



Andrew Jackson, Indian Fighter

For several generations, Europeans had encroached on Indian lands and, through a process of treaties and outright confiscation through war, steadily acquired more land to the west. Several alternative policies had been attempted by the United States government in its dealings with the Indians. One emphasized the "nationhood" of the tribe, and sought to conduct foreign policy with Indian tribes the way the United States would deal with a European power. Another, more frequent, process involved exchanging treaty promises and goods for Indian land in an attempt to keep the races separate. But the continuous flow of settlers, first into the Ohio and Mohawk valleys, then into the backwoods of the Carolinas, Kentucky, Georgia, and Alabama, caused the treaties to be broken, usually by whites, almost as soon as the signatures were affixed.

Andrew Jackson had a typically western attitude toward Indians, respecting their fighting ability while nonetheless viewing them as savages who possessed no inherent rights.⁶⁰ Old Hickory's campaigns in the Creek and Seminole wars made clear his willingness to use force to move Indians from their territories. When Jackson was elected, he announced a "just, humane, liberal policy" that would remove the Indians west of the Mississippi River, a proposal that itself merely copied previous suggestions by John C. Calhoun, James Monroe, and others.

Jackson's removal bill floundered, however, barely passing the House. National Republicans fought it on the grounds that "legislative government . . . was the very essence of republicanism; whereas Jackson represented executive government, which ultimately led to despotism."⁶¹ Put another way, Indian removal exemplified the myth of the Jacksonian Democrats as the party of small government. No doubt the Jacksonians wanted their opponents' power and influence shrunk, but that never seemed to translate into actual reductions in Jackson's autonomy.

In 1825 a group of Creek Indians agreed to a treaty to turn over land to the state of Georgia, but a tribal council quickly repudiated the deal as unrepresentative of all the Creek. One problem lay in the fact that whites often did not know which chiefs, indeed, spoke for the nation; therefore, whichever one best fit the settlers' plan was the one representatives tended to accept as "legitimate." Before the end of the year troops from Georgia had forced the Creek out.

A more formidable obstacle, the Cherokee, held significant land in Tennessee, Georgia, Mississippi, and Alabama. The Cherokee had a written constitution, representative government, newspapers, and in all ways epitomized the

Said he wanted small gov but really wanted Indians gone

civilization many whites claimed they wanted the tribes to achieve. Land hunger, again, drove the state of Georgia to try to evict the tribe, which implored Jackson for help. This time Jackson claimed that states were sovereign over the people within their borders and refused to intervene on their behalf. Yet his supporters then drafted a thoroughly interventionist removal bill, called by Jackson's most sympathetic biographer "harsh, arrogant, and racist," passed in 1830, with the final version encapsulating Jackson's basic assumptions about the Indians.⁶² The bill discounted the notion that Indians had any rights whatsoever—certainly not treaty rights—and stated that the government not only had that authority, but the duty, to relocate Indians whenever it pleased. In fact, the Removal Bill did not authorize unilateral abrogation of the treaties, or forced relocation—Jackson personally exceeded congressional authority to displace the natives.⁶³ Jackson's supporters repeatedly promised any relocation would be "free and voluntary," and to enforce the removal, the president had to ride roughshod over Congress.

Faced with such realities, some Cherokee accepted the state of Georgia's offer of \$68 million and 32 million acres of land west of the Mississippi for 100 million acres of Georgia land. Others, however, with the help of two New England missionaries (who deliberately violated Georgia law to bring the case to trial), filed appeals in the federal court system. In 1831, The Cherokee Nation v. Georgia reached the United States Supreme Court, wherein the Cherokee claimed their status as a sovereign nation subject to similar treatment under treaty as foreign states. The Supreme Court, led by Chief Justice Marshall, rejected the Cherokee definition of "sovereign nation" based on the fact that they resided entirely within the borders of the United States. However, he and the Court strongly implied that they would hear a challenge to Georgia's law on other grounds, particularly the state's violation of federal treaty powers under the Constitution.

The subsequent case, Worcester v. Georgia (1832), resulted in a different ruling: Marshall's Court stated that Georgia could not violate Cherokee land rights because those rights were protected under the jurisdiction of the federal government. Jackson muttered, "John Marshall has made his decision, now let him enforce it," and proceeded to ignore the Supreme Court's ruling. Ultimately, the Cherokee learned that having the highest court in the land, and even Congress, on their side meant little to a president who disregarded the rule of law and the sovereignty of the states when it suited him.⁶⁴

In 1838, General Winfield Scott arrived with an army and demanded that the "emigration must be commenced in haste, but . . . without disorder," and he implored the Cherokee not to resist.⁶⁵ Cherokee chief John Ross continued to appeal to Washington right up to the moment he left camp: "Have we done any wrong? We are not charged with any. We have a Country which others covet. This is the offense we have ever yet been charged with."⁶⁶ Ross's entreaties fell on deaf ears. Scott pushed more than twelve thousand Cherokee along the Trail of Tears toward Oklahoma, which was designated Indian Territory—a journey in which three thousand Indians died of starvation or disease along the way. Visitors, who

came in contact with the traveling Cherokee, learned that "the Indians . . . buried fourteen or fifteen at every stopping place. . ."⁶⁷ Nevertheless, the bureaucracy—and Jackson—was satisfied. The Commissioner on Indian Affairs in his 1839 report astonishingly called the episode "a striking example of the liberality of the Government," claiming that "good feeling has been preserved, and we have quietly and gently transported eighteen thousand friends to the west bank of the Mississippi" [emphasis ours].⁶⁸ From the Indians' perspective, the obvious maxim With friends like these . . . no doubt came to mind, but from another perspective the Cherokee, despite the horrendous cost they paid then and in the Civil War, when the tribe, like the nation, had warriors fighting on both sides, ultimately triumphed. They survived and prospered, commemorating their Trail of Tears and their refusal to be victims.⁶⁹

Other Indian tribes relocated or were crushed. When Jackson attempted to remove Chief Black Hawk and the Sauk and Fox Indians in Illinois, Black Hawk resisted. The Illinois militia pursued the Indians into Wisconsin Territory, where at Bad Axe they utterly destroyed the warriors and slaughtered women and children as well. The Seminole in Florida also staged a campaign of resistance that took nearly a decade to quell, and ended only when Osceola, the Seminole chief, was treacherously captured under the auspices of a white flag in 1837. It would be several decades before eastern whites began to reassess their treatment of the Indians with any remorse or taint of conscience.⁷⁰

Jackson did as he pleased

Wow!

Wow

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