

The Trail of Tears: Indian Removal in the 1830s

Zuzana Rečlová

Bachelor's Thesis
2020



Tomas Bata University in Zlín
Faculty of Humanities

Univerzita Tomáše Bati ve Zlíně

Fakulta humanitních studií

Ústav moderních jazyků a literatur

Akademický rok: 2019/2020

ZADÁNÍ BAKALÁŘSKÉ PRÁCE

(projektu, uměleckého díla, uměleckého výkonu)

Jméno a příjmení: **Zuzana Rečlová**
Osobní číslo: **H170183**
Studijní program: **B7310 Filologie**
Studijní obor: **Anglický jazyk pro manažerskou praxi**
Forma studia: **Prezenční**
Téma práce: **Cesta slz: Vyhostenie Indiánov v 30. rokoch 19. storočia**

Zásady pro vypracování

Zhromaždenie materiálov k téme
Štúdium odbornej literatúry
Formulácia cieľov práce
Analýza kmeňov Cherokee a Seminole
Vyvodenie a formulácia záverov práce

Forma zpracování bakalářské práce: **Tištěná/elektronická**
Jazyk zpracování: **Angličtina**

Seznam doporučené literatury:

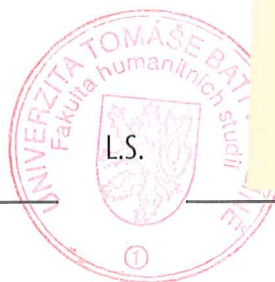
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Remini, Robert Vincent. „Andrew Jackson Verses the Cherokee Nation.“ *American History* 36 (2001): 48-56.

Vedoucí bakalářské práce: **Gregory Jason Bell, B.A., M.B.A., M.A., Ph.D.**
Ústav moderních jazyků a literatur

Datum zadání bakalářské práce: **8. listopadu 2019**
Termín odevzdání bakalářské práce: **11. května 2020**



Mgr. Libor Marek, Ph.D.
děkan



Mgr. Roman Trušník, Ph.D.
ředitel ústavu

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ABSTRAKT

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Kľúčová slova: cesta slz, Indiáni, Seminole, Cherokee, Andrew Jackson, Florida, päť civilizovaných kmeňov, 30. roky 19. storočia, Indiánska politika

ABSTRACT

The horror of the infamous Trail of Tears that the south-eastern Indian tribes endured is documented in this thesis. Along with it, the stories of selected Indian tribes, whose fates in this conflict could not be more different, but still equally cruel, are provided. U.S. government Indian policies, favouring complete removal, proved inhumane, and Indians resistance, whether in the courts or the battlefield, proved largely futile. Ultimately, manifest destiny, the idea that white Americans had a God-given right and responsibility to conquer the continent, would not be denied.

Keywords: Trail of Tears, Indians, Seminole, Cherokee, Andrew Jackson, Florida, Five Civilized Tribes, 1830s, Indian Policy

ACKNOWLEDGEMENTS

I would like to express my deepest gratitude to my supervisor, Dr. Gregory Jason Bell, for his valuable advice, encouragement, and patience. This thesis would not have seen the light of day without his support and guidance.

I would also like to thank my family and friends for their endless emotional support.

I hereby declare that the print version of my bachelor's thesis and the electronic version of my thesis deposited in the IS/STAG system are identical.

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INTRODUCTION

A historic event took place in the south-eastern United States in the 1830s, during the presidency of military hero, plantation owner, and Democrat, Andrew Jackson. In what came to be known as the Trail of Tears, Indian tribes of the southeast were forced to give up their ancestral lands and relocate west of the Mississippi River, opening those lands to white settlement. The idea of resettling Indian tribes was nothing new. The white occupancy of the South had progressed more quickly than in the North, fuelled by agrarian expansion. The Indians in the South were not only impeding this expansion but were occupying some of the best farmlands.¹ The Royal Proclamation of 1763, much to the displeasure of white American colonists, had defined the Indian territory and had guaranteed against white intrusion in it, but American independence in 1781 voided the proclamation.² Two decades later, the Louisiana Purchase opened huge swaths of land to American settlement and created the possibility of an exchange of lands between Indians and whites, with the Indians moving west. The Indians, however, refused this possibility. The plantation South required unfettered expansion, and the Indians were denying it. This led to increased tensions, which Jackson ultimately resolved via forced removal.³ In doing so, he became a hero to white Southerners but a villain to the estimated 60,000 Indians who were forced to move, under extremely difficult conditions, to a new environment that they did not know or understand.⁴

This bachelor's thesis testifies to the horrors of the Trail of Tears, which were a direct result of white greed, at both local and national levels. It proves that, no matter what steps the Indians took, fighting legally or militarily, they were doomed to walk the trail by a white American society that did not want them as neighbours, did not respect them as fellow human beings and would not bend in their removal efforts. Manifest destiny, the white American belief that God had given them the right and responsibility to conquer and civilize the continent, had to be fulfilled.

¹ Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984), 185.

² John F. Leslie, "The Indian Act: An Historical Perspective," *Canadian Parliamentary Review* 25, no. 2 (2002): 23; R. A. Humphreys, "Lord Shelburne and the Proclamation of 1763," *English Historical Review* 49, no. 194 (1934): 241.

³ Prucha, *The Great Father*, 185.

⁴ Prucha, *The Great Father*, 214.

1 BACKGROUND

Before discussing the Trail of Tears and the Indian tribes forced to take it, the settling of North America is worth mentioning. The most widespread “Land Bridge” theory argues that the first inhabitants of the Americas arrived from Siberia about 12,000 B.C., during the last Ice Age. As big mammals died out, Paleo-Indians moved from the west coast into the interior, seeking them. Once there, they were forced to adapt to their new environments and take advantage of the various resources within them.⁵ In North America, this led to hunting bison on the Great Plains, deer in the Eastern Woodlands, fishing, mollusc collecting, and seal hunting on the coasts, and much later, timidly, a transition to farming. The most promising agricultural areas were in the south and middle of the continent. Here, tribes gave up their semi-nomadic ways and established wide-ranging settlements and towns, generally small by European standards. In such communities, they lived in harmony with nature, and, for the most part, with each other. They hunted and planted, and built a network of roads for trade. All three of these activities made them susceptible to European encroachment in the sixteenth century and beyond.⁶

The accidental discovery of the new lands by Christopher Columbus in 1492 triggered a genocide of the aboriginal inhabitants of North America, due to the exposure to the diseases brought by colonizers, and to enslavement.⁷ With the introduction of *Sublimus Dei* in 1537, Indians were recognized as human beings worthy of Christianisation, and the desire for a cheap labour force shifted towards Africa. The consequent introduction of colonization and the establishment of St. Augustine, Florida, in 1563 marked the beginning of transforming North America over the next two centuries politically, culturally, and economically through the introduction of new goods from the European and African markets.⁸

The British era of North American colonization focused on civilizing the Indians. This became the main justification of the Puritan newcomers from England, who attempted to educate Natives. Even so, the real goal of the English colonists was obtaining Indian Lands, which remained largely virgin or fallow. Indian survivors soon recognized white settlers’ greed for their land and their initially friendly behaviour towards whites turned into hostility

⁵ Pekka Hämäläinen, “The Changing Histories of North America before Europeans,” *OAH Magazine of History* 27, no. 4 (2013): 5.

⁶ Hämäläinen, “The Changing Histories,” 5-6.

⁷ April Lee Hatfield, “Colonial Southeastern Indian History,” *Journal of Southern History* 73, no. 3 (2007): 569; Ed White, and Michael J. Drexler, “Colonial Studies,” *American Literary History* 16, no. 4 (2004): 728.

⁸ Prucha, *The Great Father*, 9; David J. Weber, “The Spanish Borderlands of North America: A Historiography,” *Magazine of History* 14, no. 4 (2000): 5.

and many battles and wars, that persisted up to the nineteenth century, eventually leading to the decision of removal.⁹

Indians engaging in the Seven Years War (1757-1763) as French allies resulted in creating a British imperial policy that aimed at taking the power to deal with Indians from British colonists – as individuals – and place it into the hands of the imperial government. From then on, the purchases of Indian lands could only be made in the name of the English monarch. The end of the war brought along the necessity of establishing some sort of border between Indian and colonial settlements, resulting in King George III's Proclamation of 1763, which drew a line on the map of which colonists were required to stay east.¹⁰

However, many whites, tempted by land ownership, ignored the proclamation and encroached on the lands west of the line.¹¹ The disputes between white colonists of America and Indians continued, the same as the desire of colonists to break free from the rule of Great Britain. The wish that Indians remain neutral despite the encroachments and not participate in the upcoming Revolutionary War (1775-1783) was prevailing, as the possible number of Indian warriors would undoubtedly shift the balance of power on the frontier.¹² The Revolutionary War was perceived by Indian nations as a battle for their independence, as the fear of being under American influence was greater than being subjugated to the British. Most of the Indian nations ultimately fought alongside Britain, and shared in Britain's ultimate loss. In 1783, in the Treaty of Paris, Great Britain officially recognized the independence of the United States but made no mention of its allies. Left vulnerable, the Indian fight to stay free would become even more arduous.¹³

The Louisiana Purchase of 1803 brought "elbow room" and presented a solution to the constantly re-occurring Indian question.¹⁴ Thomas Jefferson, who was president at the time, viewed Indian relocation to the western territories as a "noble policy."¹⁵ Many Americans thought the same, as they believed that Indians were susceptible to changes brought by

⁹ Prucha, *The Great Father*, 10-13.

¹⁰ Prucha, *The Great Father*, 21-24.

¹¹ Prucha, *The Great Father*, 30-31.

¹² Philip M. Hamer, "John Stuart's Indian Policy during the Early Months of the American Revolution," *Mississippi Valley Historical Review* 17, no. 3 (1930): 358-62.

¹³ Collin C. Calloway, "American Indians and the American Revolution," National Park Service, https://www.nps.gov/revwar/about_the_revolution/american_indians.html; Collin G. Calloway, "The Indians' War of Independence," Gilder Lehrman Institute, <https://ap.gilderlehrman.org/essay/indians%27-war-independence>.

¹⁴ Lynn Ahrens, "Elbow Room," *Schoolhouse Rock*, 1976, <https://www.schoolhouserock.tv/Elbow.html>.

¹⁵ John P. Bowes, *The Trail of Tears: Removal in the South* (New York: Chelsea House, 2007), 8.

Americans, their diseases, and to the mixing of races. All these problems would have been solved if the Indians relocated west.¹⁶

In the early 1800s, trade goods and alcohol, combined with a decrease in hunting grounds resulted in increased Indian dependency on whites. As their traditional way of life grew increasingly threatened, Indians faced a choice of adaptation or western migration.

As the whites' hunger for land increased, the attempts at persuading Indians to abandon their ancestral lands intensified. When these attempts failed, Americans concentrated on 'civilizing the savages'. Nevertheless, this also failed.¹⁷

Near to the end of Jefferson's administration, the question of relocation re-appeared. Indian agents were ordered to inform Indian chiefs about possibilities of reservations located west of the Mississippi.¹⁸ Such possibilities, however, were dashed by the War of 1812, during which many Indian nations again sided with the British, thinking that a British victory would allow the Indians to keep their lands.¹⁹ The war ended in a stale mate, but not before the Creek Indians suffered a crushing defeat to American forces, led by General Andrew Jackson, at the Battle of Horseshoe Bend on March 26th, 1814. In the Treaty of Fort Jackson that followed the battle, the Creeks were forced to cede 20 million acres of land to the United States, which later became half of Alabama.²⁰ Then, two years later, Jackson struck again, this time against the Seminoles of Florida and their Spanish allies, both of whom were harbouring runaway slaves. The First Seminole War, 1816-1819, won by the Americans, caused Spain to realize that it could not hold Florida, so it sold the colony to the United States, abandoning its Seminole allies to their fates.²¹ President James Monroe then began negotiating directly with the Indian nations of the southeast, with the purpose of easing the "irregular form of the frontier."²²

The next critical era in American Indian history is the age of Jackson, during which Indian removal became a reality. The process started after Andrew Jackson became the

¹⁶ Bowes, *The Trail of Tears*, 8.

¹⁷ Francis Flavin, "Native Americans and American History," *US National Park Service* (2012): 1.

¹⁸ Prucha, *The Great Father*, 184.

¹⁹ Donald Fixico, "A Native Nations Perspective on the War of 1812," PBS, <https://www.pbs.org/wned/war-of-1812/essays/native-nations-perspective/>.

²⁰ American Battlefield Trust, "Horseshoe Bend," <https://www.battlefields.org/learn/war-1812/battles/horseshoe-bend>.

²¹ William C. Sturevant, and Jessica R. Cattelino, "Florida Seminole and Miccosukee," *Handbook of North American Indians (Southeast)* 14 (2004): 432; John K. Mahon, *History of Second Seminole War, 1835-1842* (Gainesville: University Presses of Florida, 1985), 25-26.

²² Prucha, *The Great Father*, 184.

seventh U.S. president, and the first one from the west. His racist views towards Indian nations would result in a final verdict for the Cherokees, Seminoles, and others.²³

²³ Gerard N. Magliocca, "The Cherokee Removal and the Fourteenth Amendment," *Duke Law Journal* 53, no. 3 (2003): 887.

2 TRAIL OF TEARS

“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?”

Andrew Jackson²⁴

The American government’s desire for uninterrupted white settlements was being prevented by Indian tribes living in the desired area. The government repeatedly tried and failed to negotiate with these tribes concerning removal, and had even offered to purchase their lands without success. The only other option was to attempt to “civilize” and assimilate the Indians.²⁵ To do so, they used “half-breeds” as intermediaries. However, these “half-breeds” soon took advantage of the situation, becoming not only the self-proclaimed political leaders of their tribes but wealthy plantation owners.²⁶

To “civilize” the Indians, the American government sent agents and missionaries among the five south-eastern tribes: Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles. Their goal was to Christianize the Indians and turn them into settled farmers. It worked better than expected, thanks to “half-breed” intermediaries who took tribal leadership positions, and established plantations worked by black slaves.²⁷ The Indians started mirroring several aspects of white civilization, including land cultivation, which in American eyes, gave them a natural right to the lands they inhabited. The right, however, was not enshrined, because the Indians lacked legal title to the lands they occupied.²⁸

The next step into civilizing the Indians was to make them U.S. citizens and state residents, but this would require ending tribal membership and jurisdiction. Four southern states – Tennessee, Mississippi, Georgia and Alabama – responded by offering the Indians living within their borders citizenship and all the right and obligations that come with it, but to accept this offer, they would have to remove themselves from their tribe and live among whites, in a civilized fashion. The real motive behind this offer, however, was to make the Indians beholden to American laws and susceptible to punishment for breaking those laws.

²⁴ Mary E. Young, “Indian Removal and Land Allotment: The Civilized Tribes and Jacksonian Justice.” *American Historical Review* 64, no. 1 (1958): 31.

²⁵ Prucha, *The Great Father*, 185.

²⁶ Young, “Indian Removal and Land Allotment,” 32.

²⁷ Young, “Indian Removal and Land Allotment,” 32; Prucha, *The Great Father*, 185.

²⁸ Young, “Indian Removal and Land Allotment,” 33.

Moreover, it would give individual Indians the right to negotiate with the U.S. government on removal west.²⁹

Originally, the courts of European colonizers had ruled that Indian tribes and their governments possess “the right to determine a form of a government, [...] the autonomy to adhere to Native customs, laws, and tribal jurisdiction, the distribution of property, taxation and rights of occupancy in tribal lands”.³⁰ The U.S. Supreme Court, however, insisted that these rights had been not granted by the Constitution. Therefore, Indian nations, previously recognized as independent had become a dependent and defenceless society under the U.S. authority.³¹

The American government consciously recognized the moral right of the Indians to retain their cultivated lands, and in response it offered a reservation of equal land area west of the Mississippi.³² That way, whites would be able to obtain the coveted soil while Indians would still have the same amount of land to cultivate and inhabit. Supporters of removal tried to convince the Indians that this decision would benefit them by protecting them from the burdens of citizenship. President James Monroe said that he would not remove Indians “against their will,”³³ but he also suggested that they could only preserve their way of life by moving west, as close contact with whites would result in a nation of half-breeds. In 1825, the U.S. government officially reserved lands west of the Mississippi for the south-eastern Indians, further inciting removal. The president further promised the Indians “permanent peace, protection from intrusion, and aid in improving their condition” if they moved west.³⁴

The state of Georgia strictly approached Indian removal. In 1802, Georgia surrendered its rights to western lands to United States, in return for the legal rights to Indian lands within the boundaries of the state. Yet, more than twenty years later, the pact still had not brought any outcome. Then-president John Quincy Adams received complaints by Georgians that the U.S. government had failed its people. President Adams and the House Committee on Indian Affairs recognized the ongoing crisis concerning the Indian removal question and agreed that removal was necessary as soon as possible.³⁵

²⁹ Young, “Indian Removal and Land Allotment,” 35.

³⁰ J. Stanford Hayes, “Twisting the Law: Legal Inconsistencies in Andrew Jackson’s Treatment of Native-American Sovereignty and State Sovereignty,” *Journal of Southern Legal History* 21, (2013): 158.

³¹ Hayes, “Twisting the Law,” 158.

³² Young, “Indian Removal and Land Allotment,” 37.

³³ Prucha, *The Great Father*, 186.

³⁴ Prucha, *The Great Father*, 188.

³⁵ Prucha, *The Great Father*, 190-91.

By the time Andrew Jackson became president of the United States in 1829, any kind of legal order to resettle Indians from their lands had failed, and forcing removal seemed immoral. However, Jackson disagreed.³⁶ He had previous experience negotiating with Indians, and he knew it never worked. Thus, Jackson believed that Congress should use all its power to force the Indians to relocate. Indians would no longer be treated as independent nations within the state but would become subject to the laws of the states.³⁷

Jackson's first letter to Congress warned that some Indian tribes had tried to establish their own autonomous governments within the state's territory and appealed to the states to stretch their legislation over the tribes in order to preserve state sovereignty and to prevent violating states laws, as the establishment of a new state within the territory of an already existing state was against the Constitution. The federal government's answer was clear: this behaviour is unconstitutional. Andrew Jackson proceeded to inform the government that Indians will be instructed that their illegal behaviour will not be dealt with on a legislative basis and that they will be ordered to either depart west of the Mississippi River or surrender to the state government. Jackson insisted on setting aside an area west of the Mississippi River, where the Indians "could be taught the arts of civilization"³⁸ and will not be exposed to whites; otherwise Indians could easily deteriorate from such contact.³⁹

In 1830, on the president's suggestion, an Indian Removal Bill was passed in both the House and the Senate. The formulation of the bill looked harmless and humane, with the guaranty of new land possession, compensation for the land the Indians would leave behind, and even assistance with emigration.⁴⁰ Jackson denied any intention to use force. In his own words, "this emigration should be voluntary, for it would be as cruel as unjust to compel aborigines to abandon the graves of their fathers".⁴¹ Jackson's supporters reassured Congress and doubters that all Indians will be relocated freely, liberally and voluntarily. Those individuals that wished not to undertake the removal, would be offered citizenship and a different parcel of land (the land previously owned by an individual would not remain in their possession) in exchange for protection. In the end, Indians had a choice to either leave their lands or became subject to the state laws and lose the land anyway. And those who

³⁶ Prucha, *The Great Father*, 197.

³⁷ Alfred A. Cave, "Abuse of Power: Andrew Jackson and the Indian Removal Act of 1830," *Historian* 65, no. 6 (2003): 1337.

³⁸ Prucha, *The Great Father*, 194.

³⁹ Prucha, *The Great Father*, 194.

⁴⁰ Cave, "Abuse of Power," 1331.

⁴¹ Cave, "Abuse of Power," 1332.

were familiar with Jackson's practises knew that this Indian removal would be nothing like promised, but instead will be full of coercion, wrongdoings, and violence,⁴² leaving the Indian, said Senator William Sprague, not only in "terror" but "in tears" over the "death warrant of his nation."⁴³

2.1 Choctaws

The Choctaws became the first Indian tribe to experience emigration. Treaties signed in 1801, 1803, 1805, and 1816 prepared the Choctaws to leave their lands by reducing their holdings. In 1817, when the state of Mississippi was created, the demand for Indian land intensified. Jackson's Indian Removal Act of 1830 ordered any remaining Choctaws to remove to assigned territories in today's Arkansas. Disagreements over the emigration had occurred, but Secretary of War John Eaton and General John Coffee, sent by Jackson, warned the Choctaws the right to rule their new land and to punish any intrusion on it, according to Choctaw laws. Congress also agreed to protect the Choctaws from any conflict or battle with a foreign nation. General George Gibson was commissioned to execute and assist the Choctaws with their removal. Nevertheless, it was not until the winter of 1831 that the first groups of Choctaws moved to their assigned territory, a journey full of hardships, misery, severe cold, with "the wounded, the sick, new-born babies, and old men on the point of death."⁴⁴ They had neither tents nor wagons, but only some provisions and weapons. [...] Neither sob nor complaint rose from that silent assembly. Their afflictions were of long standing and [...] irremediable."⁴⁵ The final tallies associate with Choctaw removal were approximately 2,500 dead, 12,500 persons relocated, \$5 million spent, and 13 million acres of new land awarded.⁴⁶

2.2 Creek Indians

Creek Indians, inhabitants of Georgia and Alabama, signed a removal treaty in 1832. The pressures from Alabama – Indians should be subject to state laws – and actions of officials became so unbearable to the Creeks that they saw no other choice than to surrender. However, the treaty made with the Creek Indians guaranteed protection from whites'

⁴² Cave, "Abuse of Power," 1334-37.

⁴³ Ethan Davis, "An Administrative Trail of Tears: Indian Removal," *American Journal of Legal History* 50, no. 1 (2008): 54.

⁴⁴ Prucha, *The Great Father*, 216-18.

⁴⁵ Prucha, *The Great Father*, 219.

⁴⁶ Prucha, *The Great Father*, 214-19; Pranit Nanda, "The Choctaw Trail of Tears," <https://choctaw.weebly.com/trail-of-tears.html>.

invasion, freedom of movement, and the right to create a tribal government without U.S. interference. Before removal, Creeks were repeated victims of land claim fraud. When the Creeks asked the U.S. government for help, they were told to speed up removal. When the Creeks discovered that the Americans tasked with overseeing the removal were the same ones responsible for the land fraud, violence broke out. This made removal a military action. The Creek leader was captured, peace was re-established, and the Indians were removed. The final tallies associate with Creek removal were approximately 3,500 dead, 14,000 persons relocated (some of them in chains), and 5 million acres of new land awarded, in what is now Louisiana.⁴⁷

2.3 Chickasaws

Another obstacle to the expansion of white settlement was the Chickasaw Indians in Mississippi and Alabama. The removal of the Chickasaws was the most peaceful, but still unfair and fraud-filled. The most prominent difference about this removal was that the tribe was politically and economically skilled, due to the numerous mixed-bloods who knew how to manoeuvre within the American legal system and successfully negotiate with American officials. The government used the same move as with the Choctaws, Creeks, and later also Cherokees – move west or surrender to state laws. In a treaty signed in 1837, the reasons provided for the removal of the Chickasaws were that they were unskilled in white language and culture, and that they wanted to emigrate so as to avoid white oppression. The Chickasaws were allowed to sell their lands in Mississippi, in exchange for paying for their own removal.⁴⁸ In total, almost 5,000 Chickasaws and over 1,100 black slaves moved west of the Mississippi, to what is now Oklahoma.⁴⁹

2.4 Legal Inconsistencies in the Indian Removal Act

American Indians are the only minority group possessing a special legal status in the United States.⁵⁰ In *Makah Indian Tribe vs. Callam County*, the Supreme Court stated that “the natural dignity of the American Indian as a person and a citizen, [...] his contribution to this country [...] cannot and ought not to be denied”.⁵¹ This recognition of the special status of American Indians started in the British colonial period and was possibly due to the

⁴⁷ Prucha, *The Great Father*, 220-23.

⁴⁸ Chickasaw Nation, “Removal,” 2020, <https://www.chickasaw.net/Our-Nation/History/Removal.aspx>.

⁴⁹ Prucha, *The Great Father*, 223-26.

⁵⁰ Wilcomb E. Washburn, “The Historical Context of American Indian Legal Problems,” *Law and Contemporary Problems* 40, no. 1 (1976): 12.

⁵¹ Washburn, “Historical Context of American Indian Legal Problems,” 12.

fact that British settlements came in waves, where each wave of settlement had a different status, different responsibilities, and different approach towards Indian tribes. Further, the laws guiding British settlers in the New World and what legal system to use while dealing with Indians were not yet established. While Spanish and Portuguese colonizers had not allowed Native Americans to form any kind of government or even tribal independence, the British had managed to behave towards Indians as if they were a free nation.⁵² Overall, Native Americans were granted rights based on the principle of natural rights meaning, that customs, laws, and possessions of a Native Americans should be respected. However, Britain also recognized the rights of an explorer to own the land they explored. Recognition of the Indian sovereignty allowed for the establishment of tribal governments. This right would later be challenged in the Indian Removal Act.⁵³ Such behaviour persisted even after the Crown declared supreme power of authority over all territories in the New World. A struggle occurred between European countries that had been rejecting each other's claims and requirements concerning American Indians. In addition, the European perspective of a free nation was based on the occupation carried out by said nation rather than anything else.⁵⁴

Indians gained the right to legally possess their lands as a result of doctrine signed in the 1790s, however, the United States maintained the right to purchase the Indian lands, if the opportunity, such as a war or the removal of the land's residents, arose. After the United States came into being, President George Washington had to settle the issue of treaties with Indian nations. According to the Constitution, it was the president that had the authority and responsibility to make any agreements with Indians. Although no differences had been made between Indian nations and any other foreign nation, the efforts to make agreements with Indians were often hampered by preceding treaties. President Washington declared that all contracts, treaties, or agreements with Indian nations should be carried out carefully. Such an approach was not met with great enthusiasm by many Americans. Andrew Jackson, at that time serving as an army officer and territorial governor, had voiced his opinion that negotiations with Indian nations were pointless. After the declaration of Indian removal, when the power imbalance shifted rapidly, violating preceding Indian treaties became insignificant.⁵⁵

⁵² Washburn, "Historical Context of American Indian Legal Problems," 13.

⁵³ Hays, "Twisting the Law," 157.

⁵⁴ Washburn, "Historical Context of American Indian Legal Problems," 14.

⁵⁵ Washburn, "Historical Context of American Indian Legal Problems," 15-17.

Misinterpretation, intimidation, bribery, and corruption comprised the real essence of the Indian Removal Act of 1830. Instead of a voluntary and humane act of relocation, as the Indian Removal Act was presented to both Indians and Congress, Native Americans were forced to trade their current lands for territories west of the Mississippi River.⁵⁶ Even though the Indian Removal Act neither provided concrete answers to the question of relocation nor solid instructions, as if the passages were written only to satisfy the Constitution's benevolent requirements, stealing Indian property and violating Indian's civil rights were pardoned in the name of manifest destiny. The fear of possible corruption or the bribing of either government officials or tribal chiefs was present. Ironically, opponents of the Indian Removal Act refused to pass the amendment that would have restricted Jackson's powers to possibly bribe tribal leaders, as the treaty negotiations were in the president's authority. Instead, opponents, fearing violence towards the Indians, tried to restrict the president's power and the power of individuals exercising his will, but these efforts were declared unconstitutional.⁵⁷

Attempts at persuading Americans that Jackson was a hero were misguided. Defenders of Jackson's actions claim that he was attempting to preserve the Indians by moving them elsewhere. This effort was undermined by dishonest, lying and scamming government officials.⁵⁸ However, the president himself considered harassment by the officials as effective implementation of removal enforcement and even advised the officials that they should use extreme force until those "inferior beings" abandon their lands. The government itself dismissed any officials that did not use their convincing means effectively.⁵⁹ It was also undermined by Jackson's belief that Indians were solely a burden to the United States, a view shared by a majority of the U.S. population. Jackson also never even mentioned any kind of willingness in the Indian Removal Act in his letter to Congress. Jackson, the one who so generously aspired to save Indians and preserve their culture, advised Georgia government officials battling a delay of Cherokee removal from the state's territory to "build a fire under them. When it gets hot enough, they will move ... starvation and destruction await them if they remain much longer in their present abodes."⁶⁰

A few months after the Indian Removal bill was passed, the failed discussions concerning the delay of the execution of the removal with the representatives of these Indian

⁵⁶ Hays, "Twisting the Law," 164.

⁵⁷ Davis, "An Administrative Trail of Tears," 52-55.

⁵⁸ Cave, "Abuse of Power," 1337-38

⁵⁹ Hays, "Twisting the Law," 163-67.

⁶⁰ Cave, "Abuse of power," 1339.

nations made Jackson irate, causing him to proclaim that it would “lead to a destruction of the poor ignorant Indians ... I have used all the persuasive means in my power ... [and] now leave the poor deluded [Indians] to their fate, and their annihilation.”⁶¹ Judging by Jackson’s written communications, he did not hesitate to dishonour Indians.

Previously, in the British era, recognition of sovereignty resulting from the natural rights enabled Indian nations to establish tribal governments. Through legally binding treaties, Indians were granted the right to create their own laws as a result of the creation of such tribal governments. Andrew Jackson told Indians that those rights could be easily removed from them, and Indians would eventually become subject to the state’s jurisdiction.⁶² However, Jackson’s defenders argued that these treaties that granted Indian nations the right to self-governance were made in the times of necessity, long before the Constitution and prohibited the federal government from authorizing sovereignty to Indian nations. The Constitution prohibits the creation of new states within any already existing state. Therefore, the governments established by Indian nations decades before the United States even existed, were suddenly ruled unconstitutional and ordered to disband.⁶³ Thus, from the strictly legal point of view, the Indian Removal Act was completely unnecessary. Since the former president, George Washington, had to determine to what extent were treaties with Indians legally binding, and ruled in favour of the Indians, it was only the president that possessed the power to negotiate with the Indian nations. No amendment in the Constitution instructs the president to ask permission for treaty negotiations.⁶⁴ In threatening to revoke the Indian right to tribal governments and to apply state laws to Indians, Jackson went beyond his legal authority, violated preceding negotiations, commitments, and treaties, and abused his presidential power.⁶⁵

It was already too late when Indians realized that the Indian Removal Act was a lawful declaration to steal their property. Previous promises of government assistance with the peaceful emigration vanished into thin air, as did Jackson’s magnanimity. Jackson declared that it was no longer in his power to protect Indians on their westward move. Nor could Indians be protected from any invasion on their newly exchanged lands. On top of that, soldiers that were supposed to assist Indians and protect them from the invasion of white settlers refused to do so, and instead shot any individual trying to oppose them. In contrast,

⁶¹ Cave, “Abuse of power,” 1340.

⁶² Hays, “Twisting the Law,” 165.

⁶³ Davis, “An Administrative Trail of Tears,” 57.

⁶⁴ Davis, “An Administrative Trail of Tears,” 53.

⁶⁵ Cave, “Abuse of Power,” 1340.

to use force on white settlers was allowed only after careful consideration and in extreme necessity. By this carelessness to its own orders established in the Indian Removal Act, the government no longer followed its policy of defending Indian lands from illegal intruders on their properties.⁶⁶

The Indian Removal Act was supposed to guarantee an organized process of buying Indian lands east of the Mississippi River. Instead of waiting until the emigration, government officials did not hesitate to break the principle of acquiring the land and “encouraged whites to occupy Indian lands prior to removal,”⁶⁷ too often using excessive violence. The situation in Georgia with the Creek Indians deteriorated to such an extent that a local federal marshal called on Congress to protect Creeks from the brutality of white settlers, from stealing their land, burning it to ashes, and threatening their people. The government simply recommended to the Creeks to quickly relocate westward of the Mississippi. Although President Jackson was informed about atrocities, acts of fraud, and violence, he defended himself by arguing that he simply did not possess the power to prevent the exploitation of Indian nations. Jackson, however, possessed the power to stop exploitation in the sale of land from one white settler to another. As whites were banishing Creeks from their properties, making them homeless and destroying their food sources, Jackson did nothing, “but when a few angry and starving Creeks raided some white farms in their former homeland in 1836, Jackson ordered the army to deport the entire nation by force.”⁶⁸

The Indian Removal Act was unconstitutional for many reasons, one of them being that Indian nations were qualified to make treaties, according to older agreements made with them. The only legitimately functional part of the act was the first section, which gave the president the right to use western territories according to his consideration.⁶⁹ The most shameful part abolished “the right to vote on the ratification of removal treaties” previously guaranteed by both Jackson and Congress.⁷⁰

Naturally, whites and Indians were not measured in the same manner. U.S. government officials resorted to corruption and threats. The promise of safety for those Indians that were willing to stay under U.S. protection and authority were not fulfilled, as these Indians were harassed from all sides, by officials, soldiers, and settlers. Jackson failed to not only

⁶⁶ Cave, “Abuse of Power,” 1340-41.

⁶⁷ Cave, “Abuse of Power,” 1342.

⁶⁸ Cave, “Abuse of power,” 1342-46.

⁶⁹ Davis, “An Administrative Trail of Tears,” 54.

⁷⁰ Cave, “Abuse of Power,” 1337.

implement laws passed by his own administration equally but also to fulfil the promises granted in the Indian Removal Act whatsoever. Voluntary relocation was not mentioned in the Indian Removal Act, which enabled Jackson's officials and removal authorities to use extensive force against the Indians. Moreover, the act provided no assurance that preceding treaties and negotiations would continue to be valid. It further allowed Jackson to abuse his power, to navigate the law, ignoring the responsibility to protect Indian land, neglecting previous treaty obligations, breaking guarantees, and overlooking violations. Jackson abused his powers, but viewed his actions as constitutional and within the legal limits.⁷¹ He simply followed his own personal beliefs, which were uniform with the beliefs shared by the majority of the American population.⁷²

⁷¹ Cave, "Abuse of Power," 1350-53.

⁷² Hays, "Twisting the Law," 168.

3 CHEROKEE

3.1 History and culture

Cherokee tribe could have been found in the area of 40,000 square miles in the states of Alabama, Georgia, South and North Carolina, Kentucky, Tennessee, Virginia, and West Virginia. The “Real People” or the “Principal People”, as Cherokees called themselves due to them being the most abundant tribe, consisting of about 20,000 individuals at the time of first European contact.⁷³

Cherokees shared a belief system, slightly resembling Christianity – while Christians worshipped God, Cherokees worshipped Nature as the most powerful entity, with belief that all living creatures possessed supernatural powers. This belief system enabled Cherokees to address difficult questions such as the beginning of time or the meaning of life through tales with supernatural creatures. That later changed with pressure by whites and their attempts to convert Cherokees to Christianity.⁷⁴

The tribal organization of Cherokees most closely resembled chiefdom based on kinship, with matrilineal clans as links between Cherokee villages. Cherokees lived in permanent villages of 10 to 20 dwellings, housing around 300 to 600 people, situated near rivers and forests, surrounded by fields and grasslands to maintain the Cherokee farming and hunting lifestyle, with signs of sophisticated cultivation knowledge. The most prominent construction was a townhouse, usually located in the centre of the village, that represented the heart of the village and so a symbolic flame of vitality was kept inside and maintained throughout the year. Townhouse also served as the centre of public meetings, a religious centre, and was overall the most important social institution.⁷⁵

As the year was divided into two seasons – summer and winter season – Cherokee men were responsible for fishing and hunting, while females worked hard on the village farm and collected herbs for cooking, medical purposes, or for rituals. While the raising of children was entirely female’s role, the harvest was a collective responsibility.⁷⁶

Cherokees were regulated by customs, enforced through consensus, but had no formal written laws. That changed with the exposition to white contact, that brought along mixed-

⁷³ Laurence French, and Jim Hornbuckle, “The Cherokees—Then and Now,” in *The Cherokee Perspective: Written By Eastern Cherokees*, ed. French Laurence And Hornbuckle Jim (Appalachian State University, 1981.): 3-4.

⁷⁴ French and Hornbuckle, “The Cherokees,” 4-5.

⁷⁵ French and Hornbuckle, “The Cherokees,” 5.

⁷⁶ French and Hornbuckle, “The Cherokees,” 10.

bloods and formal education, enabling Cherokees to handle business with whites. With the creation of Cherokee syllable – *Sequoyah*, the possibility to learn and read in their mother tongue emerged for vast numbers of Cherokees. At the end of the 1820s, the opportunity to publish *Cherokee Phoenix*, the first Indian newspaper, resulted in a chance to voice ideas and opinions, and the creation of Cherokee Constitution declared Cherokees' sovereignty.⁷⁷

3.2 Cherokee and the Trail of Tears

The execution of Trail of Tears among Cherokee Indians that resided in Georgia was the most controversial of all southern tribes.⁷⁸ Cherokee Indians considered “the most civilized tribe in America”,⁷⁹ led by a numerous mixed-breeds, skilful in the art of negotiation, prosperous agrarians, slave owners, and supported by the attempts from the United States government at civilizing the savages by establishing schools, the state of Georgia faced a difficult task.⁸⁰ In 1802, Georgia agreed to retire its rights to western territories – acquired as a result of the Louisiana purchase – in exchange for abolishing Indian special status, their possession to the lands, and, subsequently, receive these Indian lands back into state's possession “as soon as this could be done peaceably and on reasonable terms.”⁸¹ Despite the promise, the Federal government did little to nothing to meet its promises.⁸²

The conflicts heated when Cherokees declared themselves a status of the sovereign nation, with absolute authority regarding their territories, granted by the Cherokee Constitution in 1827. The Cherokees received a warning finger, that such document would in no way alter the relationship between Indians and the United States.⁸³ Georgia had to take immediate action – over the course of next years, it proposed bills aimed at forcing Cherokees to become second-class citizens or to leave the State. The Cherokee Codes were passed to cause as many hardships, such as losing their right to vote or to serve in a military, and their potential testimony in court was reckoned as inadmissible, for Cherokees were regarded as ‘people of colour’. Such actions against Cherokees were considered as highly intrusive, unjustified, and inhumane, and left them with no other choice than to move.⁸⁴

⁷⁷ Prucha, *The Great Father*, 185.

⁷⁸ Prucha, *The Great Father*, 233.

⁷⁹ Magliocca, “Cherokee Removal,” 882.

⁸⁰ Magliocca, “Cherokee Removal,” 883.

⁸¹ Prucha, *The Great Father*, 186.

⁸² Magliocca, “Cherokee Removal,” 884.

⁸³ Prucha, *The Great Father*, 189.

⁸⁴ Magliocca, “Cherokee Removal,” 885-86.

Although this step was considered unprecedented, Georgia continued its plan, nevertheless its illegality.⁸⁵

Those who opposed the removal claimed, that Cherokees' – and any other Indian nations' – integrity and sovereignty is rooted in the treaties made between the United States and Indian nations. Hence, to extend the state laws over the Indian nation is deemed illegitimate. Jackson's efforts to both, forcefully remove Indians and to surrender to Georgia's legislation, were legally unfounded.⁸⁶ The arguments approving the removal were that Native American's right to self-govern should be limited, "the federal government should have exclusive authority over the Tribes".⁸⁷

The dispute whether Cherokees are a sovereign nation or a subject to the state laws was settled once for all by Chief of Justice John Marshall in *Worcester vs. Georgia* – Cherokees are domestic dependent nations and the United States is its guardian. No other state can interfere with Cherokees' laws or sovereignty and all treaties between the United States and the Cherokee nation were deemed valid and lawful.⁸⁸ In 1832, Marshall nullified all the laws of Georgia concerning the Cherokee tribe and declared those laws unconstitutional.⁸⁹ The Supreme court ruled sovereignty to some extent, however, the Cherokees' absolute independence was not distinctly acknowledged.⁹⁰ This grey area was recognized by Major Ridge, his son John Ridge, and Elias Boudinot, all members of the emerging "Treaty Party", and asked Andrew Jackson whether Georgia really plans on respecting the United States' decision. The President himself advised the Treaty Party to "urge their people to remove", as there is nothing, he could do to protect them, thus, to negotiate the best terms possible was Ridge's only choice to save his nation from certain death.⁹¹

The head of the "anti-treaty party", taking the view of the majority of the Cherokee nation, was a half-blood John Ross. In 1834, Ross requested a meeting with the President, to negotiate the conditions of removal. Unfortunately, Ross provided no concrete arguments, but required impossible – to keep the lands that were already resided by whites, military protection from intruders for five years, and \$20 million for their lands that possessed gold

⁸⁵ Joshua Carbaugh, „The Indian Removal Act: A Legal Deception“ (Honours Thesis, University of South Florida, St. Petersburg, 2017), 5, <https://digital.usfsp.edu/>.

⁸⁶ Magliocca, "Cherokee Removal," 892.

⁸⁷ Magliocca, "Cherokee Removal," 883.

⁸⁸ Young, "Indian Removal and Land Allotment," 36; Carbaugh, "Indian Removal Act: Legal Deception," 60.

⁸⁹ Robert V. Remini, "Andrew Jackson Verses the Cherokee Nation," *American History* 36, no. 3 (2001): 48.

⁹⁰ Carbaugh, "Indian Removal Act: Legal Deception," 59-60.

⁹¹ Remini, "Jackson verses Cherokee," 51.

sites. Alas, Georgia's possession of the Indian lands was already promised by the United States and the removal of the entire Cherokee population was the only choice. Ross failed with the negotiations, argued that he was misunderstood, and lost credibility in the eyes of his people. The government could do nothing to protect Cherokees, as they are uneducated and not able to fit the laws of the state, they will deteriorate, the soil they owned is wasted and not used to its full potential – the only choice to save Cherokee nation is to move westwards.⁹² “The choice is yours. May the great spirit teach you how to choose”, were the words of Andrew Jackson, as he denied rethinking the conditions to the removal.⁹³

Ross did not compromise with Boudinot's beliefs and insisted on retaining the Cherokee lands. Being only one-eighths Cherokee, many believed that he promoted opposing the removal only for his economic and political convenience. Georgia's and President's actions of overlooking the *Worcester vs. Georgia* decision confirmed that the United States would not support the Cherokees and they could not remain on their lands.⁹⁴ The Treaty Party held a meeting in New Echota, in 1835, to vote on the treaty approval. As only a fraction of Cherokees showed up, the surrender of Cherokee lands to the United States was inevitable.⁹⁵ A petition from the Cherokee nation was passed on to the Senate to nullify the approval, to which Jackson was reassured by Schermerhorn, appointed U.S. commissioner present at the New Echota meeting, that Cherokees knowingly approved the conditions presented. Unfortunately, the Treaty of New Echota was delivered to Washington and passed by a single vote in May 1836. Cherokees now had two years to cross the Mississippi River and get to their new 'homes'.⁹⁶

But John Ross was resisting, demanding to see Jackson numerous times to alter treaty conditions, but was always denied. As Jackson left the office, the Indian removal immediately started at the order of Jackson's successor, Martin Van Buren. The terror for those who did not relocate in time was dreadful. Families were torn apart, surprised while having a peaceful meal, thrown off work on the field, their cattle stolen, their homes set in flames, all poor and frightened Cherokees violently gathered in one rather small stockade, awaiting their destiny. One witness said: “I fought through the Civil War and have seen men

⁹² Remini, “Jackson versus Cherokee,” 52-54.

⁹³ Remini, “Jackson versus Cherokee,” 55.

⁹⁴ Bowes, *Trail of Tears*, 54-61.

⁹⁵ Andrew Denson, *Demanding the Cherokee Nation. Indian Autonomy and American Culture, 1830-1900* (Lincoln: University of Nebraska Press, 2004), 39.

⁹⁶ Prucha, *The Great Father*, 237.

shot to pieces and slaughtered [...] but the Cherokee removal was the cruellest I ever saw”.⁹⁷ 17,000 Cherokees hoarded in what could have resembled concentration camp – boarded by thousands on a boat, then boxed into railroad cars, sent to western territories, 800-miles from their burned homeland, on a journey of more than four months.⁹⁸

The Treaty of New Echota did not only cost Cherokees their homeland but also revoked tribal laws. In the new Cherokee territory, Ross, powered by the opportunity, desired the rebirth of the Cherokee Nation. “Old Settlers”, that relocated before 1830, opposed the idea as they feared their beliefs would be overrun by many newcomers. Unfortunately, the hopes were shattered when the members of former Treaty Party were killed by the hands of Ross supporters. The emerging conflicts between the Treaty Party and Ross supporters called for the United States intervention. The U.S. offered to extend the jurisdiction over the Cherokee nation to eliminate such conflicts, but according to the Cherokee Government, the U.S. either leave Cherokees to their peace or return the relation to their proper nation-to-nation basis.⁹⁹ Throughout the years, the U.S. government successfully ignored all attempts of Ross to establish Cherokees as a political community and to receive compensation for the former Cherokee lands. In 1846, the disputes were settled when the U.S. government agreed to Ross terms and “the removal era came to an end”.¹⁰⁰

The year 1838 brought death to 4,000 Cherokees, some sources even say 8,000. They were robbed along the way by speculators, lawyers, contractors, the food supplies disappeared or came in short supply, families were dying in sickness unable to help each other. No extension of the two-year period had been tolerated. These were the results and could have been even worse if many of Cherokees had not emigrated way before the Cherokee removal happened.¹⁰¹

⁹⁷ Remini, “Jackson verses Cherokee,” 56.

⁹⁸ Remini, “Jackson verses Cherokee,” 56.

⁹⁹ Denson, *Demanding the Cherokee Nation*, 42-43.

¹⁰⁰ Denson, *Demanding the Cherokee Nation*, 49.

¹⁰¹ Prucha, *The Great Father*, 234.

4 SEMINOLE INDIANS

4.1 History of Seminoles

The Seminole Indians could have been found on the Florida Territory. What is really compelling concerning this Indian tribe is, that the Seminole Indians, during the times of the Trail of Tears, could not have been classified as Native Americans, as they “were not actually Seminoles, were not born in Florida, and were not truly Indians”.¹⁰²

This possibility arose due to the history of the process of inhabitation of the Florida Territory. It had been circa 10,000 years ago that first Indians stepped a foot on a Florida.¹⁰³ Once the climate slightly changed and sea-level rose, Florida offered a farming land for seasonal crops. Thus, once the nomadic camps that were established by first inhabitants became a “permanent villages.”¹⁰⁴

The tribes of Lower and Upper Creeks, Yamasee, Apalachicola, Alachua tribes and group of Mikasuki Indians, that moved and settled in Florida, spoke different languages, preventing them from becoming one united tribe.¹⁰⁵ British Indian Agent John Stuart first called them “Seminoles,” that meant “wild people,” and this term was later assigned to all Florida Indians after 1810.¹⁰⁶

The first significant population decline was caused by the arrival of Spanish colonizers to Florida. Native Americans living on this peninsula were killed, predominantly by the diseases the Spanish colonizers brought along with them. Surviving Indians were forced to work for Spanish authorities and the Crown, otherwise they were killed or enslaved. This spread of diseases together with enslavement by the colonizers caused the extinction of the aboriginal inhabitants of Florida at the start of eighteenth century. Hence one can say that the Seminole Indians, as the history knows them today, had not existed until the arrival of eighteenth century.¹⁰⁷

The Seminoles evolved as a mixture of tribes that sought safety in Florida. In 1730's, the Spanish king granted asylum to those runaway slaves who would convert to Catholicism.

¹⁰² John Missall and Mary Lou Missall, *The Seminole Wars: America's Longest Indian Conflict* (Gainesville: University Press of Florida, 2004), xvii.

¹⁰³ Mahon, *History of Second Seminole War*, 2.

¹⁰⁴ Missall and Missall, *Seminole Wars*, 2

¹⁰⁵ Mahon, *History of Second Seminole War*, 4-5.

¹⁰⁶ Sturevant and Cattelino, “Florida Seminole and Miccosukee,” 431.

¹⁰⁷ Missall and Missall, *Seminole Wars*, 3

But it is after 1774 that blacks appeared to be living among the Florida Indians.¹⁰⁸ Even though slavery was introduced and established in the second half of the sixteenth century, first black Seminoles occurred much later. After the Seven Years War (1757-1763), the British gained authority over Florida. Spaniard took most of the Indians remaining on the peninsula, and from about 25,000 Indians in the previous century, only “83 individuals from St. Augustine, 80 families ... and 108 Catholics” remained.¹⁰⁹ This resulted in the increasing number of British colonies and establishing plantations and slavery.¹¹⁰

Yamasee War of 1715 was an attempt to drive out British from the Creeks territory. This war could have been a success, however, the most populous Cherokees did not participate, and the war resulted in many casualties on both sides. Lower Creeks, displeased with the conditions of trade between British colonies and with the result of war, moved to Florida from their previous lands in Georgia, Alabama, and South Carolina, to seek safety and shelter in Florida.¹¹¹

Initially, Creek’s newcomers were hunters, occasionally also caring for abandoned cattle herds. The transition from hunting to farming created semi-permanent settlements, inhabited with various Creek emigrants and free spirits, soon establishing political connections with surrounding towns and villages. By the end of the British period in Florida in 1783, Creeks in Florida were well established and still considered themselves as a part of the Creek Confederacy. However, the separation occurred, as Floridian Creeks felt neglected by Creek confederacy which could not control them well. As the separation grew, Creeks gained the name that meant ‘wild ones’ or Seminole in later English form.¹¹²

The Seminole villages in 1770, established in north Florida and around St. Augustine, usually consisted of 8 to 30 households built from tree stumps and bark roofs. These dwelling, housing matrilineal extended families, contained rooms for cooking, sleeping, and eating, all divided from one another. Near the dwellings were buildings that stored food and equipment in one storey, and a room for the head of the family and guest visits in the second storey. Each household also possessed a garden, with beans, watermelon, tobacco or maize. A larger field was located outside the village, where sweet potatoes, squash, beans, pumpkins, tobacco and sometimes also rice could be planted. Hunting was still prevalent

¹⁰⁸ Jill M. Watts, ““We Do Not Live For Ourselves Only” Seminole Black Perceptions and the Second Seminole War,” *UCLA Historical Journal* no 7. (1986): 6.

¹⁰⁹ Mahon, *History of Second Seminole War*, 2

¹¹⁰ Sturevant and Cattelino, “Florida Seminole and Miccosukee,” 429.

¹¹¹ Sturevant and Cattelino, “Florida Seminole and Miccosukee,” 431.

¹¹² Sturevant and Cattelino, “Florida Seminole and Miccosukee,” 431.

subsistence of Seminole Indians, despite having cattle and horse herds. Cultivation was entirely the females' role and males protected fields from predators. The fertility of the fields was limited, therefore creating new fields was a constant struggle and the villages had to be "moved every few years to be closer to new fields".¹¹³

4.2 Slavery and Seminoles

African Americans and Seminoles created rather an exceptional relationship, that resembled more an alliance than slavery,¹¹⁴ wherein order to defend Florida from US expansion, Seminoles cooperated with runaway slaves, also called Maroons or later Black Seminoles. These Black Seminoles offered human labour and interpretation skills in exchange for protection "from white attempts to strip them of their freedoms".¹¹⁵ In times of conflicts, blacks did not hesitate to attack the intruders and commonly describes as much more dangerous warriors than Seminoles.¹¹⁶

Black Seminoles, even though the lifelong status of a slave, were given much freedom, that they could marry members of the Seminole tribes. Their offspring were then recognized as "free and [Seminoles] treated them as equals".¹¹⁷ However, the transactions of black slaves could occur, but only in the family circle.¹¹⁸

Despite being in a lower hierarchical position, Black Seminoles managed to prosper, cultivating large fields of corn, pumpkins, beans, rice, and other crops, owing to the fact that Black Seminoles inhabited their own towns, away from Indians. Some of the houses of Black Seminoles were bigger than those of the Indians, giving the notion that most Black Seminoles were, indeed, free.¹¹⁹

4.3 First Seminole War

By the second Spanish control in 1783, Seminole settlements were well established, some of them trading dried food, cloth and ammunition with Cuba for liquor, coffee, and sugar. Those were villages that were created by runaway Creeks after the War of 1812, where Americans forces attacked some Seminole towns in a supposition of sheltering slaves, and after the battle of Negro Fort in 1816, an attack of American collaborates led by Andrew

¹¹³ Sturevant and Cattelino, "Florida Seminole and Miccosukee," 432.

¹¹⁴ Watts, "We do not live for ourselves only," 14.

¹¹⁵ Edward Mair, "Slaves and Indians," *History Today* 70, no. 2 (2020): 67.

¹¹⁶ Mahon, *History of Second Seminole War*, 20.

¹¹⁷ Watts, "We do not live for ourselves only," 7.

¹¹⁸ Watts, "We do not live for ourselves only," 8.

¹¹⁹ Mair, "Slaves and Indians," 68.

Jackson. Creek confederacy had no longer power over settlements further from its centre and abandoned any attempt at doing so, even though the Seminole villages and cattle herd were raided and stolen by Georgian Creeks.¹²⁰ On top of that, Seminoles believed that they should be governed by the United States, not by Spain. Overall, the English Period in Florida, lasting from 1763 to 1783, brought prosperity to the Indians.¹²¹

In the late 1780s, white man William Augustus Bowles decided to become head of the Seminoles. Bowles' wish remained unfulfilled, for he died in prison in 1805, but this attempt at creating a united nation resulted in numerous Lower Creeks moving to Florida, haunting neighbouring white settlers at possible consequences. Hence, the white man's attempt at creating one Seminole nation with its leader paved "the way for the Seminole decline".¹²²

The borderline conflicts between white settlement on the south of Georgia and Indian towns in north Florida continued, mainly for the white settlers' accusations that Seminoles are stealing their black slaves and cattle, or vice versa, that whites are raiding Indians property and stealing their slaves.¹²³ The Creek Confederacy gave its promise to surrender all slaves to the U.S., including slaves in Florida territory, which was for years no longer confederacy's matter of interest. In a War of 1812, Seminoles overcome Georgians' attack, but when Andrew Jackson defeated Creeks in 1814 in The Battle of Horseshoe Bend and took 20,000,000 acres of their land, the destiny of Seminole Indians turned the other way.¹²⁴

The Negro Fort, previously built and abandoned by British marines, became a shelter for runaway slaves and survivors of the Creek war, with a convenient location near the borders. In 1816 it was destroyed by Andrew Jackson's troops, after persuading U.S. authorities that American citizens were being murdered there, making room for possible Native American takeover, and that it would continue unless some action was undergone.¹²⁵ Jackson received authorization to destroy the Fort, however, not for the threat of takeover, but for its location, despite the fort being on Spanish territory.¹²⁶ The slaughterhouse "was done in the grand American tradition of contemptuously disregarding Spanish sovereignty and territorial integrity".¹²⁷

¹²⁰ Sturevant and Cattelino, "Florida Seminole and Miccosukee," 432.

¹²¹ Mahon, *History of Second Seminole War*, 18-19.

¹²² Mahon, *History of Second Seminole War*, 19.

¹²³ J. M. Opal, *Avenging the People: Andrew Jackson, the Rule of Law, and the American Nation* (New York: Oxford University Press, 2017), 160.

¹²⁴ Mahon, *History of Second Seminole War*, 20-22.

¹²⁵ Mahon, *History of Second Seminole War*, 23.

¹²⁶ Hays, "Twisting the Law," 162.

¹²⁷ Robert V. Remini, *Andrew Jackson and the Course of American Empire, 1767-1821* (New York: Harper & Row, Publishers, 1977), 345.

Seminoles angered by the Negro Fort destruction and massacring 300 hundred of their allies, asked Spain for help, but received none as Spain simply did not have the power for counter charge. Instead, Seminoles took matters into their own hands and the resulted in raiding near-by American troops. While Spain did nothing, the U.S. government ordered Andrew Jackson to make Seminoles obedient and to stop the borderline anarchy.¹²⁸

In 1818 Andrew Jackson invaded Florida in First Seminole War with an army of 3,200 soldiers, interestingly 2,000 of which were Creeks. Seminoles, short of guns and ammunition, fought with bows and arrows, resulting in easy overcame by Jackson. The hardest battle occurred near Suwannee River, where black slaves in severe disadvantage attempted to slow down Jackson's advance to let people escape from near-by town, with great casualties on both sides. After Jackson defeated the last slave, the town was abandoned, and Jackson ordered his troops to burn it. To both, president Monroe and Spain, Jackson's provided justification of his arbitrary invasion as simply self-defence. Moreover, this rather easy battle allowed Jackson to have full power, granted by the U.S. Administration, to take Florida from Spain, eventually happening in 1821.¹²⁹

The transfer of Florida to the United States was the ultimate verdict for the Seminoles. Together with the First Seminole war, it was just a matter of time, when Jackson will move against Seminoles, either with the use of force or by evading the legislature. Except for the western side of Florida, there was relative peace on the Florida peninsula, signifying that the storm is just around the corner.¹³⁰

4.4 Second Seminole War

It is worth mentioning, that the removal of Seminoles had unpleasant complications, causing United States disgrace and nuisance. Not only was the marshy soil in Florida of low demand, but the territory was full of slaves – what could have been more repellent to whites?¹³¹

Moultrie Creek, Payne's Landing, and Fort Gibson were the three treaties that legally created a way for the United states to get rid of the Indians. Black Seminoles recognized that the wars they fought were both, an attempt to acquire Indian land and an attempt to re-capture them. So, when blacks fought along with Indians, it was clearly visible that they fought for

¹²⁸ Mahon, *History of Second Seminole War*, 24.

¹²⁹ Mahon, *History of Second Seminole War*, 25-26.

¹³⁰ Mahon, *History of Second Seminole War*, 28.

¹³¹ Prucha, *The Great Father*, 229.

their life,¹³² and they believed that “the United States government and its citizens planned to destroy ... and enslave them under the harshest conditions”.¹³³ However, Seminoles’ resistance was stiff, therefore United States army fought more for its honour than for the Indian land.¹³⁴

The Seminole Indians had no say at the Florida Territory transfer to the United States in 1821. However, whites’ desire to relocate Indians and cede Florida was still prevalent, with two possible options – to create a reservation in Florida or to send them back to Creeks, to which Seminoles disagreed strongly. Another option was to relocate Seminoles west of the Mississippi. Reportedly, Seminoles understood U.S. government’s hard situation and were not ready to wage yet another war. Overall, Seminoles and the government tried to maintain peace at all costs.¹³⁵

A place for final negotiations was set in Moultrie Creek. Andrew Jackson advised his old friend Commissioner Gadsden, then serving as a governor for Indians in Florida, that the troops must be present at negotiations, otherwise Seminoles would not come to the decision. Gathering of over 400 Seminoles, with the only common sign being the Creek culture, appointed Neamathla as their chief, as he was the only one possessing the authority over such divided society.¹³⁶ After opening the Indian ceremony, Gadsden started the negotiation. “The Great Father [Jackson] was willing to forget the past. But in return [you] would have to concentrate in [...] assigned territory. [...] the white men’s arms, are stacked in peace. Do you wish them to remain so?”¹³⁷

Seminoles did not wish to be put into reservations in the south. However, two weeks later, the Treaty at Moultrie Creek was signed, guaranteeing Seminoles protection, agricultural supplies, pay them \$5,000 annually, help with transportation, and pay for maintaining a school, blacksmith and gunsmith, all for 20 years. By signing the treaty, Seminoles also agreed to not shelter any runaway slaves in their land, to return them to their lawful owner without requiring to show legitimate ownership, and that their reservation borders would not be closer than 20 miles to shore to prevent trading with Cuba to force Seminoles to take up agriculture. One next thing concerning the treaty is worth the notice – “the document made no mention of duration” of Seminole’s guarantee to the reservation and

¹³² Prucha, *The Great Father*, 230.

¹³³ Watts, “We do not live for ourselves only,” 15.

¹³⁴ Mahon, *History of Second Seminole War*, 86.

¹³⁵ Mahon, *History of Second Seminole War*, 33-36.

¹³⁶ Mahon, *History of Second Seminole War*, 42-44.

¹³⁷ Mahon, *History of Second Seminole War*, 44-45.

was ratified in 1823.¹³⁸ The terms of the treaty were so oppressive, that many of the Seminoles tried to return to their former homes, where they were accused of stealing the cattle and setting fire to the new settler's homes.¹³⁹ The Moultrie Creek Treaty contained the signatures of 17 chiefs of Florida tribes with the names of the villages or towns they resided in, but 20 remaining chiefs were not present at the negotiations, so Neamathla made the decision for the whole Indian nation living in the Florida peninsula.¹⁴⁰

On top of that, the reservation chosen by the United States was one big swamp and the U.S. government denied Seminole's request for a new reservation. Instead suggested to relocate west of the Mississippi, where Seminoles would be placed under Creek Confederacy to what Seminoles disagreed strongly, for they wished to remain autonomous from Creek nation.¹⁴¹ That restriction, naturally, brought complications and Indians did not remain solely in the reservation, what outraged white settlers moving in the area. To undergo some action was necessary.¹⁴²

The Indian Removal Act of 1830 was signed by Seminole Indians in 1833, under rather disputable conditions. As Florida's white settlers urged the government to make orders with the Indians, on the other hand, Seminoles near the absolute misery, urged the government to fulfil its promises of helping them, for they faced the constant starvation. The United States was no longer able to feed Seminoles to the extent it agreed to under Moultrie Creek Treaty and sent a representative – James Gadsden – to persuade Seminoles to relocate west but bearing in mind that Seminoles would become a part of the Creek nation as if they were not battling them all this time to rip out under their power. If Seminoles would refuse this offering, they would initially become subject to the state laws and their situation would be more unbearable. Gadsden, claiming that to move is the best and only solution for their situation, came to the Payne's Landing in 1832, where Seminoles after the negotiations dropped their hatred toward Creeks and signed the Treaty of Payne's Landing. The core of this treaty was that Seminoles could send a delegation to inspect the character of the land and decide.¹⁴³

From the perspective of Seminole Indians, the treaty granted a visit to Oklahoma to make sure the land is suitable, the circumstances with Creeks bearable, and to come back to

¹³⁸ Mahon, *History of Second Seminole War*, 47.

¹³⁹ Hays, "Twisting the Law," 162.

¹⁴⁰ Mahon, *History of Second Seminole War*, 47-48.

¹⁴¹ Watts, "We do not live for ourselves only," 17.

¹⁴² Prucha, *The Great Father*, 231.

¹⁴³ Mahon, *History of Second Seminole War*, 74-76.

their chief and report their finding so they can consult the situation. However, to whites, the signature indicated an acceptance of land and consecutive departure of Seminole Indians. However, the Seminole delegation came to Fort Gibson, in Oklahoma, and after seeing the land, government officials handed them a document for a signature. Seminoles decline for “they alone could not decide on the emigration of the whole nation”, but after threatening from the officials’ side, Seminoles had to sign the document.¹⁴⁴

The Treaty of Fort Gibson was not well-received by the Seminole chiefs back in Florida. Seminole chiefs had accused Abram, the Black Seminole interpreter, of misunderstanding the conditions, but after all, was not Abram translating the conditions to the Seminole delegation? It is suggested, that the misinterpretation came from government officials’ side, combined with the immense pressure of relocation of the Seminoles. Despite everything, Seminoles refused to move and decided to resist.¹⁴⁵

The Second Seminole War was inevitable and lasted for 7 years, from 1835 to 1842, with each general claiming that the war is near its end. The determination on the Seminole’s side of the frontier, especially the black Seminole’s, was immense, for they faced not only relocation, but also enslavement. That proved as a valid point for many outside groups of blacks, that ignited a movement and these outsiders were helping Seminoles with secret supplies of gunpowder or recruitment of enslaved blacks on the plantations.¹⁴⁶

General D.L. Clinch objected that the force is necessary to use, otherwise, no Seminole would leave for the West. When the government after some long time finally sent the troops to Fort King, they were attacked and defeated by Seminoles. As one of the Indians later acknowledged, they had been plotting that plan for over a year – first to cause troubles so U.S. government would have to take some actions, sent troops so Indians could eliminate as much military as possible, and second, to kill Agent Thompson, that tirelessly insisted on persuading Seminoles, that the treaty of Payne’s Landing is valid and they need to remove immediately. And Seminoles succeeded, Agent Thompson was killed in the attack.¹⁴⁷

After one too many attempts to suppress the Seminole War, in 1838 General Thomas S. Jesup, that was at the charge of the Seminole War, “concluded that the removal of the Seminoles was not practicable and that to insist upon it would prolong a useless war without any hope of a satisfactory outcome.”¹⁴⁸ Jesup also added that Americans made a mistake by

¹⁴⁴ Watts, „We do not live for ourselves only,” 17.

¹⁴⁵ Watts, “We do not live for ourselves only,” 18.

¹⁴⁶ Watts, “We do not live for ourselves only,” 19.

¹⁴⁷ Mahon, *History of Second Seminole War*, 94-108.

¹⁴⁸ Prucha, *The Great Father*, 232.

thinking they were fighting against Indians, whereas it was “a n*gro not an Indian war” and the only possibility to make Indians remove West was to defeat Black Seminoles.¹⁴⁹ Although the land on which Seminoles resided was of no agricultural use, as it was a mere swamp and pure wilderness, whites were not interested in it no more. To fight a battle with no end in sight was hopeless as it would be much simpler to leave Seminoles where they are. However, the secretary of War Joel R. Poinsett insisted on executing the removal, because the treaty has been signed, therefore, it must have been obeyed.¹⁵⁰

The war continued until Colonel William Jenkins Worth, in 1842 shipped 230 captured Seminoles to Washington, and around the same number remained in entire Florida. Shipped to the West territories were more than 3,800 Seminoles. Worth argued that to keep an army in Florida for some 300 Seminoles is an irresponsible waste of government money and advised the U.S. government to provide a protection to those Seminoles who remained in the territory.¹⁵¹ President John Tyler hesitantly approved Worth’s recommendation and requested the end of aggression towards Seminoles, stating that “further pursuit of these miserable beings by a large military force seems to be as injudicious as it is unavailing.”¹⁵²

The declining number of Seminole warriors, the inability of the American army to succeed in battles due to the troops being compromised by too many volunteers and not enough regulars, and the American citizens’ indignation caused the Second Seminole War to “simply dragged itself out.”¹⁵³ American troops, consisting of a large number of volunteers or militia, underestimated the Seminoles, especially the black slaves fighting along with Indians. Black Seminoles knew, that for them, it was either death in the battle or to become a simple possession in the hands of some slave owner. Paired with knowledge of the terrain resulted in the longest Indian conflict in the United States and brought death to 74 commissioners, 1,466 soldiers, and reached the costs from \$30 to \$40 million.¹⁵⁴

¹⁴⁹ Mahon, *History of Second Seminole War*, 196.

¹⁵⁰ Prucha, *The Great Father*, 232-33.

¹⁵¹ Mahon, *History of Second Seminole War*, 307-10.

¹⁵² Prucha, *The Great Father*, 233.

¹⁵³ Mahon, *History of Second Seminole War*, 321.

¹⁵⁴ Mahon, *History of Second Seminole War*, 324.

5 ANDREW JACKSON

A frontier lawyer, Indian fighter, “Old Hickory,” military hero, president, racist.¹⁵⁵

To understand Andrew Jackson as an Indian hater is just a simplistic view of a complex man. Yes, Jackson fought Indians most of his career, made a name for himself with passing an Indian Removal.¹⁵⁶ But what were the steps that brought him to the point, where he made a mark in the history books?

5.1 To the New Orleans

Named after his Scot-Irish father, that in 1765 sailed from Northern Ireland to the New World with his wife and two sons, to chase religious freedom, his youngest son, Andrew Jackson, would be born two years after the arrival in South Carolina. Not much is known of his younger years, only that he pursued a career as a lawyer, later joining West Point to become a U.S. soldier, a decision perhaps powered by the childhood memory of caring for wounded soldiers from 1780s Battle of Bunker Hill, along with his mother and older brother.¹⁵⁷

Jackson became orphan in 1781, when his older brother died in prison, the oldest brother had died the previous year, and his mother contracted cholera. During the British raiding, one of the British officers marked young Jackson’s face with a sword after refusing to obey an order, leaving a scar on his face. And leaving a life-long hatred for Great Britain.¹⁵⁸

Stained by the early-life loss, Jackson surrendered to booze and gambling in the night, and pursuing a law career in the day, in two years starting as a public prosecutor in Tennessee. Jackson later moved to Nashville, where he fell in love with Rachel Donelson Robards, whom he married in 1794. This year also brought prosperity to Jackson, as he was appointed a judge advocate of the militia in Davidson County, become a close friend of territorial governor William Blount, and invested some \$20,000 into land in Tennessee, possessing more than 16 slaves.¹⁵⁹

The obtaining of the land after 1794 had been ruled out by large Indian settlements, thus Jackson as an attorney general had a duty to enforce obedience from white intruders on

¹⁵⁵ Hayes, J. Stanford, “Twisting the Law,” 161; Lynn Hudson Parson, *The Birth of Modern Politics: Andrew Jackson, John Quincy Adams and the Election of 1828* (New York: Oxford University Press, 2009), 1; Francis Paul Prucha, “Andrew Jackson’s Indian Policy: A Reassessment,” *The Journal of American History* 56, no. 3 (1969): 527.

¹⁵⁶ Prucha, “Andrew Jackson’s Indian Policy,” 527.

¹⁵⁷ Parson, *Birth of Modern Politics*, 3-5.

¹⁵⁸ Parson, *Birth of Modern Politics*, 6.

¹⁵⁹ Parson, *Birth of Modern Politics*, 7-9.

Indian lands, in accordance with the previous treaties made by the government. Jackson, however, did not identify with government's point of view, and became one of the advocates for Indian Removal, that during his presidency became reality.¹⁶⁰

Upon an election into the U.S. Senate for 6 years term, unfit to take up on that responsibility, mainly owing to his rough language and stiff feelings, his judgement often clouded by rage, resigned after less than a half year. Instead, he was appointed a seat in state superior court, by a powerful Blount fraction, where he remained for 6 years. In 1802, Jackson achieved his longing position of major general, winning by only a single vote, owing to the Blount friends.¹⁶¹

In 1806, Jackson's anti-British attitudes and the desire to gain military glory made him "eagerly involved" in Vice President Aaron Burr's plotting attack on Spain, despite Spain not being in war with the United States.¹⁶² However, Burr's plan to ease New Orleans from Old World's influence has turned out to be a plan to expand the Spanish New World, to gain independence for Mexico, and make it friendlier towards America, and was destroyed by Jefferson, as he somehow learned about the treason conspiracies, and ordered Jackson to assist with his troops in New Orleans to defend the Burr.¹⁶³

The turning point in Andrew Jackson's life was a Battle of Horseshoe Bend in 1814, preceded by the Fort Mims revenge. While Jackson being bound to the bed after the injury in yet another duel, upon hearing of an attack on Fort Mims in Alabama by the Creek Indians, he immediately ordered his militia, requested troops from the government and headed towards the revenge for 250 dead whites, and towards his military satisfaction.¹⁶⁴ With the winter approaching and the burning desire, he marched towards Gulf Coast, killing every hostile Floridian Creek he could find and joined by Creek and Cherokee allies, determined and powered by the winning in minor clashes with the Creeks, and also killing every deserter to enforce the obedience, marched toward Horseshoe Bend, where a settlement of around 1,000 Creek warriors was located. Jackson's troops killed 900 Creek warriors with only 47 casualties from the U.S. rows.¹⁶⁵ Jackson's first bloodshed was an act of revenge for Fort Mims, but Horseshoe Bend was a start of Jackson's determination to destroy Creeks and the satisfaction for the vengeance. With the winning battle, granted by the treaty of Fort Jackson,

¹⁶⁰ Parson, *Birth of Modern Politics*, 9-10.

¹⁶¹ Parson, *Birth of Modern Politics*, 16-18.

¹⁶² Parson, *Birth of Modern Politics*, 23.

¹⁶³ Opal, *Avenging the People*, 128.

¹⁶⁴ Remini, *Course of American Empire*, 187.

¹⁶⁵ Parsons, *Birth of Modern Politics*, 27-29.

Jackson ceded some 20,000,000 acres of Creek land, extending from Tennessee down to the Mexico Gulf, opening the area for the white expansion.¹⁶⁶

It was the Creek War of 1814 in which Jackson adopted his Indian son Lyncoya. Upon hearing that he was found in the arms of his dead mother, and all other relatives were dead too, Jackson was reminded of his childhood as an orphan, hence he sent this 10-month-old baby to his ranch Hermitage in Tennessee, to his wife Rachel and his other son. They raised Lyncoya as their own child, gave him an education, and expected to become a “white” gentleman, but he remained an Indian his whole life, later becoming a saddle-maker, and unfortunately dying of tuberculosis in 1828, in the age of 16.¹⁶⁷

But in 1815, the British were aiming at New Orleans, as they too saw New Orleans as important strategic point, vital to the American economy and citizens, ensuring control over the Mississippi River and understandingly also to an Atlantic market.¹⁶⁸ Secretary of war, James Monroe, recognized the allure and the vulnerability of the city, hence he ordered Jackson to help with the defence. Luckily for the U.S. troops, British military waded through swamps, and being unfamiliar with the terrain, Jackson’s men had the advantage of the time to prepare for the attack by studying possible approaches and strategies.¹⁶⁹ Striking by the surprise and with the effective preparation, the British and U.S. troops met right outside the city in December 1814. The battle lasted until mid-January 1815 and Jackson’s militia was able to defeat the British, becoming a national hero and guaranteed the United States control over the Mississippi River.¹⁷⁰ With the casualties of around 900 British soldiers “against just thirteen dead Americans”, Jackson’s victory convinced Americans that their nation was God’s chosen.¹⁷¹ He was the first general to enforce martial law and the first one to overlook “the writ of habeas corpus”, thus violating the constitution, but in the belief that it was absolutely “necessary for the salvation of the Union”.¹⁷²

Satisfaction for Jackson’s shallow desire for power over national household occurred at the single best time – America’s frontier had been besieged by constant losses, capital had burned down by the British troops, northern attempts at capturing Canada failed, and the

¹⁶⁶ Opal, *Avenging the People*, 155-56.

¹⁶⁷ Remini, *Course of American Empire*, 193-94.

¹⁶⁸ Daniel S. Dupre, “The Old Southwest Becomes the Cotton Frontier,” in *A Companion to the Era of Andrew Jackson*, ed. Sean Patrick Adams (Chichester: John Wiley & Sons, 2013), 73-76.

¹⁶⁹ Opal, *Avenging the people*, 159.

¹⁷⁰ Remini, *Course of American Empire*, 263-65; Dupre, “Old Southwest,” 62.

¹⁷¹ Opal, *Avenging the People*, 160.

¹⁷² Matthew Warshauer, “Andrew Jackson and the Legacy of the Battle of New Orleans,” in *A Companion to the Era of Andrew Jackson*, ed. Sean Patrick Adams (Chichester: John Wiley & Sons, 2013), 79.

treaty of Ghent that would put the War of 1812 to the end was not yet ratified. Jackson's victory in New Orleans lighted the gloomy Sunday with the ray of hope, and consequently also paved his way to becoming a president, despite the ugly violation of the Constitution.¹⁷³

New Orleans turned into an armed camp with Jackson in the lead, lasting for two more months after the victory.¹⁷⁴ Naturally, the threat of the enemy's reoccurrence with a much larger army was present. Any boat, ship, carriage, person coming or leaving the town must have had a pass signed either by Jackson himself or his assistance, otherwise they were arrested, interrogated, and either put into jail, forced into the militia or left for freedom. Any deserter had been shot. These were the means by which Jackson enforced his militia and people of New Orleans' obedience, publicly criticized in *Louisiana Courier* newspaper.¹⁷⁵

Jackson's unlawful actions had been dragged into court, where in *The United States vs Major-General Andrew Jackson*, Jackson refused to answer any of the questions and paid the \$1,000 fine. Jackson never came to terms with this sentence.¹⁷⁶

5.2 Road to the White House

War with Creeks in 1813-1814 and the cession of 20,000,000 acres of Indian land, and following victory in the Battle of New Orleans in 1815 had earned him a national glory.¹⁷⁷ The importance of Indian relocation to the territories away from white settlements was deemed by Jackson as a way to bring stability to the United States, in the times when the United States was still vulnerable to the attacks from European powers. To have a solid, dense line of white settlement, he argued, would be proved as a much safer way to defend the country.¹⁷⁸

British tried to utilize Indians in their favour and established a fort near the American borders, that later became a Negro Fort. After the New Orleans debacle, invasion through Florida was called off and Indians, British allies in the invasion, were granted protection by the King of England, that was ensured in the Treaty of Ghent. Along with the protection, the Treaty of Ghent nullified the principles agreed upon the Treaty of Fort Jackson, where 20 million acres of land was ceded from Creeks. General Nicholls stayed with the instructions

¹⁷³ Opal, *Avenging the People*, 160.

¹⁷⁴ Remini, *Course of American Empire*, 311-12.

¹⁷⁵ Warshauer, "Battle of New Orleans," 80-83.

¹⁷⁶ Warshauer, "Battle of New Orleans," 86-87.

¹⁷⁷ Mahon, *History of Second Seminole War*, 22; Opal, *Avenging the People*, 159.

¹⁷⁸ Prucha, "Andrew Jackson's Indian Policy," 528-29.

to protect Seminoles and to remind the United States about the obligations in the Treaty of Ghent.¹⁷⁹

Unfortunately, for the Seminoles, as they were not occupying U.S. territory, the Treaty of Ghent did not apply. This explanation was satisfactory enough, hence the U.S. government approved Jackson's future action in the Florida peninsula. Naturally, the question of fulfilling the guarantee of protection given to Seminoles by England could occur. England was ready to give a white flag to the area of disputes in the south if the U.S. would abandon the interests in the north areas. Thus, the United States agreed, England abandoned its southern sphere of interest and signed the agreement in 1817, betraying the Indians and leaving them to their destiny. Jackson's stubbornness and violation of the Ghent Treaty meant the first step towards Indian removal in the South and elimination of any possible Indian-Spanish alliance establishment. The obtaining of Florida was just a matter of time.¹⁸⁰

However, the permission from president Monroe to invade Florida never came, due to the postal services problem. Monroe's orders were to "adopt the necessary measure to terminate the [Seminoles hostilities]."¹⁸¹ And so, Jackson, true to his reputation, in 1818 in the First Seminole War, slaughtered the Indian population to that extent, that Spain nor British would be able to compete with emerged American force, hence abandoning any interests in the Florida territory. Resultingly, Florida became the U.S. territory in 1821.¹⁸²

Naturally, Jackson would not avoid a scandal. In the war, he ordered to execute seven Indians and two British men for abetting the Seminoles. Without any possibility to appeal or object, two Englishmen were hanged, and Seminoles shot.¹⁸³ This action sparked national outrage and following fear of possible English intrusion, but luckily for Jackson, that did not happen. His actions had been defended by then-Secretary of state John Quincy Adams. John Quincy Adams became Jackson's rival in the presidential elections of 1824.¹⁸⁴

But "Jackson saw himself as a soldier rather than politician".¹⁸⁵ However, the necessary cuts to the army resulted in Jackson's redundant position of a Major General. In the winter of 1821 Jackson resigned from the position of Florida Governor, after his confidantes

¹⁷⁹ Remini, *Course of American Empire*, 300-02.

¹⁸⁰ Remini, *Course of American Empire*, 303-05.

¹⁸¹ Remini, *Course of American Empire*, 347.

¹⁸² Watts, "We do not live for ourselves only," 16; Remini, *Course of American Empire*, 348.

¹⁸³ Parsons, *Birth of Modern Politics*, 48-49.

¹⁸⁴ Lynn Hudson Parsons, "In Which the Political Becomes the Personal, and Vice Versa: The Last Ten Years of John Quincy Adams and Andrew Jackson," *Journal of the Early Republic* 23, no. 3 (Fall, 2003): 424.

¹⁸⁵ Opal, *Avenging the people*, 187.

persuaded him to pursue a presidential office. Publishing of the biography *The Life of Andrew Jackson*, although very biased, that became much popular in 1822 than in the year of publication in 1817, convinced wide audience that Jackson's heroism, iron fist, and indulgence should be the right choice in governing the nation. Overall, the United States people felt like they owed Jackson the survival of their country.¹⁸⁶

Four adepts met in the presidential elections – John Quincy Adams, William H. Crawford, John C. Calhoun, and Henry Clay. Adams was not considered a valid player, and Washington looked mostly on Crawford, as a witty, loyal southerner. Clay was the former speaker of the House of representatives during Monroe's administration with a questionable reputation of gambler and alcoholic, Calhoun, the secretary of war and fellow South Carolinian, the youngest of the candidates.¹⁸⁷

Jackson initially was not even considered as a choice, nor did he plan to apply for the presidency himself, until the Tennessee politicians were either grouped around John Williams, a Tennessee senator whom Jackson despised, supporting the so hated Crawford, and the other half grouped around William Carroll, rooting for Clay. As a solution to stop the growing popularity of Crawford among Tennessee public, Jackson's friends in Tennessee, the Blount fraction and Carroll group, nominated Andrew Jackson to a president post in 1822.¹⁸⁸ Much like Adams, Jackson accepted the offer "as a republican duty" in a belief that American citizens would recognize his military achievement, not his means.¹⁸⁹

The future would have shown, that neither Crawford nor Clay would stand a chance in the election. The battle was between Adams and Jackson. The main difference between two otherwise similar candidates, apart from the republican and federalist views, was the question of slavery. While Jackson owned several slaves, Adams had none and had not intended at obtaining one any time soon.¹⁹⁰

After a failure of any of the candidates to gain a majority of the electoral votes in the 1824 presidential elections, however, Jackson winning with 99, to second Adams with 84, the destiny of Jackson and Adams was in the hands of Clay, with many associates in the house of representatives and the public hatred towards Jackson. Upon persuading his friend

¹⁸⁶ Opal, *Avenging the people*, 187-191.

¹⁸⁷ Parsons, *Birth of modern Politics*, 70-72.

¹⁸⁸ Parsons, *Birth of Modern Politics*, 75.

¹⁸⁹ Parsons, *Birth of Modern Politics*, 76.

¹⁹⁰ Parsons, "Political Becomes Personal," 424-26.

to vote for the one who did not pose as a hazard for the state nor office. On February 9, 1825, the House of Representatives had elected John Quincy Adams a president.¹⁹¹

Whatever complaints Jackson had, he remained silent, but aimed his anger more towards Clay than Adams. From now on, Jackson and Adams' relationship resembled that of a rivalry but with mutual respect.¹⁹² Adams appointed him to the position of senator, despite Jackson expecting the position of the Secretary of state, that went to Clay. This Adams' decision angered Jackson so much that the two never again shook hands, and Jackson was determined to gain his revenge in the next elections.¹⁹³

With the next presidential election approaching, Jackson did not give up and signed up as a candidate, some say that it was as soon as 6 months after Adams was sworn into office, hence Adams supporter started digging dirt on Jackson, starting with the execution of several deserters in the Battle of New Orleans in 1815, the many duels he was involved in, or adultery of his wife.¹⁹⁴ However, the different situation in which Jackson found himself in these elections – not as an outsider but as a valid player – Jackson could satisfy American nations' desire to see a strong leader, just like Washington, Jefferson or Madison. Right before the celebration of the fiftieth year of the Declaration of independence, Americans prayed for the next successful fifty years with a strong character in its lead.¹⁹⁵

The 1828 election witnessed an incredible increase in the turnout – 57% in comparison to the 27% in the last elections in 1824. The victory of Andrew Jackson in a majority presented the first westerner in the office, first president that ever killed a man in a duel, as well as first president that was more popular through his military career rather the political one and the first ever to deliver a campaign speech in the New Orleans upon 13th anniversary of the Battle of New Orleans.¹⁹⁶ Jackson's sweet revenge to Clay and Adams was completed in a triumphal win of the democracy.¹⁹⁷

However, the disgusting accusation and comments during the presidential campaign made towards Rachel Donelson, Jackson's wife, to harm Jackson, hurt her much deeper than her husband. In the summer of the year 1828, Rachel and Jackson's beloved Indian son

¹⁹¹ Parsons, *Birth of Modern Politics*, 97-104.

¹⁹² Parsons, *Birth of Modern Politics*, 105-7; Parsons, "Political Becomes Personal," 426-27.

¹⁹³ John M. Sacher, "The Elections of 1824 and 1828 and the Birth of Modern Politics," in *A Companion to the Era of Andrew Jackson*, ed. Sean Patrick Adams (Chichester: John Wiley & Sons, 2013), 281.

¹⁹⁴ Sacher, "Elections of 1824 and 1828," 287; Opal, *Avenging the people*, 204.

¹⁹⁵ Sharon Ann Murphy, "Jackson's Rise in the Election of 1824," in *A Companion to the Era of Andrew Jackson*, ed. Sean Patrick Adams (Chichester: John Wiley & Sons, 2013), 278.

¹⁹⁶ Sacher, "Elections of 1824 and 1828," 281-90.

¹⁹⁷ Robert V. Remini, *Andrew Jackson and the Course of American Freedom, 1822-1832* (New York: Harper & Row, Publishers, 1981), 146.

Lyncoya died and shortly before the Christmas Eve of 1828, Rachel Donelson too passed away. Jackson was sure were his enemies' inappropriate comments aimed at her pushed her to the grave. And now, the president was aiming for revenge once more.¹⁹⁸

5.3 Removal Era

With the industrial revolution around the corner, social and political reforms in progress and democracy rising, succeeding with his ambition to become president, Jackson insisted on protecting the United States at all costs and deemed liberty, freedom, and justice as the fundamentals.¹⁹⁹ In regard to the Indians' removal, Jackson's decision to remove Indians, whatever the results would be, could have been described as a deep patriotism or anti-British views.²⁰⁰ As Jackson himself said to his troops in 1808, after the Fort Mims massacre, it resembled "the barbarity committed on our frontier in 1777 [...] by the orders of Great Britain, and it is presumable that the same influence has excited those barbarians".²⁰¹

Indians transition from hunting to cultivation should be a gradual process, Washington and Jefferson argued, calling it "the expansion of honour" and later "the plan of civilization".²⁰² To adapt Indians into white society, to be included, should be the highest concern. And for Jackson, that progressive adaptation could have been done in the western territories, where Indians could take up "their own pace toward civilization".²⁰³ Cherokees succeeded with the civilizing process to that extent, that at the beginning of the 1820s they began publishing the *Cherokee Phoenix* newspapers and in 1827 they published their own Constitution. Jackson's predecessors deemed the removal as inhumane, and could let themselves to execute it, but for Jackson, the Indians could be spared of the deterioration brought by white contact only if they resided west of the Mississippi River.²⁰⁴

Indian removal could have been done in three possible ways – to destroy Indians completely, to assimilate them into white culture, or to protect them in the territories they were occupying. Naturally, Jackson faced a difficult task, but to made Indians give up their ancestral lands and violently force them away, should not even occur as a possibility.²⁰⁵

¹⁹⁸ Parsons, *Birth of Modern Politics*, 189; Opal, *Avenging the people*, 205.

¹⁹⁹ Remini, *Course of American Freedom*, 183.

²⁰⁰ Prucha, "Andrew Jackson's Indian Policy," 527

²⁰¹ Prucha, "Andrew Jackson's Indian Policy," 528.

²⁰² Andrew K. Frank, "Native American Removal," in *A Companion to the Era of Andrew Jackson*, ed. Sean Patrick Adams (Chichester: John Wiley & Sons, 2013), 394.

²⁰³ Prucha, "Andrew Jackson's Indian Policy," 534.

²⁰⁴ Remini, *Course of American Freedom*, 258.

²⁰⁵ Michael F. Holt, "Targeting the Tribes: A Scholar looks at Andrew Jackson's controversial Indian-removal policies: [Chicagoland Final Edition]" *Chicago Tribune* no. 3 (2001): 3.

Removal met with objections appealing to moral character and many northern opposers associated the matter to the expansion of slavery.²⁰⁶ The opponents of the removal were constantly reassured, that the process would be “free and voluntary”, claiming that “no man entertains kinder feelings towards Indians than Andrew Jackson.”²⁰⁷ However, the freedom that Jackson considered so important for the United States, meant for Indians the choice to either emigrate west of the Mississippi or to become a subject to the state laws.²⁰⁸

When the Indian Removal Act was passed by the Senate, Jackson, despite appeals from his former Indian allies, insisted on immediate execution. While the promised help from the government with emigration, food supplies, blankets, annual payments were contracted and supplies stolen by corrupted government contractors, and the poor planning of the emigration resulted in 4,000 Cherokee deaths, Jackson remained silent.²⁰⁹

Indians status as the sovereign nations was to Jackson was an overstatement. To him, Indians were the foreign powers, with unfounded entitlement to the land was, and in no way could they possess full legal autonomy.²¹⁰ Jackson’s belief that Indian treaties should not be of higher importance than the state laws, proved as a driving force for his removal enforcement.²¹¹ In order to succeed in passing the removal bill, Jackson made several arrangements. First, he paused the debates on the veto, otherwise, the bill would be swept from the table. Second, the democratic members of the House were ordered into accepting the bill. By interfering with the legislative process, the removal bill was eventually passed by 102 votes to 97 in House, and 29 to 19 in the Senate.²¹²

Jackson’s fundamentals of freedom and justice were severely challenged by passing the Indian Removal Acts. The convincing means that Jackson used were not the ones to appeal to freedom nor justice, but the ones threatening Indians to lose their status and sovereignty, eventually also a life. The estimated expenditure to execute the removal – \$500,000 – was by far exceeded at the end of Jackson’s presidency, estimated at roughly \$68 million.²¹³

Having a military career, Jackson was much more concerned for the safety of his citizens, the fellow whites, for his racist views did not allow Indians to be viewed the same, but at the same time expected that those who occupy the same state should follow the same

²⁰⁶ Frank, “Native American Removal,” 401.

²⁰⁷ Cave, “Abuse of Power,” 1334.

²⁰⁸ Remini, *Course of American Freedom*, 264.

²⁰⁹ Holt, “Targeting the Tribes,” 1-2.

²¹⁰ Prucha, “Andrew Jackson’s Indian Policy,” 532.

²¹¹ Holt, “Targeting the Tribes,” 3.

²¹² Remini, *Course of American Freedom*, 263; Frank, “Native American Removal,” 402.

²¹³ Remini, *Course of American Freedom*, 264.

law. There, Jackson denied every treaty between the U.S. nation and Indians and forced the American citizens to believe that Indian sovereignty was a simple falsehood.²¹⁴ But if the tribes are not a sovereign entity, why should the administration even trouble to sign agreements with them?²¹⁵

Cherokees posed the biggest challenge for the removal. Highly educated leaders battled Jackson in court, first in *Cherokee Nation vs. Georgia* in 1831 and then in *Worcester vs. Georgia* in 1832. In both cases, The Supreme Court ruled against Jackson and recognized the sovereignty of Cherokees granted by the treaties made with the U.S. government so far. By 1836, several other cases that contradicted the decision of The Supreme Court occurred. Whatever the conclusion was, it could not stop Georgia and Jackson's successors Martin Van Buren and especially James K. Polk from enforcing the Indian emigration.²¹⁶

Jackson has definitely changed by the end of the presidency in 1837. Upon realizing, that to govern a nation is not the same as to order a military, his black-and-white views started to fade. He came to the office to give the nation much-deserved freedom and prosperity, asking only for respecting the constitution and the eye-for-eye principles.²¹⁷

Despite the declining health, Jackson delivered two full terms in the office, combating whatever crisis came in the same triumphant manner as formerly at the frontline.²¹⁸ On June 8, 1845, Andrew Jackson passed away in his family residence The Hermitage at the age of 78 of heart failure. His possessions remained in the hands of his adopted son Andrew Jackson Jr. but soon fell to the creditors.²¹⁹

²¹⁴ Frank, "Native American Removal," 391.

²¹⁵ Remini, *Course of American Freedom*, 265.

²¹⁶ Frank, "Native American Removal," 403.

²¹⁷ Opal, *Avenging the People*, 207.

²¹⁸ Parsons, *Birth of Modern Politics*, 190.

²¹⁹ Opal, *Avenging the People*, 222.

CONCLUSION

The story of Native Americans did not simply end with Indian removal and the Seminole Wars, but it is certainly one of the chapters worth reading.²²⁰ The desire for Indian lands, the hunger for their soil, proved a driving force for whites, who demanded territorial expansion. The aftermath of Indian removal constituted a decline in the quality of the natives' lives, turning the survivors into dependents and victims of white fraud and corruption.²²¹

Even before Indian removal, natives were forced to give up some of their lands — whites had to expand the cotton plantations in order to feed their greed and the hunger of the European market for cotton. But this area of Indian land was just a fragment of what they ultimately had to give up.²²² Widespread fears of the formation of a black-Indian alliance provided justification for the government to wait no more for Indians to become civilized, as Jefferson and Monroe formerly intended.²²³

Manifest destiny, a term coined in 1845, when Indian removal approached its end, served as a main justification for obtaining the Indian lands. Americans believed that it was their God-given right to acquire whatever territory necessary for their purposes.²²⁴ Stripping Indians of their way of life in the name of Christianization, assimilation, and education, all done in what is now perceived as a policy by many, started in the sixteenth century, assigning a racial hierarchy, and granting a responsibility to transform the face of the earth, to civilize, conquer, and subjugate all that is alive in the name of God.²²⁵

The process of adapting and civilizing Indians to mirror whites' lifestyle proved as a long-term solution, unsustainable to both the government and white settlers. Nonetheless, with missionary work and school education, some Indians were able to compete with whites in terms of trading or sustaining a plantation with black slaves.²²⁶ “One of the ironies of the situation was that the very progress in the civilization of the [Indian tribes] made them less willing to depart.”²²⁷

The justification of Indian removal was that Indians speak a different language, have different customs, cultures, and indeed will never be able to fully commit to the white way

²²⁰ Gregory Evans Dowd, “Indian Removal Acts,” *Reviews in American History* 33, no. 3 (2005): 350.

²²¹ Prucha, *The Great Father*, 195; Frank, “Native American Removal,” 393; Theda Perdue, “The Legacy of Indian Removal,” *The Journal of Southern History* 78, no. 1 (2012): 3-5.

²²² Prucha, *The Great Father*, 195.

²²³ Frank, “Native American Removal,” 397.

²²⁴ Sam W. Haynes, “Manifest Destiny and the American Southwest,” in *A Companion to the Era of Andrew Jackson*, ed. Sean Patrick Adams (Chichester: John Wiley & Sons, 2013), 549.

²²⁵ Charles Trimble, “Manifest Destiny Lives,” *Indian Country Today* 29, no. 52 (2010): 1.

²²⁶ Prucha, *The Great Father*, 185.

²²⁷ Prucha, *The Great Father*, 185.

of life. General Coffee wrote in the letter directed to the Andrew Jackson himself that it would be the most reasonable to diminish Indian's citizenship, especially for the tribesmen, to reduce Indians to lower-class citizens; the removal should not be difficult and Indians themselves will consent to move away.²²⁸

The government acknowledged the natural rights of the Indians to possess the land on which they reside and the special status of the Indian nation, guaranteed by the decision of the supreme court in *Makah Indian Tribe vs. Callam County*, eventually resulting in also moral recognition to possess their cultivated land.²²⁹ However, this special status would be later diminished in *Worcester vs. Georgia*, by lowering the Indian status to the dependent nations within a state territory. Andrew Jackson became determined to eliminate the status whatsoever.²³⁰ Violation of the treaties made by the government was recognized by the Indians "as a temporary solution to a permanent problem that would ultimately be resolved by a massive movement west."²³¹

Overall, Indians represented a problem, to which the easiest solution was to push it aside. To relocate them out of visible sight was the expedient solution, even if doing so cost \$68 million and thousands of lives. The problem, however, did not go away with removal, for soon, white Americans would move west of the Mississippi River and encroach on Indian lands once again. Only then would the Indians truly understand that there was no place for them in America, a land, which by 1848, was being allocated to the "white race" only.²³²

²²⁸ Prucha, "Andrew Jackson's Indian Policy," 536.

²²⁹ Washburn, "Historical Context of American Legal Problems," 12.

²³⁰ Young, "Indian Removal and Land Allotment," 36; Prucha, "Andrew Jackson's Indian Policy," 532.

²³¹ Frank, "Native American Removal," 399.

²³² John C. Calhoun, "A Southern Senator Opposes the "All-Mexico" Plan," *HERB: Resources for Teachers*, accessed May 5, 2020, <https://herb.ashp.cuny.edu/items/show/1273>.

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