

PBS, "Africans in America: Indian Removal"

<http://www.pbs.org/wgbh/aia/part4/4p2959.html>

Indian removal

1814 - 1858

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

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

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

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

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

Other attempts involved ceding portions of their land to the United States with a view to retaining control over at least part of their territory, or of the new territory they received in exchange. Some Indian nations simply refused to leave their land -- the Creeks and the

Seminoles even waged war to protect their territory. The First Seminole War lasted from 1817 to 1818. The Seminoles were aided by fugitive slaves who had found protection among them and had been living with them for years. The presence of the fugitives enraged white planters and fueled their desire to defeat the Seminoles.

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

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

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

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

Their protests did not save the southeastern nations from removal, however. The Choctaws were the first to sign a removal treaty, which they did in September of 1830. Some chose to stay in Mississippi under the terms of the Removal Act.. But though the War Department made some attempts to protect those who stayed, it was no match for the land-hungry whites who

squatted on Choctaw territory or cheated them out of their holdings. Soon most of the remaining Choctaws, weary of mistreatment, sold their land and moved west.

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

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

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

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

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

opening 25 million acres of land to white settlement and to slavery.