately in favor of coerced removal (and as a former treaty commissioner, skilled and experienced in the coercing of Indians), President Jackson recognized that he could not obtain from Congress the aggressive removal law that many writers imagine was actually passed. Hence, Jackson did not ask that Congress authorize Trace deportation, out Instead sousing autonomously Ana Tuning to continue Nils predecessors' policy of granting land west of the Mississippi to tribes willing to relinquish their eastern holdings.

The Indian Removal Act of 1830 made provision for the president to negotiate for land exchanges and make payments for "improvements" (I. E. , houses, barns, orchards, etc.) that Indians had made on their lands. The president was also authorized to pay transportation costs to the West. An appropriation of \$500, 000 was provided for those purposes. Significantly, there was no provision in the bill authorizing the seizure of land that Indians declined to cede by treaty. Members of Jackson's administration underscored the presumed voluntary nature of the president's removal program.

Secretary of War John Henry Eaton assured skeptical congressmen that "nothing of a compulsory nature to effect the removal of this unfortunate race of people has ever been thought of by the President, despite assertions to the contrary. " Worried by the extensive anti-removal campaign recently mounted by the Boston-based American Board of Commissioners of Foreign Missions and by some of Jackson's political opponents, Eaton in confidential correspondence twice warned the Governor of Georgia that the state must be careful to avoid "the appearance of harshness towards the Indians.

Should Georgia be suspected of "injustice," it might well prove impossible to

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secure broad based support for Jackson's removal program. To reassure the general public, Michigan Governor and Jackson loyalist Lewis Sacs, in an unsigned article in the influential North American Review in January 1830, declared that the administration not only understood that "no force should be used," but was determined that Indians "shall be biyearly remunerated for all they may cede." Apart from everything else, the Indian Removal Act served an important political purpose.

For one thing it forced Jackson to exercise leadership as the head of the Democratic Party within Congress. It prepared him for even bigger battles later on. For another it gave "greater ideological and structural coherence" to the party. It separated loyal and obedient friends of the administration from all others. It became a "distinguishing feature" of Jackson's Jackson's supporters in Congress also assured doubters that the Democrats...

Administration did not intend to force a single Indian to move against his or her will.

To cite three typical examples, Senator Robert Adams of Mississippi denied that the legislation Jackson requested would give the president any power "to drive those unfortunate people from their present abode." Indian relocation, the senator insisted, would remain "free and voluntary."

Congressman James Buchanan of Pennsylvania assured the House that there was no cause for concern, as Jackson had never considered "using the power of the government to drive that unfortunate race of men across the Mississippi.

Congressman Wilson Lumpkin of Georgia assured his colleagues that “ no man entertains kinder feelings towards Indians than Andrew Jackson. ” Jackson’s supporters in Congress reminded skeptics of the president’s assurances that Indians belonging to tribes that had signed removal treaties, but who did not themselves wish to accompany their kinsmen on the trek westward, would receive individual land grants after tribal claims had been extinguished and would then be welcome to remain behind as citizens of the states, where they would, in Jackson’s words, be “ protected in their persons and property.

The Indian Removal Act passed by Congress included a clause guaranteeing that “ nothing in this act contained snail De construed as tunneling or alerting ten violation AT any exalting treaty between the United States and any of the Indian tribes. ” Without that guarantee, and without Jackson’s promise of legal protection for Indians who chose not to relocate, it is unlikely that the removal act would have passed the House of Representatives. The Jackson’s’ insistence on the voluntary nature of their removal program was a political ploy aimed at winning badly needed votes in the House of Representatives.

In both houses of Congress, a substantial block of legislators stated bluntly that they did not believe that Andrew Jackson could be trusted to deal fairly with Indians, a suspicion confirmed when War Department correspondence discussing possible means of bribing and intimidating Indians reluctant to sign removal treaties fell into the hands of the opposition. As a result, Jackson’s congressional critics demanded yet more explicit procedural protection of existing Indian treaty rights. In the spring of 1830, active .
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Debate began in the chambers of Congress. The attack on the bill was launched in the Senate by Theodore

Frighteningly of New Jersey, a distinguished lawyer whose deep religious convictions had already earned him the respect of colleagues in both parties. Senator Birefringence's speech, which took three days to deliver, pointed out that the Indian policy of the United States, from the time of Washington on, had been based on the principle that the United States was obligated to protect peaceful natives living in uncured territory from intrusion by whites under any pretext, by force if necessary. Treaties with the Native Americans, according to the Constitution, were, like other treaties, the law of the land.

The Jackson Administration, by refusing to enforce existing treaties, was violating the Constitution. 6 In the Senate, Theodore Frighteningly of New Jersey offered two amendments that, by affirming explicitly that treaty rights transcended state authority, would have guaranteed continuing federal protection of "tribes and nations" that rejected removal. One amendment stipulated that in the absence of a removal treaty, the "tribes or nations ... Shall be protected in their present possessions, and in the enjoyment of all their rights of territory and government, as heretofore exercised and enjoyed, from all interruptions and encroachments.

The second declared that changes in Indian status could be made only through the traditional treaty-making process, thus denying that Indian nations were subordinate to the states. In spite of significant support, however, determined opposition from southern senators meant that both amendments failed. A similar fate befell a variety of other proposed

amendments, both in the Senate and the House, that would have provided more explicit federal protection of the property both of Indians who remained behind, and of those who relocated, and that would have mandated congressional inspection of the proposed Indian Territory.

The debate raged for weeks in both the Senate and the House. Amendments were proposed in the Senate that would have weakened the bill by protecting the Indians' interests; three times these amendments were defeated by a single vote. In general, delegates from the Northern and Eastern states, many of them National Republicans, anti-Masons, and moral reformers, stood against the bill, and Southern and Western delegates—many, like Jackson, with little interest in evangelical Christianity—favored it. Eventually, on April 23, 1830, the Senate voted 28 to 19 to pass the measure.

On May 24, the House passed the bill by a narrower margin, 102 to 97. When efforts to amend the Indian Removal Act failed, 101 House members voted to vote down the act, arguing that the administration's refusal to agree to more specific protections of Indian rights exposed Jackson's true intentions. While in the Senate the removal bill passed easily, with twenty-eight votes in favor and nineteen opposed, it came close to failing in the House of Representatives and passed only when Jackson, scared by the near success of the Hemophilia amendment, "pressured and bullied" the recalcitrant.

In the end, the House voted for the Indian Removal Act by the narrow margin of 102 to 97. An analysis of the roll call reveals that the vote was sectional: a

substantial majority of congressmen who represented districts north of the Mason-Dixon line opposed this legislation. Northeastern representatives were overwhelmingly opposed, with seventy-nine voting against the bill and only forty-two in favor. In the delegations from the northwest, opinion was divided. Twenty-seven western congressmen supported the bill; seventeen voted against it.

There was little division in the South: sixty out of seventy-five southern representatives voted with the administration. Although the vote on the Removal Bill is usually represented as a partisan vote, a number of northern Jackson's, despite pressure from the White House, broke with Old Hickory on this issue. Some others, fearful of both their intentional constituents and of the president, as Martin Van Burden recalled, "felt themselves constrained to shoot the pit," and absented themselves on the day of the vote. President Jackson signed the Removal Act on the same day (May 24, 1830).

It was, some maintained, the "leading measure" of his administration; indeed, "the greatest question that ever came before Congress, short of the question of peace and ar." Jackson himself said that Indian removal was the "most arduous part of my duty" as President. 8 Indian removal as carried out by Jackson and his successor Martin Van Burden was anything but a voluntary relocation program. Numerous contemporary witnesses provide damning testimony regarding fraud, coercion, corruption, and malfeasance both in the negotiation of removal treaties and in their execution.

In their zeal to secure removal treaties, agents of the Jackson administration resorted to extensive bribery of compliant and corrupt tribal officials and

frequently threatened independent Indian leaders opposed to relocation. In a series of blatant violations of the specific guarantees that Andrew Jackson and his supporters had offered to Congress in 1830, federal officials, by a variety of ruses, in effect denied intentional majorities within Indian tribes the right to vote on the ratification of removal treaties.

Furthermore, the administration systematically removed Indian agents who either opposed the removal policy or were less than zealous in coercing compliance. Moreover, Indians endeavoring to make good on Jackson's promise that they could remain within the states as individuals were objected to all manner of harassment from state officials, speculators, and Indian-hating mobs as the federal government looked the other way. In principle, emigration was to be voluntary; the Removal Act did not require Native Americans to emigrate, and those who wished to remain could do so.

But the actual policy of the administration was to encourage removal by all possible means, fair or foul. A close examination of administrative correspondence and personal memoranda suggests that Jackson's guarantees in 1829 and early 1830 that removal would be voluntary and that those Indians who did not wish to relocate would be protected in Nell personal Ana property rulings were politically expedient Duty Temperamentally dishonest.

Some rough notes in his personal papers offer some insights into the president's private thoughts about Indians as citizens of the states. In a set of points he intended to raise with his envoy to Mexico, scribbled in the summer of 1829, Jackson lists among the advantages of the possible

acquisition of Texas the prospect that the “ additional territory’ could be used for “ concentrating the Indians,” thereby “ relieving the states of the inconveniences which the residue within their limits at resent afford.

Jackson’s own draft of his 1829 message to Congress contains no reference to voluntary removal. The eloquent acknowledgement that forced removal would be an act of cruelty that would reflect adversely on our national honor was added later, perhaps at the insistence of advisers hoping to reassure some northern congressmen. Jackson himself was more concerned about other political considerations.

In a draft of a position paper probably written in 1831, he argued that if the states indeed had no Jurisdiction over Indian lands within their boundaries and hush lacked the right to take that land when needed by white settlers, then numerous land grants, and with them countless white land titles, in the frontier states of the upper South were “ Such a doctrine,” he wrote, “ would not be well received in the west. ” Jackson as usual spoke publicly in a tone of friendship and concern for Indian welfare.

In a letter of instruction to an agent who was to visit the Choctaws in October 1829 (even before the Removal Act was passed) he outlined the message from “ their father,” the President, urging them to emigrate. The threats were veiled. They and my white children are too near each other to live in harmony and peace. ” The state of Mississippi had the right to extend a burden-some Jurisdiction over them, and “ the general government will be obliged to sustain the States in the exercise of their right. He, as President, could be their friend only if they removed beyond the Mississippi, where they should have a “ land of their own, which they shall possess as long as Grass <https://assignbuster.com/was-andrew-jacksonassignment-assignment/>

grows or water runs ... And I never speak with forked tongue. Jackson understood from the outset that the states would not in fact extend the full protection of the law to those Indians who remained behind. When the governor of Georgia informed Jackson that no Indian would be given a land allotment in his state, Jackson offered no objection.

Instead, he warned Indians that the federal government could not protect them if they chose not to emigrate. When the Cherokee leadership indicated that they would accept a removal treaty that included the sort of allotment option earlier made available to the Choctaw, Creek, and Chickasaws, Jackson told them that they could have no land in Georgia. It is telling that in his 1830 annual message to Congress, Jackson in effect repudiated his 1829 observations about the cruelty of compelling "aborigines to abandon the graves of their fathers and seek a home in a distant land. "Doubtless," the president now declared, "it will be painful for them to leave the graves of their forefathers, but what do they do more than our ancestors did or our children are now doing? Jackson regarded state harassment of Indians as a useful means of encouraging removal. Georgia officials claimed that Jackson himself in 1829 told a congressman disturbed by the delays in the Cherokee removal, "Build a fire under them.

When it gets hot enough, they'll move." While Jackson himself made no record of that conversation, Georgia's governor later sent a confidential letter to Jackson expressing satisfaction with "your general plan and policy in relieving ten states of the tenet remnant Indian population." The governor was gratified that Jackson understood that "Indians cannot live in the midst of a White Population and be governed by the same laws. Intentional

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protestors frequently charged that Andrew Jackson's refusal to execute the Indian treaties and laws of the United States " constituted a gross abuse of presidential power. The charge was well-founded. Nothing in the Indian Removal Act of 1830 authorized his denial of Indian treaty rights in the removal process. While the laws affirmation that prior treaties remained in force was not as strong as Jackson's critics wished, it was nonetheless part of the law.

By disregarding the obligations placed upon him by legislation providing for protection of Indian property, by denying the legitimacy of prior federal treaty commitments to Indian nations, by ignoring the promises written into his own removal treaties, and by tacitly encouraging the intimidation and expression of Indians, Jackson transformed the voluntary removal program authorized by Congress into a coerced removal sanctioned by the White House.

The failure of subsequent Congresses dominated by Jackson loyalists to deal with those abuses does not alter the fact that the president was operating outside the law. It is doubtful that Jackson could have achieved his objectives in Indian removal had he either accepted the constraints contained in the enabling legislation, or honored the promises made to Congress to secure passage of that law. It is a mark of Jackson's political success that so many historians over the years have conveyed to their readers the impression that neither the constraints nor the promises existed.