

Andrew Jackson: Heads or Tails?

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National Standards for Grades 5-12

Era 4: Expansion and Reform (1801-1861): The new American republic prior to the Civil War experienced dramatic territorial expansion, immigration, economic growth, and industrialization. The increasing complexity of American society, the growth of regionalism, and the cross-currents of change that are often bewildering require the development of several major themes to enable students to sort their way through the six decades that brought the United States to the eve of the Civil War.

STANDARD 1: Students will understand the United States territorial expansion between 1801 and 1861, and how it affected relations with external powers and Native Americans.

- Standard 1B: The student understands federal and state Indian policy and the strategies for survival forged by Native Americans.
 - **Grades 7-12:** (1) Compare and contrast differing sets of ideas, (2) Compare the policies toward Native Americans pursued by presidential administrations through the Jacksonian era.

STANDARD 3: The extension, restriction, and reorganization of political democracy after 1800.

- Standard 3A: The student understands the changing character of American political life in "the age of the common man."
 - **9-12:** (1) Compare and contrast differing sets of ideas, (2) Evaluate the importance of state and local issues, the rise of interest-group politics, and the style of campaigning in increasing voter participation.
 - **5-12:** (1) Assess the importance of the individual in history, (2) Explain why the election of Andrew Jackson was considered a victory for the "common man."

Intended Grade/Age Level: These lessons are intended primarily for middle school students, but may be adapted for 5th grade and high school through revising the primary source materials provided in the packet. I am listing several resources in which teachers can gather additional or replacement materials.

Guiding Questions: Andrew Jackson can be described the “quintessential” American during the first part of the 19th century. As the question is asked in the introduction to the PBS documentary, we will also address the questions raised at the end of the segment: “Is he a man in whom we admire or a man in whom we despise? Is he a man for whom we celebrate or a man for whom we should apologize?” How does Andrew Jackson reflect the attitudes and culture of America during the time in which he lived?

Context: Students will have just finished a unit on the Constitution and New Nation. They will have examined George Washington’s presidency and early presidential policies regarding Native Americans. Concepts and events with which they should be familiar include: the Northwest Ordinance of 1785; the Louisiana Purchase; Monroe Doctrine, and the War of 1812.

Differentiation Strategies: Each packet contains differentiated readings and materials. Students are organized in differentiated groups and encouraged to complete the assignments and tasks in ways that benefit their learning styles and abilities.

Assessment: Formative assessment to determine student understanding and achievement of the content expectation conducted through student discussion and contributions from the “Spoils System” and “Bank War” packet activities; Assessment of student proficiency on the “Andrew Jackson, Heads or Tails” Native American Policy worksheet; and Evaluation of student understanding on the “Andrew Jackson, Take a Side” written assignment.

Bridge:

Suggested Reading, “Kit Carson,” in *From These Beginnings: A Biographical Approach to American History, Volume 1* (7th Edition) by Roderick Nash and Gregory Graves, New York: Pearson, 2005 (pp. 161-195).

Resources:

Andrew Jackson: Good, Evil, and the Presidency from PBS, located at <http://www.pbs.org/kcet/andrewjackson/>

EdSitement: **The 1828 Campaign of Andrew Jackson and Changes in Voting Participation**, located at http://edsitement.neh.gov/view_lesson_plan.asp?id=540

EdSitement: **The 1828 Campaign of Andrew Jackson and Issues in the Election of 1828** (and Beyond) located at http://edsitement.neh.gov/view_lesson_plan.asp?id=542

Slide Show: Andrew Jackson, located at: <http://www.scribd.com/doc/8959314/Andrew-Jackson>

This is a nicely done slide show on Andrew Jackson’s presidency. Unfortunately, there are no citations or bibliographic information. I do like to use the information on the election results and voter turnout. It helps students understand the evolution of suffrage in America and how voter rights can indeed affect election results.

The Miller Center of Public Affairs at the University of Virginia, American President Online Reference Resource, “Andrew Jackson (1767-1845)” located at <http://millercenter.org/academic/americanpresident/jackson>

The Nullification Crisis is not addressed in this lesson plan. Should a teacher desire to add it to the lesson; the Second Inaugural Address located at <http://millercenter.org/scripps/archive/speeches/detail/3639> is a good primary source to have students examine Jackson’s position on the nature of the Federal Government and the rights of the states. Also see Jackson’s Farewell Address located at <http://millercenter.org/scripps/archive/speeches/detail/3644>

HarpWeek: Explore History contains political cartoons published in *Harpers Weekly* including Thomas Nast, located at <http://www.harpweek.com/>

Lesson Sequence (Three or Four-50 minute classes)

Day One: Who is Andrew Jackson?

- 1) **Placement in Time** (This activity takes approximately 20-25 minutes).
 - a. Have the students examine the life span and major achievements of Andrew Jackson. Students discuss U.S. and World events during his lifeline. 1767-1845 (Start by learning how old he was when he died-78.)
 - b. Create a working timeline in the classroom by beginning at one point and adding to it over the year. Overlap the personal with national and international events to help students practice habits of mind (ways of thinking about and approaching history in order to understand the past more concretely).
 - i. Using color-coded index cards, hand one to each student in the class. Have students line up in the order of events. They will have to organize themselves. Have students with the international cards take one step forward. They each read their cards, tape them to the timeline, and then return to their seats. Repeat for the national cards and repeat for Andrew Jackson. The purpose is to cast a wider net of understanding first and then zoom in on the focus of our lesson, which is Andrew Jackson.

- 2) **Introduction to Andrew Jackson** (with discussion, this activity will take about 10 minutes)
 - a. Play the Video Clip: *Andrew Jackson: An Introduction* from www.pbs.org/kcet/andrewjackson/video/ (4:34)
 - b. Have students examine what it means to be a:
 - i. Democratic autocrat, an urbane savage, an atrocious saint
 - ii. What do these opposites tell us about the kind of person in which we will be examining?

Day Two: Examining the Opposites

- 1) **The Spoils System and Bank War** (reading and discussion for one 50 minute class)
 - a. Break students into four groups. Two groups will be the pro's and two groups will be designated the con's. Begin the activity with the Spoils System packet. Each group also receives chart paper and a marker.
 - b. Students are to read as many documents as they are able during the 15-20 minutes provided. Documents range from one-page primary sources, to political cartoons, to secondary accounts in order to differentiate for multiple ability-levels. Students then have to honor their assigned position (whether they agree or not) and write why the spoils system was either good or bad on their chart paper. After 15-20 minutes, each group reports to the class.
 - c. Now switch pro and con designations (if you were a pro for the Spoils System, you are now a con for the National Bank). Groups do the same activity for the National Bank piece. After 15-20 minutes, each group reports to the class.

Day Three: Examining Opposites and Evaluation of Jackson

- 1) **Native American Policies** (reading and discussion for one 50 minute class)
 - a. Students all receive a "Heads or Tails" worksheet (I use ½ sheets and have them paste the worksheet into their composition notebook). In partner groups (I

designate their partners to maintain the differentiation), students examine a folder containing many documents on Andrew Jackson and his policies towards Native Americans. Students must fill out the Heads or Tails worksheet with specific examples of Jackson as a “democratic, urbane, saint”—Heads—and as an “autocratic, atrocious, savage”—Tails.

- i. **Assessment:** In order to receive a 4, they must have at least 3 heads items listed; a 3 is if there are at least 2; a two is for 1 item, and a 1 is for honest effort.
 - b. After students have completed the worksheet, we compile a class worksheet with each partner group adding their answers to the page.
 - c. As a class, we then discuss: What does the life of Andrew Jackson tell us about America during the time in which he lived? How is it different from today? How is it similar?
- 2) **Extension/Assignment:** Take a side! Have students take on the persona of a 19th century newspaper reporter who is writing about the death of “Old Hickory.” Love him or hate him, but be sure to use the historical record to support your evaluation of the man.
- i. **Assessment:** Clearly state the side in which you are taking. Use evidence (from any of the packets of materials we have used) to support your position. Composition is neatly completed, with attention to sentence fluency, word choice, and conventions.
 - ii. **Adapted/Alternative Assignment:** Create a political cartoon. Use evidence from the materials we have studied to support your position.

Bridge: On Day Four, I would assign the reading on Kit Carson in order to “bridge” the Andrew Jackson lessons with my lessons on the Mexican-American War, California Gold Rush, and Manifest Destiny. The Kit Carson reading is extremely long for the younger students; I condense considerably and end with the Mexican-American War on page 183.

Guided Reading Question: From whose perspective is the piece on Kit Carson written? Do you think the writer is writing from the East looking West or the West looking East? Are they American, Spanish, or Native American? What leads you to your conclusion?



Andrew Jackson: Heads or Tails

- Democratic Autocrat
- Urbane Savage
- Atrocious Saint

What does this tell us about the kind of person we will be examining?

Andrew Jackson Events (Green)

- 1767 Andrew Jackson is born in Lancaster County, South Carolina.
- 1780-1781 Jackson is a courier during the Revolutionary War. He is 13.
- 1794 Jackson marries Rachel Donelson Robards (he actually married her in 1791, but had to remarry her in 1794 after people questioned the legality of her divorce from her first husband.)
- 1796 Jackson is elected as a delegate to the TN Constitutional Convention.
- 1796-1797 Jackson elected to the U.S. House of Representatives from TN.
- 1797-1798 Jackson becomes U.S. Senator from TN.
- 1802 Jackson elected Major General of TN militia.
- 1815 Battle of New Orleans on January 8 (Although it was considered the “greatest victory of the war,” the war of 1812 had been over for two weeks.)
- 1818-1821 Jackson commands forces against Seminole Indians and invades Spanish territory of Florida. He is commissioned governor of Florida Territory in 1821. As a treaty commissioner, Jackson persuades Indians to sign over lands that include 1/5 of GA, ½ of MS, and most of AL.
- 1821-1825 Jackson becomes U.S. Senator from TN (In 1824 he campaigned for president. Although he won the popular vote, he lost the electoral college vote. The House of Representatives then had to determine who would be president and they chose John Quincy Adams. –The speaker of the House was Henry Clay and after Adams became president, he appointed Clay to be Secretary of State.)
- 1828 Jackson wins the presidential election of 1828. Jackson’s wife dies.
- 1830 Indian Removal Act is passed through Congress.
- 1832 Jackson serves second term as President of the United States.
- 1835 A house painter, Richard Lawrence, aimed two pistols at Jackson. Jackson becomes the first president in which an assassination is attempted. Both pistols misfired. Jackson, who was 67 at the time, beat him down with a cane. According to politico.com, the Smithsonian test fired Lawrence’s pistols in the 1930’s and both discharged normally on the first try.

1845 Jackson Dies on June 8.

Domestic Events (BLUE)

1775 American Revolutionary War begins.

1776 Declaration of Independence signed.

1797 George Washington peacefully transfers the power of the presidency to John Adams. (Lansdowne portrait painted by Gilbert Stuart in 1796.)

1799 George Washington dies at Mount Vernon.

1803 Louisiana Purchase

1817-1818 First Seminole War

1823 Monroe Doctrine

1826 Thomas Jefferson dies

1838 The Trail of Tears (this forced relocation of the Cherokee nation results in the deaths of nearly 40,000 Cherokees.)

1845 Frederick Douglass' autobiography is published.

1848 Start of the California Gold Rush

International (RED)

1789 Beginning of the French Revolution

1804 Napoleon crowns himself Emperor of France.

1810 Father Manuel Hidalgo calls for Mexican independence from Spain.

1812 End of Napoleon's Rule

1822 Freed African-American slaves begin colonizing Liberia located in northern Africa.

1825 Russian soldiers lead an unsuccessful uprising, which calls for the implementation of a Russian Constitution.

- 1833 The Slavery Abolition Act is passed in London, which bans slavery throughout the British Empire.
- 1836 Texas declares its independence from Mexico.
- 1839 First Opium War in China, Qing Dynasty
- 1845-1849 Irish potato famine

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Andrew Jackson: Heads or Tails?

HEADS (Democratic, Urbane, Saint)	TAILS (Autocratic, Atrocious, Savage)

In Memoriam—Our Civil Service as it was



From the Library of Congress Prints and Photographs Division

Cartoon showing statue of Andrew Jackson on a pig, which is over "fraud," "bribery," and "spoils," eating plunder. Illustration by Thomas Nast and found in Harper's Weekly, 1877 April 28, p. 325.

<http://lcweb2.loc.gov/cgi-bin/query/h?pp/PPALL:@field%28NUMBER+@1%28cph+3c00254%29%29>

The "Spoils System"

The term "spoils system" was used by Jackson's opponents to describe Jackson's policy of removing political opponents from federal offices and replacing them with party loyalists. Jackson's predecessors had removed federal officeholders on a limited scale, but not nearly as extensively as did President Jackson starting in 1829. To Jackson (and all presidents that followed him), partisan loyalty was a more important job-qualification than competence or merit. A merit-based civil service system would not be implemented by the federal government until the 1880s.

From *Andrew Jackson: Good, Evil, & the Presidency*

located at:

<http://www.pbs.org/kcet/andrewjackson/glossary/#spoilssystem>

Rotation in Office and The Spoils System

Jackson entered the White House with an uncertain policy agenda beyond a vague craving for "reform" and a determination to settle relationships between the states and the Indian tribes within their borders. On these two matters he moved quickly and decisively.

During the campaign, Jackson had charged the Adams **bureaucracy** [government administration] with fraud and with working against his election. As President, he initiated sweeping removals among high-ranking government officials -- Washington bureau chiefs, land and customs officers, and federal marshals and attorneys. Jackson claimed to be **purging** [ridding] the corruption, laxity, and arrogance that came with long tenure, and restoring the opportunity for government service to the citizenry at large through "rotation in office." But haste and gullibility did much to confuse his purpose. Under the guise of reform, many offices were doled out as rewards for political services. Newspaper editors who had championed Jackson's cause, some of them very unsavory characters, came in for special favor. His most appalling appointee was an old army comrade and political **sycophant** [person who wins favor by flattering influential people] named Samuel Swartwout. Against all advice, Jackson made him collector of the New York City customhouse, where the government collected nearly half its annual revenue. In 1838, Swartwout **absconded** [took off] with more than \$1 million, a staggering sum for that day.

Jackson denied that political criteria motivated his appointments, claiming honesty and efficiency as his only goals. Yet he accepted an officeholder's support for Adams as evidence of unfitness, and in choosing replacements he relied exclusively on recommendations from his own partisans. A Jackson senator from New York, William L. Marcy, defended Jackson's removals by proclaiming frankly in 1832 that in politics as in war, "to the victor belong the spoils of the enemy." Jackson was never so candid – or so cynical. Creating the "spoils system" of partisan manipulation of the patronage was not his conscious intention. Still, it was his doing.

Location: Miller Center of Public Affairs at the University of Virginia, *The American President: An Online Reference Resource*, "Domestic Affairs," located at <http://millercenter.org/academic/americanpresident/jackson/essays/biography/4>

First Annual Message to Congress (December 8, 1829)

Andrew Jackson

...While members of Congress can be constitutionally appointed to offices of trust and profit it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our Government would doubtless be promoted by their exclusion from all appointments in the gift of the President, in whose election they may have been officially concerned. The nature of the judicial office and the necessity of securing in the Cabinet and in diplomatic stations of the highest rank the best talents and political experience should, perhaps, except these from the exclusion.

There are, perhaps, few men who can for any great length of time enjoy office and power without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves, but they are apt to acquire a habit of looking with indifference upon the public interests and of tolerating conduct from which an unpracticed man would revolt.... Corruption in some and in others a perversion of correct feelings and principles divert government from its legitimate ends and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance; and I can not but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. ...

...In a country where offices are created solely for the benefit of the people no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men at the public expense. No individual wrong is, therefore, done by removal, since neither appointment to nor continuance in office is a matter of right...

...In deliberating, therefore, on these interesting subjects local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation subjected to such influences can never be just, and will not long retain the sanction of a people whose active patriotism is not bounded by sectional limits nor insensible to that spirit of concession and forbearance which gave life to our political compact and still sustains it. Discarding all calculations of political ascendancy, the North, the South, the East, and the West should unite in diminishing any burthen of which either may justly complain.

Location: Miller Center of Public Affairs at the University of Virginia, *The American President: An Online Reference Resource*, "First Annual Message to Congress (December 8, 1829)," located at <http://millercenter.org/scripps/archive/speeches/detail/3632>

Letter from Mrs. Barney to Gen. Jackson. Baltimore. June 13th, 1829. Sir Your note of the 22d April, addressed to me through your private secretary, accompanying the return of my papers ... [Signed] Mary Barney. Curtis, Pa. [1829]. Located at the Library of Congress, *American Memory* collection

Baltimore, June 13th, 1829.

Sir—Your note of the 22d April, addressed to me through you private Secretary, accompanying the return of my papers, which expresses your “sincere regret that the rules which you had felt bound to adopt for the government of such cases, did not permit the gratification of my wishes;” ... you insinuate a cause; you hint at a binding rule, and lament that my husband is within its operation. ... I ask you...Why should the President of a free country be governed by secret rules? ... If it be, by what kind of rotary motion is it, that men who have been but a few years, or a few months in office, are swept from the boards while others (your friends) remain, ... What sort of adaptation of skill to machinery is that which brushes away those only who were opposed to your election, and leaves your friends in full possession?... Supposing you serious when you say you are controlled by a rule, ... there remains, however, but one motive which could possibly have governed you—“punishment of your political opponents, and rewards for your friends, ...

... The whole circumference of your rule at length expanded itself full to the public view; the reign of terror was unfolded, and a principle unprecedented even in the annals of tyranny, like a destroying angel ranged through the land, blowing the breath of pestilence and famine into the habitations of your enemies. Your enemies, sir?--No; your political opponents. You called them enemies; but were they so? ... Do you believe that every man who voted for Mr. Adams, and who had not received from you some personal injury, preferred him because he hated you? ...

... My husband, sir, never was your enemy. In the overflowing patriotism of his heart, he gave you the full measure of his love for your military services. He preferred Mr. Adams for the presidency, because he thought him qualified, and you unqualified, for the station. ... He used no means to oppose you. He did a patriot a duty, in a patriot's way. For this he is prescribed—punished! Oh, how punished! ... Besides, you were apprised of our poverty; you knew the dependence of eight little children for food and raiment upon my husband's salary. You knew that, advanced in years as he was, without the means to prosecute any regular business, and without friends able to assist him, the world would be to him a barren hath, an inhospitable wild. ... Return to him what you have rudely torn from his possession; give back to his children their former means of securing their food and raiment; show that you can relent, and that your rule has had at least one exception. He called upon you, told you frankly that he had not voted for you. What was your reply? It was, in substance, this, “that every citizen of the United States had a right to express his political sentiments by his vote; that no charges had no charges had been made against Maj. Barney; if any should be I made... my husband returned to the bosom of his family. ... The president was not the monster he had been represented. ... In this state of calm security, without a moment's warning—like a clap of thunder in a clear sky, your dismissal came, and, in a moment, the house of joy was converted into one of mourning.

...Sir, I would be unworthy the title of an American matron, or an American wife, if I did not vindicate his, and my children's wrongs. ... In the severity practised towards my husband, (confessedly without cause,) you have injured me and my children—you have grievously injured them without achieving any correspondent good to individuals, to your country, or yourself. ... It is possible this communication from an unhappy mother, and from a female, who until now had many reasons to love her country, will be regarded by you as unworthy of notice; if otherwise, and your inclination corresponds with your power, you have still the means of repairing the injury you have done. I am, Sir, your obedient servant,

MARY BARNEY.
Curtis, Pa.

General Jackson slaying the many headed monster



GENERAL JACKSON SLAYING THE MANY HEADED MONSTER.

SUMMARY: A satire on Andrew Jackson's campaign to destroy the Bank of the United States and its support among state banks. Jackson, Martin Van Buren, and Jack Downing struggle against a snake with heads representing the states. Jackson (on the left) raises a cane marked "Veto" and says, "Biddle thou Monster Avaunt!! avabout I say! or by the Great Eternal I'll cleave thee to the earth, aye thee and thy four and twenty satellites. Matty if thou art true...come on. if thou art false, may the venomous monster turn his dire fang upon thee..." Van Buren: "Well done General, Major Jack Downing, Adams, Clay, well done all. I dislike dissentions beyond every thing, for it often compels a man to play a double part, were it only for his own safety. Policy, policy is my motto, but intrigues I cannot countenance." Downing (dropping his axe): "Now now you nasty varmint, be you imperishable? I swan Ginerall that are beats all I reckon, that's the horrible wiper wot wommits wenemous heads I guess..." The largest of the heads is president of the Bank Nicholas Biddle's, which wears a top hat labeled "Penn" (i.e. Pennsylvania) and "\$35,000,000." This refers to the rechartering of the Bank by the Pennsylvania legislature in defiance of the administration's efforts to destroy it.

CREATED/PUBLISHED: N.Y. : Printed & publd. by H.R. Robinson, 1836.

King Andrew the First



SUMMARY: A caricature of Andrew Jackson as a despotic monarch, probably issued during the Fall of 1833 in response to the President's September order to remove federal deposits from the Bank of the United States. The print is dated a year earlier by Weitenkampf and related to Jackson's controversial veto of Congress's bill to recharter the Bank in July 1832. However, the charge, implicit in the print, of Jackson's exceeding the President's constitutional power, however, was most widely advanced in connection not with the veto but with the 1833 removal order, on which the President was strongly criticized for acting without congressional approval. Jackson, in regal costume, stands before a throne in a frontal pose reminiscent of a playing-card king. He holds a "veto" in his left hand and a scepter in his right. The Federal Constitution and the arms of Pennsylvania (the United States Bank was located in Philadelphia) lie in tatters under his feet. A book "Judiciary of the U[nited] States" lies nearby. Around the border of the print are the words "Of Veto Memory", "Born to Command" and "Had I Been Consulted."

CREATED/PUBLISHED: [New York? : s.n.], 1833.

Bank War

Andrew Jackson believed that the Second Bank of the United States was unconstitutional and that it posed a serious threat to the American economy and its democratic political institutions. Though its charter was not set to expire until 1836, BUS (Bank of the United States) president Nicholas Biddle requested and received a congressional recharter in 1832. Jackson decided to veto the bill. Jackson escalated this so-called "Bank War" in 1833 when he removed federal government funds that were on deposit with the BUS and distributed them to loyal state banks.

From *Andrew Jackson: Good, Evil, & the Presidency*
located at:

<http://www.pbs.org/kcet/andrewjackson/glossary/#bankwar>

Andrew Jackson's Farewell Address (March 4, 1837)

... In reviewing the conflicts which have taken place between different interests in the United States and the policy pursued since the adoption of our present form of Government, we find nothing that has produced such deep-seated evil as the course of legislation in relation to the currency. ... But the establishment of a national bank by Congress, with the privilege of issuing paper money receivable in the payment of the public dues, and the unfortunate course of legislation in the several States upon the same subject, drove from general circulation the constitutional currency and substituted one of paper in its place...

... The paper system being founded on public confidence and having of itself no intrinsic value, it is liable to great and sudden fluctuations, thereby rendering property insecure and the wages of labor unsteady and uncertain. The corporations which create the paper money can not be relied upon to keep the circulating medium uniform in amount. In times of prosperity, when confidence is high, they are tempted by the prospect of gain or by the influence of those who hope to profit by it to extend their issues of paper beyond the bounds of discretion and the reasonable demands of business. ... It is the duty of every government so to regulate its currency as to protect this numerous class, as far as practicable, from the impositions of avarice and fraud. ... Recent events have proved that the paper-money system of this country may be used as an engine to undermine your free institutions, and that those who desire to engross all power in the hands of the few and to govern by corruption or force are aware of its power and prepared to employ it. ... But when the charter for the Bank of the United States was obtained from Congress it perfected the schemes of the paper system and gave to its advocates the position they have struggled to obtain from the commencement of the Federal Government to the present hour. ... It asserted (and it undoubtedly possessed) the power to make money plenty or scarce at its pleasure, at any time and in any quarter of the Union, by controlling the issues of other banks and permitting an expansion or compelling a general contraction of the circulating medium, according to its own will. ...

... The distress and sufferings inflicted on the people by the bank are some of the fruits of that system of policy which is continually striving to enlarge the authority of the Federal Government beyond the limits fixed by the Constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States... It is one of the serious evils of our present system of banking that it enables one class of society... to act injuriously upon the interests of all the others and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes have little or no share in the direction of the great moneyed corporations, and from their habits and the nature of their pursuits they are incapable of forming extensive combinations to act together with united force.

... The paper-money system and its natural associations--monopoly and exclusive privileges--have already struck their roots too deep in the soil, and it will require all your efforts to check its further growth and to eradicate the evil. ... In your hands is rightfully placed the sovereignty of the country, and to you everyone placed in authority is ultimately responsible. It is always in your power to see that the wishes of the people are carried into faithful execution, and their will, when once made known, must sooner or later be obeyed ...

... It is one of the serious evils of our present system of banking that it enables one class of society--and that by no means a numerous one--by its control over the currency, to act injuriously upon the interests of all the others and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes have little or no share in the direction of the great moneyed corporations, and from their habits and the nature of their pursuits they are incapable of forming extensive combinations to act together with united force. ... Yet these classes of society form the great body of the people of the United States; they are the bone and sinew of the country--men who love liberty and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. ...

Location: Miller Center of Public Affairs at the University of Virginia, *The American President: An Online Reference Resource*, "Farewell Address (March 4, 1837)," located at <http://millercenter.org/scripps/archive/speeches/detail/3644>

Andrew Jackson's Fifth Annual Message to Congress (December 3, 1833)

...Since the last adjournment of Congress the Secretary of the Treasury has directed the money of the United States to be deposited in certain State banks designated by him, and he will immediately lay before you his reasons for this direction. I concur with him entirely in the view he has taken on the subject, and some months before the removal I urged upon the Department the propriety of taking that step. The near approach of the day on which the charter will expire, as well as the conduct of the bank, appeared to me to call for this measure upon the high considerations of public interest and public duty. The extent of its misconduct, however, although known to be great, was not at that time fully developed by proof. ...

...It being thus established by unquestionable proof that the Bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the executive department of the Government ought to pursue was not doubtful. As by the terms of the bank charter no officer but the Secretary of the Treasury could remove the deposits, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the Government in such an use of its and such an exertion of its power. ... It must now be determined whether the bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore and supported by the usual means. ...

...I called the attention of Congress to this subject in my last annual message, and informed them that such measures as were within the reach of the Secretary of the Treasury had been taken to enable him to judge whether the public deposits in the Bank of the United States were entirely safe; but that as his single powers might be inadequate to the object, I recommended the subject to Congress as worthy of their serious investigation, declaring it as my opinion that an inquiry into the transactions of that institution, embracing the branches as well as the principal bank, was called for by the credit which was given throughout the country to many serious charges impeaching their character, and which, if true, might justly excite the apprehension that they were no longer a safe depository for the public money. ...

...Coming as you do, for the most part, immediately from the people and the States by election, and possessing the fullest opportunity to know their sentiments, the present Congress will be sincerely solicitous to carry into full and fair effect the will of their constituents in regard to this institution. It will be for those in whose behalf we all act to decide whether the executive department of the Government, in the steps which it has taken on this subject, has been found in the line of its duty.

Location: Miller Center of Public Affairs at the University of Virginia, *The American President: An Online Reference Resource*, "Fifth Annual Message to Congress (December 3, 1833)," located at <http://millercenter.org/scripps/archive/speeches/detail/3640>

Andrew Jackson's Seventh Annual Address to Congress (December 7, 1835)

... It is also incumbent on Congress in guarding the pecuniary interests of the country to discontinue by such a law as was passed in 1812 the receipt of the bills of the Bank of the United States in payment of the public revenue, and to provide for the designation of an agent whose duty it shall be to take charge of the books and stock of the United States in that institution, and to close all connection with it after the 3d of March, 1836 1836-03-03, when its charter expires.

... The great [problem] in modern times is an efficient check upon the power of banks, preventing that excessive issue of paper whence arise those fluctuations in the standard of value which render uncertain the rewards of labor. ...

... We have felt but one class of these dangers exhibited in the contest waged by the Bank of the United States against the Government for the last four years. Happily they have been obviated for the present by the indignant resistance of the people, but we should recollect that the principle whence they sprung is an ever-active one, which will not fail to renew its efforts in the same and in other forms so long as there is a hope of success, founded either on the inattention of the people or the treachery of their representatives to the subtle progress of its influence. ...

... By the use of the State banks, which do not derive their charters from the General Government and are not controlled by its authority, it is ascertained that the moneys of the United States can be collected and disbursed without loss or inconvenience, and that all the wants of the community in relation to exchange and currency are supplied as well as they have ever been before. ... Severed from the Government as political engines, and not susceptible of dangerous extension and combination, the State banks will not be tempted, nor will they have the power, which we have seen exercised, to divert the public funds from the legitimate purposes of the Government. The collection and custody of the revenue, being, on the contrary, a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts by multiplying the scrutinies to which their operations and accounts will be subjected. ...

... No one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits, by specific provisions, executive discretion, as far as it can be done consistently with the preservation of its constitutional character. ... In such a Government, possessing only limited and specific powers, the spirit of its general administration can not be wise or just when it opposes the reference of all doubtful points to the great source of authority, the States and the people, whose number and diversified relations securing them against the influences and excitements which may mis-lead their agents, make them the safest depository of power. In its application to the Executive, with reference to the legislative branch of the Government, the same rule of action should make the President ever anxious to avoid the exercise of any discretionary authority which can be regulated by Congress.

Location: Miller Center of Public Affairs at the University of Virginia, *The American President: An Online Reference Resource*, "Seventh Annual Address to Congress (December 7, 1835)," located at <http://millercenter.org/scripps/archive/speeches/detail/3642>

"President Jackson's Veto Message Regarding the Bank of the United States; July 10, 1832"

The bill "to modify and continue" the act entitled "An act to incorporate the subscribers to the Bank of the United States" was presented to me on the 4th July instant. Having considered it with that solemn regard to the principles of the Constitution which the day was calculated to inspire, and come to the conclusion that it ought not to become a law, I herewith return it to the Senate, in which it originated, with my objections.

A bank of the United States is in many respects convenient for the Government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the Constitution, subversive of the rights of the States, and dangerous to the liberties of the people, I felt it my duty at an early period of my Administration to call the attention of Congress to the practicability of organizing an institution combining all its advantages and obviating these objections. I sincerely regret that in the act before me I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country.

...It is not our own citizens only who are to receive the bounty of our Government. More than eight millions of the stock of this bank are held by foreigners. By this act the American Republic proposes virtually to make them a present of some millions of dollars.... It appears that more than a fourth part of the stock is held by foreigners and the residue is held by a few hundred of our own citizens, chiefly of the richest class. ... If we must have a bank with private stockholders, every consideration of sound policy and every impulse of American feeling admonishes that it should be *purely American*. Its stockholders should be composed exclusively of our own citizens, who at least ought to be friendly to our Government and willing to support it in times of difficulty and danger...

This act authorizes and encourages transfers of its stock to foreigners and grants them an exemption from all State and national taxation. So far from being "necessary and proper" that the bank should possess this power to make it a safe and efficient agent of the Government in its fiscal operations, it is calculated to convert the Bank of the United States into a foreign bank, to impoverish our people in time of peace, to disseminate a foreign influence through every section of the Republic, and in war to endanger our independence....

... It is time to pause in our career to review our principles, and if possible revive that devoted patriotism and spirit of compromise which distinguished the sages of the Revolution and the fathers of our Union. If we can not at once, in justice to interests vested under improvident legislation, make our Government what it ought to be, we can at least take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our Government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy.

Modified from Social Studies School Service located at
<http://www.socialstudies.com/c/@0/Pages/article.html?article@jacksonbank>

McCulloch v. Maryland (1819)

Chief Justice Marshall delivered the opinion of the Court.

...The first question made in the cause is, has Congress power to incorporate a bank?

...This government is acknowledged by all to be one of enumerated powers. The principle, that it can exercise only the powers granted to it, [is] now universally admitted. But the question respecting the extent of the powers actually granted, is perpetually arising, and will probably continue to arise, as long as our system shall exist. . . .

Among the enumerated powers, we do not find that of establishing a bank or creating a corporation. But there is no phrase in the instrument which, like the articles of confederation, excludes incidental or implied powers; and which requires that everything granted shall be expressly and minutely described...

Although, among the enumerated powers of government, we do not find the word "bank," or "incorporation," we find the great powers to lay and collect taxes; to borrow money; to regulate commerce; to declare and conduct a war; and to raise and support armies and navies...a government, entrusted with such ample powers, on the due execution of which the happiness and prosperity of the nation so vitally depends, must also be entrusted with ample means for their execution. The power being given, it is the interest of the nation to facilitate its execution...

...To its [the Constitution's] enumeration of powers is added that of making "all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution, in the government of the United States, or in any department thereof."

The result of the most careful and attentive consideration bestowed upon this clause ["necessary and proper"] is, that if it does not enlarge, it cannot be construed to restrain the powers of Congress, or to impair the rights of the legislature to exercise its best judgment in the selection of measures to carry into execution the constitutional powers of the government...

...We admit, as all must admit, that the powers of the government are limited, and that its limits are not to be transcended. But we think the sound construction of the constitution must allow to the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional...

After the most deliberate consideration, it is the unanimous and decided opinion of this Court, that the act to incorporate the Bank of the United States is a law made in pursuance of the constitution, and is a part of the supreme law of the land...

From Social Studies School Service located at

<http://www.socialstudies.com/c/@0/Pages/article.html?article@mcculloch>

The Bank War

Jackson's Veto and Webster's Reply-1832

From The White House Historical Association located at http://www.whitehousehistory.org/04/subs/1832_b.html

Document 2: The Reply of Senator Daniel Webster, July 11, 1832

[1] Before proceeding to the constitutional question, there are some other topics, treated in the message, which ought to be noticed. . . .

[2] . . . Congress passed the bill, not as a bounty or a favor to the present stockholders, not to comply with any demand of right on their part, but to promote great public interest, for great public objects. Every bank must have some stockholders, . . . If a bank charter is not to be granted because it may be profitable, either in a small or great degree, to the stockholders, no charter can be granted. The objection lies against all banks. . . .

[3] . . . From the commencement of the Government it has been thought desirable to invite, rather than to repel, the introduction of foreign capital. . . . The foreign stockholder cannot be a director. He has no voice even in the choice of directors. . . . So far as there is dependence, or influence, either way, it is to the disadvantage of the foreign stockholder.

[4] . . . But if the President thinks lightly of the authority of Congress, in construing the constitution, he thinks still more lightly of the authority of the Supreme Court. He asserts a right of individual judgment on constitutional questions, which is totally inconsistent with any proper administration of the Government, or any regular execution of the laws. . . .

[5] Hitherto it has been thought that the final decision of constitutional questions belonged to the supreme judicial tribunal. The very nature of free Government, it has been supposed, enjoins this: and our constitution, moreover, has been understood so to provide, clearly and expressly.

[6] . . . [W]hen a law has been passed by Congress, and approved by the President, it is now no longer in the power, either of the same President or his successors, to say whether the law is constitutional or not. . . . After a law has passed through all the requisite forms; after it has received the requisite legislative sanction and the Executive approval, the question of its constitutionality then becomes a judicial question In the courts, that question may be raised, argued, and adjudged; it can be adjudged nowhere else. . . .

[7] It is to be remembered, sir, that it is the present law, it is the Act of 1816, it is the present charter of the bank, which the President pronounces to be unconstitutional. It is no bank to be created, it is no law proposed to be passed; which he denounces; it is the law now existing, passed by Congress, approved by President Madison, and sanctioned by a solemn judgment of the Supreme Court which he now declares unconstitutional, and which, of course, so far as it may depend on him, cannot be executed.

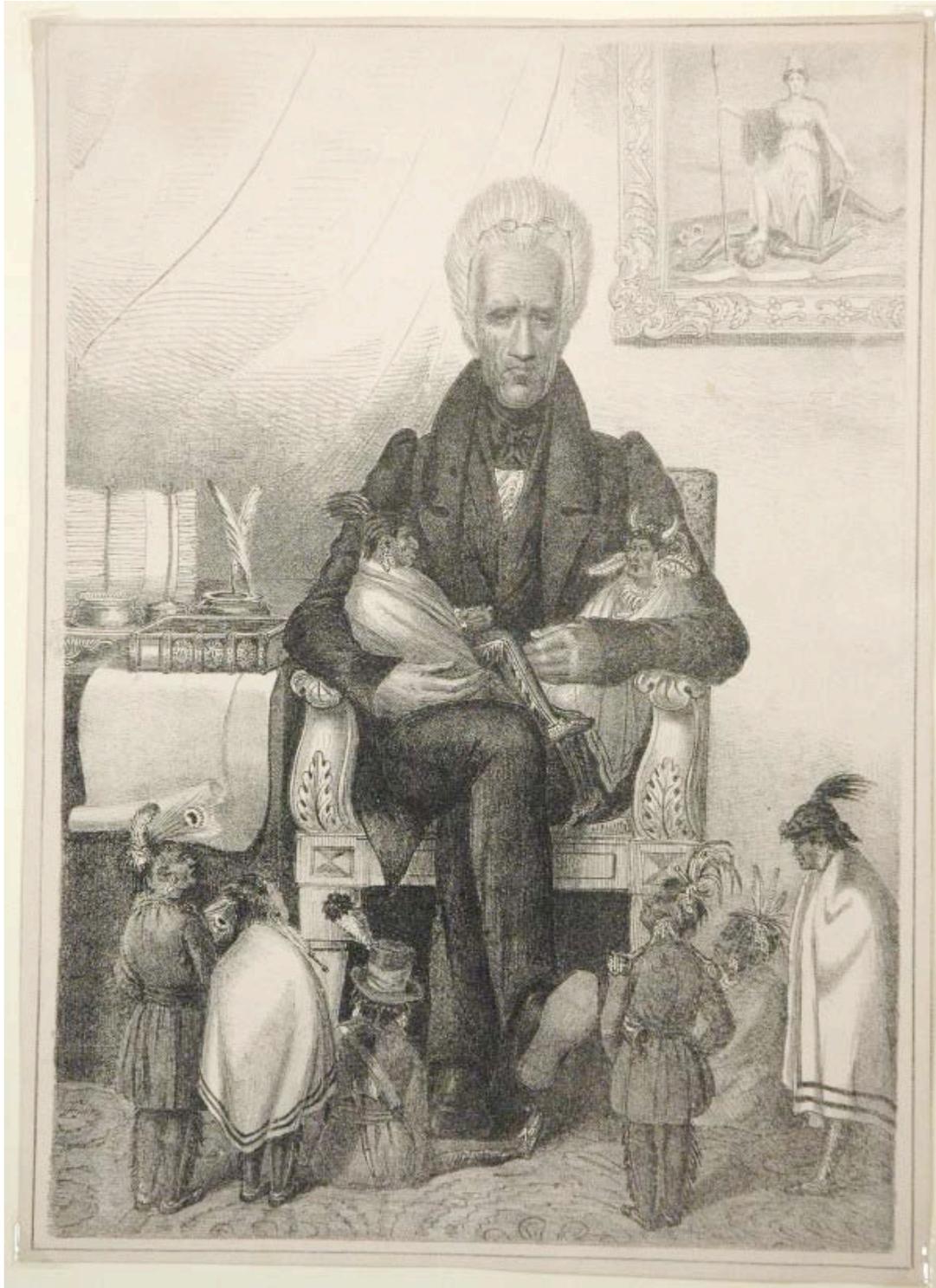
[8] If these opinions of the President be maintained, there is an end of all law and all judicial authority. Statutes are but recommendations, judgments no more than opinions. Both are equally destitute of binding force. Such a universal power as is now claimed for him, a power of judging over the laws, and over the decisions of the tribunal, is nothing else but pure despotism. If conceded to him, it makes him, at once, what Louis the Fourteenth proclaimed himself to be, when he said, "I am the State."

[9] . . . If that which Congress has enacted be not the law of the land, then the reign of law has ceased, and the reign of individual opinion has already begun

From: *Register of Debates in Congress*, 22nd Cong., 1st sess., 1221-1240.

Great Father to the Indians

Lithograph by unidentified artist satirizing Jackson as the Great Father to the Native Americans. (Undated)



Cherokee Women's Petition, October 17, 1831

“To the Committee and Council,
We the females, residing in Salecluoree and Pine Log, believing that the present difficulties and embarrassments under which this nation is placed demands a full expression of the mind of every individual, on the subject of emigrating to Arkansas, would take upon ourselves to address you. Although it is not common for our sex to take part in public measures, we nevertheless feel justified in expressing our sentiments on any subject where our interest is as much at stake as any other part of the community.

We believe the present plan of the General Government to effect our removal West of the Mississippi, and thus obtain our lands for the use of the State of Georgia, to be highly oppressive, cruel and unjust. And we sincerely hope there is no consideration which can induce our citizens to forsake the land of our fathers of which they have been in possession from time immemorial, and thus compel us, against our will, to undergo the toils and difficulties of removing with our helpless families hundreds of miles to unhealthy and unproductive country. We hope therefore the Committee and Council will take into deep consideration our deplorable situation, and do everything in their power to avert such a state of things. And we trust by a prudent course their transactions with the General Government will enlist in our behalf the sympathies of the good people of the United States.”

The letter was written in October and published in the *Cherokee Phoenix* on November 12, 1831.

Excerpt from *What God Hath Wrought: The Transformation of America, 1815-1848* by Daniel Walker Howe, page 414.

Although the federal government usually took over lands relinquished by Indian tribes, in this case the state received them. The mood of Georgia's white populace was captured in a popular song of the day:

All I want in this creation
Is a pretty little wife and a big plantation
Away up yonder in the Cherokee nation.⁷

7. Joel Chandler Harris, *Stories of Georgia* (New York, 1896), 216.

Responses to Worcester v. Georgia

Representative Clayton of Georgia, March 5, 1832

“I was led to believe that Georgia was to be sacrificed under all circumstances...I say that Georgia will not submit to the decision that has been made... my constituents will resist that decree.”

***New York Daily Advertiser*, March 7, 1832**

“The President has said within a few days past, that he has as good a right, being co-ordinate branch of the Government, to order the Supreme Court as the Court have to require him to execute its decisions. If he refuses to exercise the power vested in him to execute the laws, either he must be impeached and removed from office or the Union of the states will be dissolved...”

Representative Foster of Georgia, June 11, 1832

“Sir, whenever the people of this country yield to the idea that the Supreme Court is the final arbiter in all constitutional questions, then, indeed, may we bid farewell, a long farewell, to the sovereignty of the states, and, as a necessary and ultimate consequence, to the union of the states.”

***Cherokee Phoenix*, September 8, 1832**

“...The decisions of the Supreme Court having been made fully to sustain all the rights of the Cherokees, and withal the supreme law of the land, must consequently supercede all other conflicting measures, or else the United States will cease to exist as a government of regular law.”

***Cherokee Phoenix*, November 20, 1832**

“The Indian bill of 1830, sanctioned by President Jackson himself provides that the existing treaties with the Indian tribes shall not be violated. The Supreme Court has decided that our treaties are binding on the government and the laws of Georgia are a nullity. The superior and inferior courts of Georgia to the contrary notwithstanding. Let us, therefore, calmly wait and see if the government will not yet acquiesce in the numerous authorities we have cited, from which we claim our relief, or whether the government will choose to have their laws nullified by a state as the easiest mode of releasing itself from enforcing them.”

Sources: *Register of Debates in Congress*, V. 8: pp. 2032 and 3418; *Niles Register*, V. 43: pp. 105, 346.

The "Trail of Tears"

In 1838 the United States government enforced the questionable Treaty of New Echota with the Cherokee Indians, forcibly evicting about 17,000 Cherokees from their ancestral homeland. It is estimated that almost 4,000 of the Cherokees who were evicted died in poorly managed holding camps and during their forced march to their new lands in present-day Oklahoma.

From *Andrew Jackson: Good, Evil, & the Presidency*
located at:

<http://www.pbs.org/kcet/andrewjackson/glossary/#trailoftears>

Trail of Tears

In the early morning hours of November 14th, 1833, one of the largest meteor showers in history lit up the night sky over North America. On the southern Plains, a large band of Kiowas were camped in the Wichita Mountains, where they had been driven when the Cheyenne and Lakotas took over the Black Hills.

"And they were awakened by the light of falling stars. And they ran out into the false day and were terrified. They thought the world was coming to an end. You can imagine something like that happening directly overhead, this havoc in the night sky. And so it's very much in their blood memory. I think the Kiowas took the falling stars as a sign. It was an omen. And bad things followed. You can start counting the catastrophes." –N. Scott Momaday

Soon, the Kiowa noticed a new people, coming from the east, moving onto the southern Plains. The settlers built towns, churches, schools. Some of them owned slaves. But these newcomers were Indians, too -- Cherokee, one of many peoples from the East forced into the West by the federal government.

No eastern tribe had struggled harder or more successfully to make white civilization their own. For generations, the Cherokee had lived side by side with whites in Georgia. They had devised a written language, published their own newspaper, adopted a constitution and the Christian faith. But after gold was discovered on their land, even they were told they would have to start over again in the West.

"My friends... circumstances render it impossible that you can flourish in the midst of a civilized community. You have but one remedy within your reach. And that is to remove to the west, and the sooner you do this, the sooner will commence your career of improvement and prosperity." –Andrew Jackson

Early in the 1830s, Congress had created a huge new Indian Territory which was to stretch from Texas to the middle Missouri River. It was meant to be a barrier to white expansion, a place the Indians were promised they would have to themselves, forever.

One by one, Indian peoples were removed to the West -- the Delaware, Ottawa, Shawnee, and Pottawatomi; the Sac and Fox, Miami and Kickapoo; the Choctaw, Chickasaw, Creek and Seminole. In all, some 90,000 Indians were relocated.

The Cherokee were among the last to go. Some reluctantly agreed to move. Others were driven from their homes at bayonet point. Almost two thousand of them died along the route they remember as the "Trail of Tears."

From PBS — The West, located at

<http://www.pbs.org/weta/thewest/program/episodes/two/trailtears.htm>

Andrew Jackson's Fourth Annual Message to Congress (December 4, 1832)

I am happy to inform you that the wise and humane policy of transferring from the eastern to the western side of the Mississippi the remnants of our aboriginal tribes, with their own consent and upon just terms, has been steadily pursued, and is approaching, I trust, its consummation. By reference to the report of the Secretary of War and to the documents submitted with it you will see the progress which has been made since your last session in the arrangement of the various matters connected with our Indian relations.

With one exception every subject involving any question of conflicting jurisdiction or of peculiar difficulty has been happily disposed of, and the conviction evidently gains ground among the Indians that their removal to the country assigned by the United States for their permanent residence furnishes the only hope of their ultimate prosperity.

With that portion of the Cherokees, however, living within the State of Georgia it has been found impracticable as yet to make a satisfactory adjustment. Such was my anxiety to remove all the grounds of complaint and to bring to a termination the difficulties in which they are involved that I directed the very liberal propositions to be made to them which accompany the documents herewith submitted. They can not but have seen in these offers the evidence of the strongest disposition on the part of the Government to deal justly and liberally with them. An ample indemnity was offered for their present possessions, a liberal provision for their future support and improvement, and full security for their private and political rights. What ever difference of opinion may have prevailed respecting the just claims of these people, there will probably be none respecting the liberality of the propositions, and very little respecting the expediency of their immediate acceptance. They were, however, rejected, and thus the position of these Indians remains unchanged, as do the views communicated in my message to the Senate of [1831-02-22].

Location: Miller Center of Public Affairs at the University of Virginia, *The American President: An Online Reference Resource*, "Fourth Annual Message to Congress (December 4, 1832)," located at <http://millercenter.org/scripps/archive/speeches/detail/3637>

Andrew Jackson's Sixth Annual Message to Congress (December 1, 1834)

No important change has during this season taken place in the condition of the Indians. Arrangements are in progress for the removal of the Creeks, and will soon be for the removal of the Seminoles. I regret that the Cherokees east of the Mississippi have not yet determined as a community to remove. ... It is certain, however, that delay will bring with it accumulated evils which will render their condition more and more unpleasant. The experience of every year adds to the conviction that emigration, and that alone, can preserve from destruction the remnant of the tribes yet living amongst us. The facility with which the necessaries of life are procured and the treaty stipulations providing aid for the emigrant Indians in their agricultural pursuits and in the important concern of education, and their removal from those causes which have heretofore depressed all and destroyed many of the tribes, can not fail to stimulate their exertions and to reward their industry.

The two laws passed at the last session of Congress on the subject of Indian affairs have been carried into effect, and detailed instructions for their administration have been given. It will be seen by the estimates for the present session that a great reduction will take place in the expenditures of the Department in consequence of these laws, and there is reason to believe that their operation will be salutary and that the colonization of the Indians on the western frontier, together with a judicious system of administration, will still further reduce the expenses of this branch of the public service and at the same time promote its usefulness and efficiency.

Location: Miller Center of Public Affairs at the University of Virginia, *The American President: An Online Reference Resource*, "Sixth Annual Message to Congress (december 1, 1834)," located at <http://millercenter.org/scipps/archive/speeches/detail/3641>

Andrew Jackson's Second Annual Message to Congress (December 6, 1830)

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly 30 years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. ... By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will incalculably strengthen the SW frontier and render the adjacent States strong enough to repel future invasions without remote aid. ... It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community.

Toward the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits and make them a happy, prosperous people. ... As individuals we may entertain and express our opinions of their acts, but as a Government we have as little right to control them as we have to prescribe laws for other nations.

With a full understanding of the subject, the Choctaw and the Chickasaw tribes have with great unanimity determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi River. ... In negotiating these treaties they were made to understand their true condition, and they have preferred maintaining their independence in the Western forests to submitting to the laws of the States in which they now reside. These treaties, being probably the last which will ever be made with them, are characterized by great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes.

Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did or than our children are now doing? To better their condition in an unknown land our forefathers left all that was dear in earthly objects. Our children by thousands yearly leave the land of their birth to seek new homes in distant regions. Does Humanity weep at these painful separations from every thing, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection.

These remove hundreds and almost thousands of miles at their own expense, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government when, by events which it can not control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the West on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children? Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

It is, therefore, a duty which this Government owes to the new States to extinguish as soon as possible the Indian title to all lands which Congress themselves have included within their limits. When this is done the duties of the General Government in relation to the States and the Indians within their limits are at an end. The Indians may leave the State or not, as they choose. The purchase of their lands does not alter in the least their personal relations with the State government. No act of the General Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. That they possess by virtue of their sovereign power within their own limits in as full a manner before as after the purchase of the Indian lands; nor can this Government add to or diminish it.

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to the laws of the States, will unite in attempting to open the eyes of those children of the forest to their true condition, and by a speedy removal to relieve them from all the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened.

Location: Miller Center of Public Affairs at the University of Virginia, *The American President: An Online Reference Resource*, "Second Annual Message to Congress (December 6, 1830)," located at <http://millercenter.org/scripps/archive/speeches/detail/3634>

Andrew Jackson's Third Annual Message to Congress (December 6, 1831)

The internal peace and security of our confederated States is the next principal object of the General Government. Time and experience have proved that the abode of the native Indian within their limits is dangerous to their peace and injurious to himself. In accordance with my recommendation at a former session of Congress, an appropriation of \$500K was made to aid the voluntary removal of the various tribes beyond the limits of the States. At the last session I had the happiness to announce that the Chickasaws and Choctaws had accepted the generous offer of the Government and agreed to remove beyond the Mississippi River, by which the whole of the State of Mississippi and the western part of Alabama will be freed from Indian occupancy and opened to a civilized population. The treaties with these tribes are in a course of execution, and their removal, it is hoped, will be completed in the course of 1832.

At the request of the authorities of Georgia the registration of Cherokee Indians for emigration has been resumed, and it is confidently expected that half, if not two-third, of that tribe will follow the wise example of their more westerly brethren. Those who prefer remaining at their present homes will hereafter be governed by the laws of Georgia, as all her citizens are, and cease to be the objects of peculiar care on the part of the General Government.

During the present year the attention of the Government has been particularly directed to those tribes in the powerful and growing State of Ohio, where considerable tracts of the finest lands were still occupied by the aboriginal proprietors. Treaties, either absolute or conditional, have been made extinguishing the whole Indian title to the reservations in that State, and the time is not distant, it is hoped, when Ohio will be no longer embarrassed with the Indian population. The same measures will be extended to Indiana as soon as there is reason to anticipate success. It is confidently believed that perseverance for a few years in the present policy of the Government will extinguish the Indian title to all lands lying within the States composing our Federal Union, and remove beyond their limits every Indian who is not willing to submit to their laws.

But the removal of the Indians beyond the limits and jurisdiction of the States does not place them beyond the reach of philanthropic aid and Christian instruction. On the contrary, those whom philanthropy or religion may induce to live among them in their new abode will be more free in the exercise of their benevolent functions than if they had remained within the limits of the States, embarrassed by their internal regulations. Now subject to no control but the superintending agency of the General Government, exercised with the sole view of preserving peace, they may proceed unmolested in the interesting experiment of gradually advancing a community of American Indians from barbarism to the habits and enjoyments of civilized life.

Location: Miller Center of Public Affairs at the University of Virginia, *The American President: An Online Reference Resource*, "Third Annual Message to Congress (December 6, 1831" located at <http://millercenter.org/scripps/archive/speeches/detail/3635>

Andrew Jackson's Fifth Annual Message to Congress (December 3, 1833)

Our relations with the various Indian tribes have been undisturbed since the termination of the difficulties growing out of the hostile aggressions of the Sac and Fox Indians. Several treaties have been formed for the relinquishment of territory to the United States and for the migration of the occupants of the region assigned for their residence West of the Mississippi. Should these treaties be ratified by the Senate, provision will have been made for the removal of almost all the tribes remaining E of that river and for the termination of many difficult and embarrassing questions arising out of their anomalous political condition.

It is to be hoped that those portions of two of the Southern tribes, which in that event will present the only remaining difficulties, will realize the necessity of emigration, and will speedily resort to it. My original convictions upon this subject have been confirmed by the course of events for several years, and experience is every day adding to their strength. That those tribes can not exist surrounded by our settlements and in continual contact with our citizens is certain. They have neither the intelligence, the industry, the moral habits, nor the desire of improvement which are essential to any favorable change in their condition. Established in the midst of another and a superior race, and without appreciating the causes of their inferiority or seeking to control them, they must necessarily yield to the force of circumstances and ere long disappear.

Such has been their fate heretofore, and if it is to be averted -- and it is -- it can only be done by a general removal beyond our boundary and by the reorganization of their political system upon principles adapted to the new relations in which they will be placed. The experiment which has been recently made has so far proved successful. The emigrants generally are represented to be prosperous and contented, the country suitable to their wants and habits, and the essential articles of subsistence easily procured. When the report of the commissioners now engaged in investigating the condition and prospects of these Indians and in devising a plan for their intercourse and government is received, I trust ample means of information will be in possession of the Government for adjusting all the unsettled questions connected with this interesting subject.

Location: Miller Center of Public Affairs at the University of Virginia, *The American President: An Online Reference Resource*, "Fifth Annual Message to Congress (December 3, 1833)," located at <http://millercenter.org/scripps/archive/speeches/detail/3640>

The California Gold Rush and the Fate of California Indians

Many Indians also joined the rush to the mines in 1848. In fact, Sutter discovered gold on lands the Sonoma Indians claimed as their own. However, the Indian presence at the mines ended with the 49'ers. On many occasions, miners killed Indians considered by the miners to be an obstruction, and although in one instance, a sympathetic federal Indian Agent tried to bring charges against miners who had murdered Indians (and boasted about their actions) the U.S. Attorney in San Francisco refused to act.¹

Beginning in 1850, the California legislature passed the "Act for the Government and Protection of Indians." While the name implies Indian protection, the act sanctioned all-out genocide. A provision of the legislation allowed Indian children that were orphaned to be placed in American and Hispanic homes. Indian and even Mexican adults were murdered so their children could be sold into slavery in both American and Mexican homes (Indian-ness was measured only by the shade of one's skin). Indian males were held as slaves until they were thirty and women held until they were twenty-five. Laws allowing Indians to be kept as slaves were not repealed until the Emancipation Proclamation in 1867.

In 1853, the U.S. Senate rejected a series of treaties designed to set aside lands especially for Indians. Not long after, Indian lands held communally, including mission lands some Indian groups had received during secularization were confiscated. This marked the end of U.S. federal protection of Indians in California.

The United States had no time to create a formal Indian policy for California before the gold rush. The result was catastrophic for native peoples. During the Spanish conquest of California and the colonization of Indians around the missions, Indian populations reduced by a third. Their numbers increased slightly to 150,000 at the eve of American conquest. Within the first two years of the gold rush it is estimated that nearly 100,000 Indians were killed.

Indian populations were decimated at a far larger proportion (double) than they had been during the Spanish conquest. By 1900, the Indian population in California was reduced to 16,000 people, with California's political leaders condoning the outright extermination of California's Indians. One of every ten Indians survived American conquest.

¹ Faragher and Hine, *The American West*, p. 248.

Cherokee Cases¹

With the creation of the U.S. Constitution and a national government, political and legal policy-makers had to determine how to deal with Native American tribes that resided on lands granted to them by treaties. By the 1820s, U.S. policy toward what was regarded as the "Indian problem" was one of forced removal and resettlement to lands to the west. In 1830, Congress passed the Indian Removal Act and appropriated \$500,000 for that purpose, signaling a determination to affect great changes.

The Cherokee, faced with growing hostility to their presence in the state of Georgia, were the first group of Native Americans to press their legal rights all the way to the U.S. Supreme Court. The Court issued decisions in two cases that are commonly known as the *Cherokee Cases*: *Cherokee Nation v. Georgia* and *Worcester v. Georgia*.

A key issue in both cases was the legal and political status of Native American tribes. The Cherokee claimed they were an independent, sovereign state, akin to a nation such as France or Great Britain. The Supreme Court rejected this claim in the first case but developed a different theory of sovereignty in the second decision.

In *Cherokee Nation*, the Cherokee asked the Court for an injunction that would prevent Georgia from executing laws that the tribe contended were being used to drive them off their land and to "annihilate" their existence as a political society.

Chief Justice John Marshall, writing for the Court, concluded that before the merits of the Cherokee case could be considered, the Court had to determine whether it had jurisdiction to hear the case at all. The Cherokee argued they were a foreign state, pointing out that the tribe was a distinct political society that managed its own affairs, and that both the colonial and U.S. governments had regarded them as a state.

The Court rejected these claims. Marshall stated that the Cherokee tribe was not a foreign state "in the sense of the Constitution" since the Indian Territory was located inside the geographical and jurisdictional boundaries of the United States. Moreover, the Cherokee had acknowledged, in the very treaties in question, that they were under the protection of the United States. Therefore, a better classification for the Cherokee and other Native American tribes was that of "**domestic dependent nations.**"

Therefore, Marshall ruled that the Cherokee nation was a "distinct community occupying its own territory," where the laws of Georgia had no force.

The decisions involving the Cherokee nation established the basic principles of Native American sovereignty. Native American tribes, by occupying North America, possessed some elements of preexisting sovereignty. This sovereignty could be diminished or eliminated by the United States, but not by the individual states. Finally, because the tribes had limited sovereignty and were dependent on the United States for protection, the United States had a trust responsibility. This meant that the U.S. government was a trustee with the duty of looking after the best interests of Native Americans, who were wards of the government.

The legal victory proved of little benefit to the Cherokee nation, however. The demand for land in Georgia grew more intense after gold was discovered on Cherokee land. President Andrew Jackson, who favored the removal of the Cherokee nation and other Native American tribes, refused to enforce the Court's decision. During Jackson's term of office (1829–37), 94 removal treaties were negotiated, demonstrating his resolve to move Native American tribes westward.

Under the Indian Removal Act, the Cherokee were forced to leave Georgia beginning in 1838. Nearly a quarter of the 15,000 Cherokee died during the relocation.

¹ From Law Library: American Law and Legal Information located at: <http://law.jrank.org/pages/5159/Cherokee-Cases.html>

Jacksonian Democracy, Indian Removal 1820-1860

Located at http://www.digitalhistory.uh.edu/database/article_display.cfm?HHID=638

At the time Jackson took office, 125,000 Native Americans still lived east of the Mississippi River. Cherokee, Choctaw, Chickasaw, and Creek Indians--60,000 strong--held millions of acres in what would become the southern cotton kingdom stretching across Georgia, Alabama, and Mississippi. The key political issues were whether these Native American peoples would be permitted to block white expansion and whether the U.S. government and its citizens would abide by previously made treaties.

Since Jefferson's presidency, two conflicting policies, assimilation and removal, had governed the treatment of Native Americans.

Assimilation encouraged Indians to adopt the customs and economic practices of white Americans. The government provided financial assistance to missionaries in order to Christianize and educate Native Americans and convince them to adopt single-family farms. Proponents defended assimilation as the only way Native Americans would be able to survive in a white-dominated society. By the 1820s, the Cherokee had demonstrated the ability of Native Americans to adapt to changing conditions while maintaining their tribal heritage. Sequoyah, a leader of these people, had developed a written alphabet. Soon the Cherokee opened schools, established churches, built roads, operated printing presses, and even adopted a constitution.

The other policy--Indian removal--was first suggested by Thomas Jefferson as the only way to ensure the survival of Native American cultures. The goal of this policy was to encourage the voluntary migration of Indians westward to tracts of land where they could live free from white harassment. As early as 1817, James Monroe declared that the nation's security depended on rapid settlement along the Southern coast and that it was in the best interests of Native Americans to move westward. In 1825 he set before Congress a plan to resettle all eastern Indians on tracts in the West where whites would not be allowed to live.

After initially supporting both policies, Jackson favored removal as the solution to the controversy. This shift in federal Indian policy came partly as a result of a controversy between the Cherokee nation and the state of Georgia. The Cherokee people had adopted a constitution asserting sovereignty over their land. The state responded by abolishing tribal rule and claiming that the Cherokee fell under its jurisdiction. The discovery of gold on Cherokee land triggered a land rush, and the Cherokee nation sued to keep white settlers from encroaching on their territory.

In two important cases, *Cherokee Nation v. Georgia* in 1831 and *Worcester v. Georgia* in 1832, the Supreme Court ruled that states could not pass laws conflicting with federal Indian treaties and that the federal government had an obligation to exclude white intruders from Indian lands. Angered, Jackson is said to have exclaimed: "John Marshall has made his decision; now let him enforce it."

The primary thrust of Jackson's removal policy was to encourage Native Americans to sell their homelands in exchange for new lands in Oklahoma and Arkansas. Such a policy, the president maintained, would open new farmland to whites while offering Indians a haven where they would be free to develop at their own pace. "There," he wrote, "your white brothers will not trouble you, they will have no claims to the land, and you can live upon it, you and all your children, as long as the grass grows or the water runs, in peace and plenty."

Pushmataha, a Choctaw chieftain, called on his people to reject Jackson's offer. Far from being a "country of tall trees, many water courses, rich lands and high grass abounding in games of all kinds," the promised preserve in the West was simply a barren desert. Jackson responded by warning that if the Choctaw refused to move west, he would destroy their nation.

During the winter of 1831, the Choctaw became the first tribe to walk the "Trail of Tears" westward. Promised government assistance failed to arrive, and malnutrition, exposure, and a cholera epidemic killed many members of the nation. Then, in 1836, the Creek suffered the hardships of removal. About 3,500 of the tribe's 15,000 members died along the westward trek. Those who resisted removal were bound in chains and marched in double file.

Emboldened by the Supreme Court decisions declaring that Georgia law had no force on Indian Territory, the Cherokees resisted removal. Fifteen thousand Cherokee joined in a protest against Jackson's policy: "Little did [we] anticipate that when taught to think and feel as the American citizen ... [we] were to be despoiled by [our] guardian, to become strangers and wanderers in the land of [our] fathers, forced to return to the savage life, and to seek a new home in the wilds of the far west, and that without [our] consent." The federal government bribed a faction of the tribe to leave the land in exchange for transportation costs and \$5 million, but most Cherokees held out until 1838, when the army evicted them from their land. All told, 4,000 of the 15,000 Cherokee died along the trail to Indian Territory in what is now Oklahoma.

A number of other tribes also organized resistance against removal. In the Old Northwest, the Sauk and Fox Indians fought the Black Hawk War (1832) to recover ceded tribal lands in Illinois and Wisconsin. The Indians claimed that when they had signed the treaty transferring title to their land, they had not understood the implications of the action. "I touched the goose quill to the treaty," said Chief Black Hawk, "not knowing, however, that by that act I consented to give away my village." The United States army and the Illinois state militia ended the resistance by wantonly killing nearly 500 Sauk and Fox men, women, and children who were trying to retreat across the Mississippi River.

In Florida, the military spent seven years putting down Seminole resistance at a cost of \$20 million and 1,500 casualties, and even then succeeding only after the treacherous act of kidnapping the Seminole leader Osceola during peace talks.

By twentieth-century standards, Jackson's Indian policy was both callous and inhumane. Despite the semblance of legality--94 treaties were signed with Indians during Jackson's presidency-- Native American migrations to the West almost always occurred under the threat of government coercion. Even before Jackson's death in 1845, it was obvious that tribal lands in the West were no more secure than Indian lands had been in the East. In 1851 Congress passed the Indian

Appropriations Act, which sought to concentrate the western Native American population on reservations.

Why were such morally indefensible policies adopted? Because many white Americans regarded Indian control of land and other natural resources as a serious obstacle to their desire for expansion and as a potential threat to the nation's security. Even had the federal government wanted to, it probably lacked the resources and military means necessary to protect the eastern Indians from encroaching white farmers, squatters, traders, and speculators.

By the 1830s, a growing number of missionaries and humanitarians agreed with Jackson that Indians needed to be resettled westward for their own protection. Removal failed in large part because of the nation's commitment to limited government and its lack of experience with social welfare programs. Contracts for food, clothing, and transportation were awarded to the lowest bidders, many of whom failed to fulfill their contractual responsibilities. Indians were resettled on semi-arid lands, unsuited for intensive farming. The tragic outcome was readily foreseeable.

The problem of preserving native cultures in the face of an expanding nation was not confined to the United States. Jackson's removal policy can only be properly understood when seen as part of a broader process: the political and economic conquest of frontier regions by expanding nation states. During the early decades of the 19th century, Western nations were penetrating into many frontier areas, including the steppes of Russia, the pampas of Argentina, the veldt of South Africa, the outback of Australia, and the American West. In each of these regions, national expansion was justified on the grounds of strategic interest (to preempt settlement by other powers) or in the name of opening valuable land to white settlement and development. And in each case, expansion was accompanied by the removal or wholesale killing of native peoples.

Letter from Chief John Ross, "To the Senate and House of Representatives"¹
[Red Clay Council Ground, Cherokee Nation, September 28, 1836]

... With a view to bringing our troubles to a close, a delegation was appointed on the 23rd of October, 1835, by the General Council of the nation, clothed with full powers to enter into arrangements with the Government of the United States, for the final adjustment of all our existing difficulties. The delegation failing to effect an arrangement with the United States commissioner ... proceeded... to Washington City, for the purpose of negotiating a treaty with the authorities of the United States.

After the departure of the Delegation, a contract was made ... purporting to be a "treaty, concluded at New Echota, in the State of Georgia, on the 29th day of December, 1835. ... It comes to us, not through our legitimate authorities, the known and usual medium of communication between the Government of the United States and our nation, but through the agency of a complication of powers, civil and military.

By the stipulations of this instrument, we are despoiled of our private possessions, the inalienable property of individuals. We are stripped of every attribute of freedom and eligibility for legal self-defence. Our property may be plundered before our eyes; violence may be committed on our persons; even our lives may be taken away, and there is none to regard our complaints. We are denationalized; we are disfranchised. We are deprived of membership in the human family! We have neither land nor home, nor resting place that can be called our own. And this is effected by the provisions of a compact which assumes the venerated, the sacred appellation of treaty.

We are overwhelmed! Our hearts are sickened, our utterance is paralyzed, when we reflect on the condition in which we are placed, by the audacious practices of unprincipled men, who have managed their stratagems with so much dexterity as to impose on the Government of the United States, in the face of our earnest, solemn, and reiterated protestations.

The instrument in question is not the act of our Nation; we are not parties to its covenants; it has not received the sanction of our people. The makers of it sustain no office nor appointment in our Nation, under the designation of Chiefs, Head men, or any other title, by which they hold, or could acquire, authority to assume the reins of Government, and to make bargain and sale of our rights, our possessions, and our common country. And we are constrained solemnly to declare, that we cannot but contemplate the enforcement of the stipulations of this instrument on us, against our consent, as an act of injustice and oppression, which, we are well persuaded, can never knowingly be countenanced by the Government and people of the United States; nor can we believe it to be the design of these honorable and highminded individuals, who stand at the head of the Govt., to bind a whole Nation, by the acts of a few unauthorized individuals. And, therefore, we, the parties to be affected by the result, appeal with confidence to the justice, the magnanimity, the compassion, of your honorable bodies, against the enforcement, on us, of the provisions of a compact, in the formation of which we have had no agency.

¹ The Papers of Chief John Ross, vol 1, 1807-1839, Norman OK, Gary E. Moulton, ed., University of Oklahoma Press, 1985.

Andrew Jackson and His Indian Wars (Book Review)

Found in: Air Force Law Review located at http://goliath.ecnext.com/coms2/gi_0199-1563987/Andrew-Jackson-and-His-Indian.html

The collision of cultures which spawned such rhetoric by American Indians and government officials in the late Eighteenth and early Nineteenth centuries fueled more than heated passions. ... Those [Indians] that did not fall to the musket or the sword were forcibly relocated to the western territories under an official government policy, innocuously termed "Removal."

In his most recent ode to Andrew Jackson, Professor Robert Remini in the book, *Andrew Jackson and His Indian Wars*, challenges his reader to view the process of Indian Removal as a Nineteenth-century American. He convincingly argues that Removal was a visceral response of both the populace and their leadership to an ever-present Indian threat.

Remini traces Jackson's perspective on Indian relations from the arrival of his parents in America from Ireland in 1765. ... Having established a direct nexus of fear and mistrust between Andrew Jackson and the Indians, Remini embarks on a brief journey through the early years of the future U.S. president's life. ... More significant to Jackson than isolated skirmishes with bands of Indians, however, was what he called the "triple headed menace," the looming presence of English, Spanish, and Indian belligerents along the American border. Jackson considered this presence the greatest threat facing the American Frontier and the nation. England and Spain engaged in covert war against the United States during the late Eighteenth and early Nineteenth centuries by providing frontier Indians with firearms. ... The violence facilitated by such foreign intervention prompted settlers to continually petition the new federal government for help. These petitions fell on deaf ears.

Jackson's personal involvement in a series of excursions... illustrates this conflict quite well. In one of these operations, he accompanied a detachment ... against a number of Indian settlements near Chattanooga. Conducted under a veil of secrecy and counter to express instructions from the Secretary of War to refrain from all offensive action against the Indians, the military expedition was a resounding tactical success. ... According to Remini, this blatant disregard for central authority fostered in Jackson the belief that he could ignore superior orders regarding Indian affairs when he thought that his course of action was more compelling and more beneficial to frontier settlers. Jackson's subsequent military exploits against the Indians appear to prove Remini correct. ... Remini also readily notes that most of the treaties that Jackson was left to enforce were largely contrived land grabs. Indians who purchased goods from government stores on credit were encouraged to enter "treaties" in which they agreed to relinquish land for the cancellation of their debt. Remini makes particular note that President Thomas Jefferson was an eager proponent of this tactic.

... As Jackson ploddingly hacks away at this "triple headed menace," the reader is faithfully reminded of Jackson's overriding inspiration -- national security -- and the means by which Jackson believed that goal could finally be secured, Indian Removal. ...

Andrew Jackson's First Annual Message to Congress (December 8, 1829)

The condition and ulterior destiny of the Indian tribes within the limits of some of our States have become objects of much interest and importance. It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. Professing a desire to civilize and settle them, we have at the same time lost no opportunity to purchase their lands and thrust them farther into the wilderness. . . . A portion, however, of the Southern tribes, having mingled much with the whites and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection.

Georgia became a member of the Confederacy which eventuated in our Federal Union as a sovereign State, always asserting her claim to certain limits, which, having been originally defined in her colonial charter and subsequently recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original States, with boundaries which were prescribed by Congress.

There is no constitutional, conventional, or legal provision which allows them less power over the Indians within their borders than is possessed by Maine or New York. . . . Could the Indians establish a separate republic on each of their reservations in Ohio? And if they were so disposed would it be the duty of this Government to protect them in the attempt?

Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government would not be countenanced by the Executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those States.

Our conduct toward these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. . . . Surrounded by the whites with their arts of civilization, which by destroying the resources of the savage doom him to weakness and decay, the fate of the Mohegan, the Narragansett, and the Delaware is fast over-taking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the States does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new States, whose limits they could control. That step can not be retraced. A State can not be dismembered by Congress or restricted in the exercise of her constitutional power. As a means of effecting this end I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes.

There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race and to attest the humanity and justice of this Government.

This emigration should be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the States they must be subject to their laws.

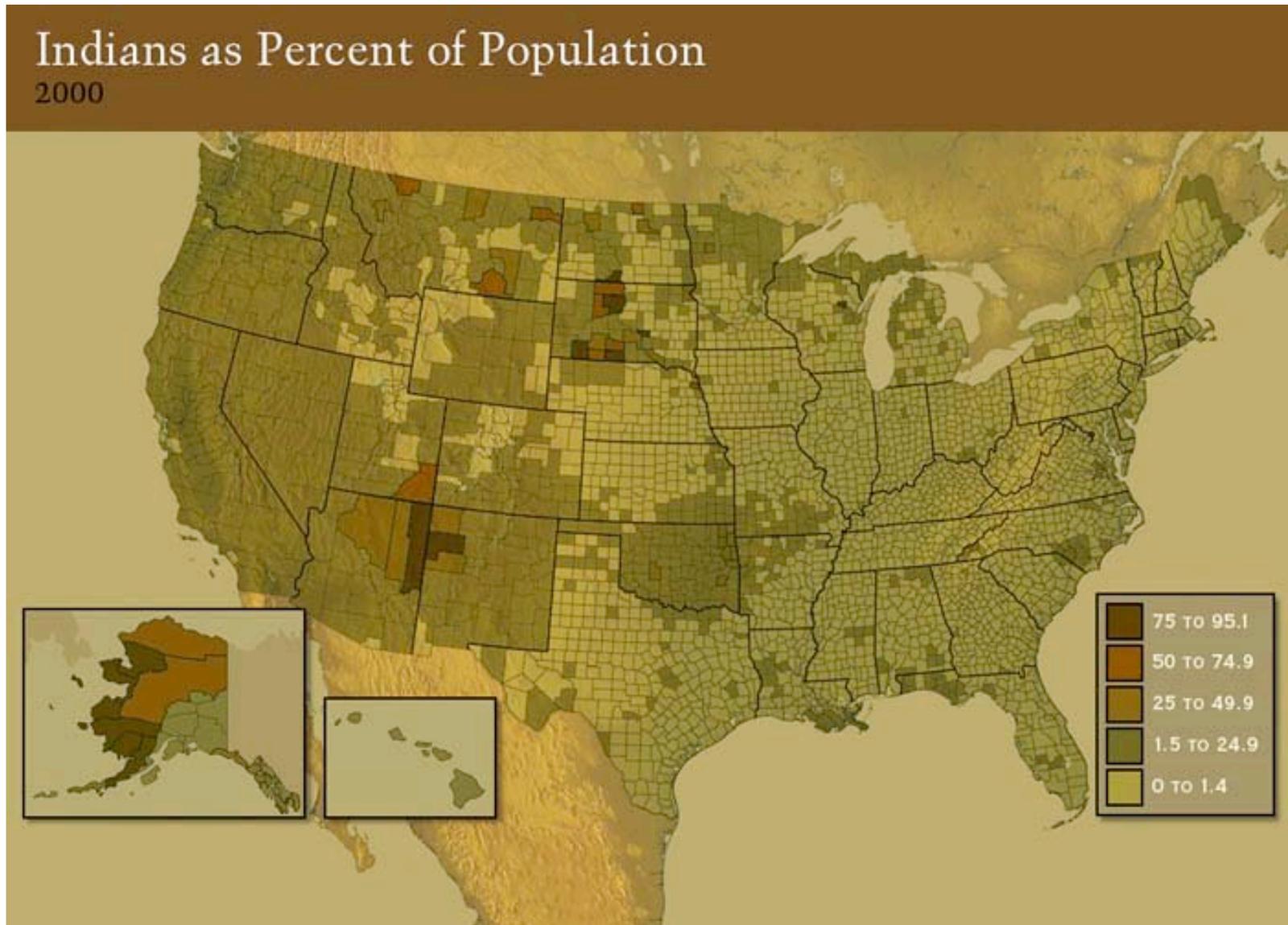


The Cherokee Nation 1820



Legacy of Indian Removal

Indians as Percent of Population (2000) (From *Andrew Jackson: Good, Evil, and the Presidency* –PBS)



Indian Removal

