

Handout 2: US Government**1818**

Secretary of War John C. Calhoun proposed on Indian Removal Policy for the US Government in his report to the Congress.¹

“The time seems to have arrived when our policy towards them [the North American Indian peoples] should undergo an important change. They neither are, in fact, nor ought to be, considered as independent nations. Our views of their interest, and not their own, ought to govern them. By a proper combination of force and persuasion, of punishments and rewards, they ought to be brought within the pales of law and civilization. Left to themselves, they will never reach that desirable condition.

“Our laws and manners ought to supersede their present savage manners and customs. Beginning with those most advanced in civilization, and surrounded by our people, they ought to be made to contract their settlements within reasonable bounds, with a distinct understanding that the United States intend to make no further acquisition of land from them, and that the settlements reserved are intended for their permanent home.

“The land ought to be divided among families; and the idea of individual property in the soil carefully inculcated. Their annuities would constitute an ample school fund; and education, comprehending as well as the common arts of life, as reading, writing, and arithmetic, ought to be permitted and aided in forming new settlements at a distance from ours.

“It is only by causing our opinion of their interest to prevail, that they can be civilized and saved from extinction. Under the present policy, they are continually decreasing and degenerating; notwithstanding the Government has, under all of its administrations, been actuated by the most sincere desire to promote their happiness and civilization.”

¹ Prucha, Francis Paul, *Documents of United States Indian Policy* (Lincoln: University of Nebraska Press, 1975) 32 as quoted from Ghere, David L. and Jan F. Spreeman, *U.S. Indian Policy, 1815-1860: Removal to Reservations: A Unit of Study for Grades 8-12* (Los Angeles: Organization of American Historians and The Regents, University of California, 2000) 40.

1829*President Andrew Jackson, First Annual Message to Congress.*²

“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. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, government has constantly defeated its own policy, and the Indians in general, receding farther and farther to the west, have retained their savage habits. 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.

“Under these circumstances the question presented was whether the general government had a right to sustain those people in their pretensions. The Constitution declares that ‘no new state shall be formed or erected within the jurisdiction of any other state’ without the consent of its legislature. If the general government is not permitted to tolerate the erection of a confederate state within the territory of one of the members of this Union against her consent, much less could it allow a foreign and independent government to establish itself there.

“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.

“But the people of those states and of every state, actuated by feelings of justice and a regard for our national honor, submit to you the interesting question whether something can not be done, consistently with the rights of the states, to preserve this much-injured race.

“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.”

² Miller Center of Public Affairs, University of Virginia, “Jackson, Andrew, First Annual Message to Congress, December 8, 1829” (Rector and Visitors of the University of Virginia, 2010) <http://millercenter.org/scripps/archive/speeches/detail/3632>

1830

*Senator Theodore Frelinghuysen of New Jersey on the topic of Indian Removal.*³

“...God, in his providence, planted these tribes on this Western continent, so far as we know, before Great Britain herself had a political existence. I believe, sir, it is not now seriously denied that the Indians are men, endowed with kindred faculties and powers with ourselves; that they have a place in human sympathy, and are justly entitled to a share in the common bounties of a benignant Providence. And, with this conceded, I ask in what code of the law of nations, or by what process of abstract deduction, their rights have been extinguished?”

“Standing here, then, on this unshaken basis, how is it possible that even a shadow of claim to soil, or jurisdiction, can be derived, by forming a collateral issue between the State of Georgia and the Central Government? Her [Georgia’s] complaint is made against the United States, for encroachments on her sovereignty. Sir, the Cherokees are no parties to this issue; they have no part in this controversy.”

1832

Portion of a text of from the Supreme Court case Worcester v. Georgia, in which the State of Georgia argued its jurisdiction over legal matters within Cherokee lands.

“The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties and with the acts of congress. The whole intercourse between the United States and this nation is, by our constitution and laws, vested in the government of the United States.

“The act of the state of Georgia under which the plaintiff in error was prosecuted is consequently void, and the judgment a nullity.”

³ Prucha as cited in Ghere, 44, 46.