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Abuse of Power: Andrew Jackson and Indian Removal

Andrew Jackson was a westerner who had little sympathy for Native Americans. He understood that all white Americans had a semi-religious belief in the value of land. As Jefferson stated in the Declaration of Independence, land represented property, and property represented freedom and liberty. Holding land, therefore was a sacred right. And so, in 1830 Jackson had Congress pass the Indian Removal Act in an effort to acquire precious land occupied by Native Americans. With this act, Jackson began an abysmal abuse of his presidential powers. More importantly, he broke a number of federal treaty commitments to Indians, including some that he had personally negotiated. While Jackson has not been the only president to abuse his presidential power, the harm he did Native Americans and his disregard for the Supreme Court makes it difficult to see how scholars and historians continue to praise him as a great leader.

To begin, Jackson was a hypocrite. In an 1829 message to Congress, Jackson discussed Indian removal from all the lands east of the Mississippi River. He said: “This removal should be voluntary, for it would be cruel and unjust to compel the aborigines to abandon the graves of their father and seek a home in a distant land." The president added that “our conduct toward these people" would reﬂect badly on “our national character."

This perspective on Indian affairs is particularly interesting in light of Jackson's

long-standing belief that Indian treaties were not really binding on America. In fact,

Jackson 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.

Pleasing Southern state’s right advocates and repudiating all past constitutional precedents, Jackson 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 Natives, it would not be in the power of the federal government to prevent it.”

It is true that in 1830, Jackson did not ask that Congress authorize forced deportation of Indians, but instead he sought money to continue the 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. He was also authorized to pay transportation costs to the West for Indians willing to settle there voluntarily. An appropriation of $500,000 was provided for those purposes. Signiﬁcantly, there was no provision in the bill authorizing the seizure of land from Native tribes that had treaties with the United States.

Jackson even reemphasized on several occasions the voluntary nature of this plan.

He said: "There is compulsory nature to effect the removal of this unfortunate race of people.” Jackson’s supporters in Georgia, Mississippi, and Alabama agreed with this deception. For example, Senator Robert Adams of Mississippi denied

that Jackson sought the power "to drive those unfortunate people from their present abode." Indian relocation to Oklahoma, the senator insisted, would remain “free and voluntary.” Congressman and future president, James Buchanan of Pennsylvania insisted that, Jackson had never considered “using the power of the government to drive that unfortunate race of men from the Southeast.”

Of course, these men knew better. They were either intentionally deceptive or remarkably ignorant of the president’s true intentions to forcibly move all Indians across the Mississippi River. In fact, Jackson never gave serious consideration to voluntary removal. He always knew he would need to use the army to force Indians to leave the southeast.

Interesting, all Jackson’s speeches to the contrary never really fooled anyone. Many in Congress, for example, stated bluntly that they did not believe that the President could be trusted to deal fairly with Indians. Congressmen, who opposed forced removal, took testimony in the House of Representatives regarding fraud, coercion, corruption by Jackson official. In their zeal to get Indians to sign treaties giving up their land and moving West, Jackson and his men resorted to extensive bribery of tribal ofﬁcials and frequently threatened independent Indian leaders with violence. When questioned by Congress, these officials simply lied about their desire to force Natives off their land.

Significantly, Andrew Jackson's defenders over the years have suggested that Old

Hickory ought not to be held responsible for the crime associated with Indian removal. Those abuses, in their view, were the work of lesser ofﬁcials over whom he had little control. Jackson biographer Robert Remini, for example, has written that Old Hickory "struggled to prevent fraud and corruption" in the removal process, and sought through their relocation to protect “Indian life and culture." Furthermore, according to Remini, "as far as Jackson was concerned, the Indians could refuse to move and stay where they were. Thus, Jackson was not to blame for the cruelty and atrocities that occurred along the “Trail of Tears.”

In these assertions, Remini and other Jackson apologists are mistaken.

Close examination of administrative correspondence and personal memoranda suggests that Jackson always intended forced removal of Indians in order to full-fill his 1828 campaign promise to free up land for white settlers. Significantly, comments in written documents that Jackson made about voluntary removal were all added to his speeches much later in his life, probably by advisors who went back and added them, hoping to sooth the conscience of unhappy Northerners and present Jackson as more humane.

Jackson, however, regarded 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 plans

and policy in relieving the states from their 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." As for the

Cherokee who still refused to leave Georgia, the governor insisted that “starvation and destruction await them if they remain much longer in their present abodes.” There is no doubt that Jackson shared those sentiments.

By disregarding the obligations placed upon him by his oath of office, by denying the legitimacy federal treaty commitments to Indian nations, and by tacitly encouraging the intimidation and dispossession of Indians, Jackson operating outside the law. His callous disregard for the Supreme Court, his blatant over stepping of presidential authority, and his inherent anti-Indian racism, resulted in one of the gravest tragedies in American history. But more important, the failure of Americans and American scholars to condemn Jackson’s behavior over the years, says much less about Jackson, than it does about the American soul.

**Andrew Jackson and Indian Removal**

**Robert Remini**

It is an awesome contradiction that at the moment the United States was entering a new age of economic and social betterment for its citizens-the industrial revolution underway, democracy expanding, social and political reforms in progress-the Indians were driven from their homes and forced to seek refuge in remote areas west of the Mississippi River. Jackson--the supreme exponent of liberty in terms of preventing government intervention and intrusion, took it upon himself to expel the Indians from their ancient haunts and decree that they must reside outside the company of civilized white men. It was a depressing and terrible commentary on American life and institutions in the 1830s.

The policy of white Americans toward Indians was a shambles, right from the beginning. Sometimes the policy was benign, but more often than not it was malevolent. Colonists drove the Indians from their midst, stole their lands and, when necessary, murdered them. To the colonists, Indians were inferior and their culture a throwback to a darker age.

When independence was declared and a new government established committed to liberty and justice for all, the situation of the Indians within the continental limits of the US contradicted the ennobling ideas of both the Declaration and the Constitution. Nevertheless, the Founding Fathers convinced themselves that men of reason, intelligence and good will could resolve the Indian problem. In their view, the Indians were "noble savages," arrested in cultural development, but they would one day take their rightful place beside white society. Once they were "civilized" they would be absorbed.

President George Washington formulated a policy to encourage the "civilizing" process, and Jefferson continued it. They presumed that once the Indians adopted the practice of private property, built homes, farmed, educated their children, and embraced Christianity these Native Americans would win acceptance from white Americans. Both Presidents wished the Indians to become cultural white men. If they did not, said Jefferson, then they must be driven to the Rocky Mountains.

The policy of removal was first suggested by Jefferson as the alternative to the "civilizing" process, and as far as many Americans were concerned, removal made more sense than any other proposal. Henry Clay, for example, insisted that it was impossible to civilize these "savages." They were, he argued, inferior to white men and "their disappearance from the human family would be no great loss to the world."

Despite Clay's racist notions-shared by many Americans-the government's efforts to convert the Indians into cultural white men made considerable progress in the 1820s. The Cherokees, in particular, showed notable technological and material advances as a result of increased contact with traders, government agents, and missionaries, along with the growth of a considerable population of mixed-bloods.

Nevertheless, Indians continued to resist the efforts to get rid of them. The thought of abandoning the land on which their ancestors lived was especially painful for them. On the other hand, the states insisted on exercising jurisdiction over Indian lands within their boundaries. It soon became apparent that unless the federal government instituted a policy of removal it would have to do something about protecting the Indians against the incursions of the states.

But the federal government was feckless. It did neither. Men like President John Quincy Adams felt that removal was probably the only policy to follow but he could not bring himself to implement it. Nor could he face down a state like Georgia. So he did nothing. Many men of good will simply turned their faces away. They, too, did nothing.

Not Jackson. He had no hesitation about taking action. And he believed that removal was indeed the only policy available if the Indians were to be protected from certain annihilation. His ideas about the Indians developed from his life on the frontier, his expansionist dreams, his commitment to states’ rights, and his intense nationalism. He saw the nation as an indivisible unit whose strength and future were dependent on its ability to repel outside foes. He wanted all Americans from every state and territory to participate in his dream of empire, but they must acknowledge allegiance to a permanent and indissoluble bond under a federal system. Although devoted to states' rights and limited government in Washington, Jackson rejected any notion that jeopardized the safety of the US. That included nullification and secession. That also included the Indians. As a result, Jackson’s nationalism, a partial product of his expansionist ideals, and his states' rights philosophy, a product of his concern for individual liberty, merged to produce his Indian policy.

He formally proposed removal to the Congress in his first message and, after some protests, Congress passed The Indian Removal Act of 1830 authorizing Jackson to carry out the policy to exchange unorganized public land in the trans-Mississippi west for Indian land in the east. Those Indians who moved would be given perpetual title to their new land as well as compensation for improvements on their old. They would also be given assistance for their "support and subsistence" for the first year after removal. An appropriation of $500,000 was authorized to carry out these provisions.

This monumental piece of legislation spelled the doom of the American Indian. It was harsh, arrogant, racist--and inevitable. It was too late to acknowledge any rights for the Indians. All the white man had ever said to the Indian from the moment they first came into contact was "give!" Once stripped of his possessions the Indian was virtually abandoned.

Andrew Jackson has been saddled with a considerable portion of the blame for this monstrous deed. He makes an easy mark. But the, criticism is unfair if it distorts the role he actually played. His objective was not the destruction of Indian life and culture--quite the contrary. He believed that removal was the Indian’s only salvation against certain extinction. Nor did he despoil Indians. He struggled to prevent fraud and corruption, and he promised there would be no coercion in winning Indian approval of his plan for removal. Yet he himself practiced a subtle kind of coercion. He told the tribes he would abandon them to the mercy of the states if they did not agree to migrate west.

The Indian problem posed a terrible dilemma and Jackson had little to gain by attempting to resolve it. He could have imitated his predecessors and done nothing. But that was not Andrew Jackson. He felt he had a duty. And when removal was accomplished he felt he had done the American people a great service. He felt he had followed the "dictates of humanity" and saved the Indians from certain death.

Not that the President was motivated by concern for the Indians-their language or customs, their culture, or anything else. Andrew Jackson was motivated principally by two considerations: first, his concern for the military safety of the US, which dictated that Indians must not occupy areas that might jeopardize the defense of this nation; and second, his commitment to the principle that all persons residing within states are subject to the jurisdiction and laws of those states. Under no circumstances did Indian tribes constitute sovereign entities when they occupied territory within existing state boundaries. The quickest way to undermine the security of the Union, he argued, was to jeopardize the sovereignty of the states by recognizing Indian tribes as a third sovereignty.

The reaction of the American people to Jackson's removal policy was predictable. Some were outraged, particularly the Quakers and other religious groups. Many seemed uncomfortable about it but agreed that it had to be done. Probably a larger number of Americans favored removal and applauded the President's action in settling the Indian problem once and for all. In short, there was no public outcry against it. In fact it was hardly noticed. The horror of removal with its "Trail of Tears" came much later and after Jackson had left office....

When it finally came time to talk to various Indian tribes, Jackson promised that no force would be used to compel them to consent to removal. The decision was theirs alone. He said to them, “I understand fully your feelings about leaving the land of your birth. I know how painful it will be to bid goodbye forever to the graves of your ancestors. But survival necessitated this move. Annihilation is the alternative.”

The Indians cried out their dismay when they heard these crushing words. The President paused to let his words sink in. After a moment he began again. “This calamity can be avoided,” he concluded. “If you are willing to remove, my friends Major Eaton and General Coffee will "act candidly, fairly and liberally towards you."

Thus spake the "great father."

The actual removal of the Indian violated every principle for which Jackson stood. From start to finish the operation was a fraud. Corruption, theft, mismanagement, inefficiency--all contributed to the destruction of a once-great people. The Choctaws asked to be guided to their new country by General George Gibson, a man they trusted and with whom they had scouted their new home. Even this was denied them. The bureaucracy dictated another choice. So they left the "land of their fathers" filled with fear and anxiety. To make matters worse the winter of 1831-1832 was "living hell." The elements conspired to add to their misery. The suffering was stupefying. Those who watched the horror never forgot it. Many wept. The Indians themselves showed not a single sign of their agony.

Jackson tried to prevent this calamity but he was too far away to exercise any real control, and the temptations and opportunities for graft and corruption were too great for some agents to resist. When he learned of the Choctaw experience and the suffering involved. Jackson was deeply offended. He did what he could to prevent its recurrence. He proposed a new set of guidelines for future removals. He hoped they would reform the system and erase mismanagement and the opportunity for theft.

The experience of removal is one of the horror stories of the modern era. 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.

Would it have been worse had the Indians remained in the East? Jackson thought so. He said they would "disappear and be forgotten." One thing does seem certain: the Indians would have been forced to yield to state laws and white society. Indian Nations per sue would have been obliterated and possibly Indian civilization with them. Indeed, it was useless for the Indians to resist Jackson's demands. Nearly 46,000 of them went west. Thousands died in transit.

Ultimately Jackson's policy of removal and reorganization of the Indian service won acceptance by most Americans. The President was seen as a forceful executive who addressed one of the nation's most bedeviling problems and solved it. Even Americans who fretted over the fate of the Indians eventually went along with removal. The policy seemed enlightened and humane. It seemed rational and logical. It constituted, Americans thought, the only possible solution to the Indian problem.