

US Slavery Expansion, Removal and Reform - A Tribal Perspective:

Level Two: In level two, students will build on their knowledge of Indian Removal and the Marshall Trilogy to formulate debate regarding Indian Removal from Georgia.

By the end of instruction for level two curriculum, students will:

- Understand the effect of the Marshall trilogy on tribal sovereignty.
- Understand how President Jackson reacted to the Marshall Trilogy
- Understand how the Doctrine of Discovery affected tribal sovereignty

In level two instruction, students will read primary source materials exploring the Trail of Tears from legal, moral, and historical perspectives.

Day 1:

Part One: Overview

- Review the lesson from Level One concerning Chief Justice John Marshall's opinions on Tribal Sovereignty.
- Hand out Show students the video clip "Tribal Nations: The Story of Tribal Indian Law" focusing on Indian removal in the Jacksonian Era. Questions are provided that you may either use as discussion questions at the end of the video or have students answer as they watch for discussion afterwards.

Day 2 and 3:

Part Two: Information Gathering Through Primary and Secondary Sources

Students will be divided into four groups.

- Group #1: President Jackson and his staff - arguing for the removal of the Cherokee from their ancestral lands in Georgia
- Group #2: Congressional delegates - apposed to Cherokee removal.
- Group #3: Congressional delegates - in favor of Cherokee removal.
- Group #4: Representatives of the Cherokee nation - seeking to remain on tribal lands.

Students groups should be equal. Each group will be asked to research historical documents supporting their group's perspective and to make educated arguments based on the historical record. Some of the reading material is complicated and some instruction on reading primary sources for content knowledge may be necessary.

Part Three:

Once each group has read the provided primary sources, they should complete the corresponding guiding questions in preparation for their debate. Questions should be answered completely and with participation from each member of the group.

GROUP _____

Group Member Names:

The year is 1830. You are part of a delegation that will be attending a Congressional hearing to determine whether the United States government will remove the Cherokee from their homeland to lands West of the Mississippi river. You have read the primary and secondary sources provided to you about your group's support or opposition of Cherokee removal from their homelands. It is now your group's job to defend that position at the hearing- whether you agree with it or not. You will be assessed on your group's ability to successfully argue for your side and defend your position to those who disagree with you..

What position(s) does your group take on the removal of the Cherokee? Who else supports your position?	What groups oppose, or disagree, with your position?
What reasons do you have for your position (list as many as you can): <ul style="list-style-type: none">• _____• _____	What reasons do you think those that disagree with you will give <ul style="list-style-type: none">• _____• _____

Questions For The Video - “Tribal Nations: The Story of Federal Indian Law”

1. What is the meaning of “Rule of Discovery”?

2. What were at least three major problems that occurred in Tribes with the arrival of Europeans?

3. In 1763 the British government used the term “Indian Country.” To what does this term refer?

4. How were Indians recognized within the Constitution? What rules were put in place for interaction with the Tribes by settlers?

5. What is “Plenary Power”?

6. What is a treaty?

7. When the United States government entered into a treaty with an Indian tribe, what responsibilities did it promise to uphold?

8. Why was Marshall’s decision in Worcester v. Georgia an important decision?

9. What is Tribal Sovereignty?

10. What promise did Jackson make regarding Indian tribes when he campaigned for president in 1830?

11. List at least three ways the Cherokee nation resisted removal from their homelands:
 - A.
 - B.
 - C.

12. What was the Trail of Tears? Where did it lead?

13. What losses were suffered by the Cherokee as a result of their removal from their lands?

Appendix: Documents for Student Review and Assignments

Document 1A. Excerpt from Andrew Jackson's "To the Cherokee Tribe of Indians" 1835

MY FRIENDS: I have long viewed your condition with great interest. For many years I have been acquainted with your people, and under all variety of circumstances, in peace and war... Listen to me, therefore, as your fathers have listened, while I communicate to you my sentiments on the critical state of your affairs.

You are now placed in the midst of a white population... and you are now subject to the same laws which govern the other citizens of Georgia and Alabama... The game has disappeared among you, and you must depend upon agriculture and the mechanic arts for support.... How, under these circumstances can you live in the country you now occupy? Your condition must become worse & worse, and you will ultimately disappear, as so many tribes have done before you.

Of all this I warned your people,... I then advised them to sell out their possessions East of the Mississippi and to remove to the country west of that river... Your farms would have been open and cultivated, comfortable houses would have been erected, the means of subsistence abundant and you would have been governed by your own customs and laws, and removed from the effects of a white population. Where you now are, you are encompassed by evils, moral and physical, & these are fearfully increasing...

I have no motive,... to deceive you... I tell you that you cannot remain where you now are... You have but one remedy within your reach. And that is, to remove to the west and join your countrymen, who are already established there. And the sooner you do this, the sooner you can commence your career of improvement and prosperity... Why, then, should any honest man among you object to removal? The United States have assigned to you a fertile and extensive country, with a very fine climate

adapted to your habits, and with all the other natural advantages which you ought to desire or expect...

The choice now is before you... As certain as the sun shines to guide you in your path, so certain is it that you cannot drive back the laws of Georgia from among you... Look at the condition of the Creeks... their young men are committing depredations upon the property of our citizens, and are shedding their blood. This cannot and will not be allowed. Punishment will follow,... Your young men will commit the same acts, and the same consequences must ensue...

Look at your condition as it now is, and then consider what it will be if you follow the advice I give you.

Courtesy of Ronald Levine, South High School, Worcester Public Schools; Accessed December 19, 2008; <http://www.teachushistory.org/indian-removal/lesson-plans>

Appendix 2A: Excerpt from Jackson's "First Annual Message" 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. 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.

Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river and from mountain

to mountain, until some of the tribes have become extinct and others have left but remnants to preserve for awhile their once terrible names. 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 Narragausett, and the Delaware is fast overtaking 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. 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. 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 aboriginies 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. In return for their obedience as individuals they will without doubt be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose that in this state of things claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain or passed them in the chase. Submitting to the laws of the States, and receiving, like other citizens, protection in their persons and property, they will ere long become merged in the mass of our population.

Courtesy of Jennifer Erbach; Abraham Lincoln Historical Digitization Project, Northern Illinois University Libraries; Accessed December 18, 2008; <<http://lincoln.lib.niu.edu>>

Document 3A: Excerpt “Andrew Jackson’s Second Inaugural Address” Written 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 consumation. 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 advantage...

It will separate the Indians from immediate contact with settlements of whites;...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...

The present policy of the government is but a continuation of the same progressive change by a milder process. The tribes which occupied the countries now constituting the Eastern States were annihilated or have melted away to make room for the whites. The waves of population and civilization are rolling westward, and we now propose to acquire the countries occupied by the red man of the South and West by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged and perhaps made perpetual....

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...

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....

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...

Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous...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 General Government in relation to the States and the Indians within their limits are at an end...

Appendix 1B: Excerpt from Sprague, Peleg. "Speech of Mr. Peleg Sprague, of Maine: Delivered in The Senate of the United States, 16th April, 1830, In Reply to Messrs. White, McKiney, and Forsyth, Upon the Subject of The Removal of the Indians," (Washington: Office of the National Journal, 1830) pp. 1, 28, 34-35

This bill and amendment, and the discussion, which they have produced invoke the question of the rights and duties of the United States with respect to the Indian tribes generally, but more especially the Cherokees. With that people we have not less than fifteen treaties, The first made in the year 1785, and the last in 1819.

By several of these treaties, we have unequivocally guaranteed to them that they shall forever enjoy:

1st. Their separate existence, as a poetical community:

2d. Undisturbed possession and full enjoyment of their lands, within certain boundaries, which are duly defined and fully described;

3d. The protection of the United States, against all interference with, or encroachments upon their rights by any people, state, or nation.

For these promises, on our part, we received ample consideration---

By the restoration and establishing of peace;

By a large cessions of territory;

By the promise on their part to treat with no other state or nation; and other important stipulations.

These treaties were made with all the forms and solemnities which could give them force and efficacy; by Commissioners, duly appointed with full power; ratified by the Senate; confirmed by the President' and announced to the world, by his proclamation, as the binding compact of the nation, and the⁴ supreme law of the land.

Much has been said of their [the Cherokees] being untutored savages, as if that could dissolve our treaties! No one pretends, that they are less cultivated now than when those treaties were made. Indeed, it is certain, that they have greatly advanced in civilization; we see it, in the very proofs introduced by the gentleman from Georgia, to show their barbarism. He produced to the Senate, a printed code of Cherokee laws; and a newspaper issued from a Cherokee press! Is there another instance of such productions from any Indian nation? I was surprised, that with all his scrutiny, he could find no more remnants of savage customs. I shall not dwell upon his selections from their laws. The first was; that if a horse should be stolen; and the owner, finding the thief in possession, should immediately kill him, in the excess of passion it should rest upon his own conscience. It is to be observed that the person slain must have been guilty; and for such an offence, life is now taken by the laws of England. But this provision inserted in the Cherokee code, more than twenty years ago, has yielded to further light, and been since repealed. Time

will not permit me to dwell upon their advances in the arts of civilized life. It is known to have been great. They till the ground, manufacture for themselves, have work-shops, a printing press, schools, churches, and a regularly organized Government. Indeed, the gentleman from Tennessee, himself, told us that some individuals of that nation were qualified for seats in this august assembly.

Whither are the Cherokees to go? What are the benefits of the change? What system has been matured for their security? What laws for their government? These questions are answered only by gilded promises in general terms; they are to become enlightened and civilized husbandmen.

They now live by the cultivation of the soil, and the mechanic arts. It is proposed to send them from their cotton fields, their farms and their gardens; to a distant and an unsubdued wilderness to make them tillers of the earth! to remove them from their looms, their work-shops, their printing press, their schools, and churches, near the white settlements; to frowning forests, surrounded with naked savages ♦ that they may become enlightened and civilized! We have pledged to them our protection and, instead of shielding them where they now are, within our reach, under our own arm, we send these natives of a southern clime to northern regions, amongst fierce and warlike barbarians. And what security do we propose to them? a new guarantee !! Who can look an Indian in the face; and say to him; we, and our fathers, for more than forty years, have made to you the most solemn promises; we now violate and trample upon them all; but offer you in their stead another guarantee! !

Will they be in no danger of attack, from the primitive inhabitants of the regions to which they emigrate? How can it be otherwise? The official documents show us the fact, that some of the few, who have already gone, were involved in conflicts with the native tribes, and compelled to a second removal.

How are they to subsist? Has not that country now, as great an Indian population, as it can sustain? What has become of the original occupants? Have we not already caused accessions to their numbers, and been compressing them more and more? Is not the consequence inevitable, that some must be stinted in the means of subsistence? Here too, we have the light of experience. By an official communication, from Governor Clark, the Superintendent of Indian affairs; we learn that the most powerful tribes, west of the Mississippi, are, every year, so distressed by famine, that many die for want of food. The scenes of their suffering are hardly exceeded by the sieges of Jerusalem, and Samaria. There might be seen the miserable mother, in all the tortures which hunger can inflict, giving her last morsel for the sustenance of her child, and then fainting, sinking, and actually dying of starvation! And the orphan? ♦ no one can spare it food ♦ it is put alive into the grave of the parent, which thus closes over the quick and the dead ! And this not in a solitary instance only, but repeatedly and frequently. "The living child is often buried with the dead mother."

Mr. President: I am aware that their white neighbors desire the absence of the Indians; and if they can find safety and subsistence beyond the Mississippi, I should rejoice exceedingly at their removal, because it would relieve the States, of their presence. I would do much to effect a consummation so devoutly to be wished. But let it be by their

own free choice, unawed by fear, unsecluded by bribes. Let us not compel them, by withdrawing the protection, which we have pledged. Theirs must be the pain of departure, and the hazard of the change. They are men, and have the feelings and attachments of men; and if all the ties which bind them to their country, and their frames are to be rent asunder; let it be by their own free hand. If they are to leave forever the streams, at which they have drank, and the trees under which they have reclined: if the fires are nevermore to be lighted up in the council house of their chiefs; and must be quenched forever upon the domestic hearth, by the tears of the inmates, who have there joined the nuptial feast, and the funeral wail: if they are to look for the last time upon the land of their birth ♦ which drank up the blood of their fathers, shed in its defence ♦ and is mingled with the sacred dust of children and friends ♦ to turn their aching vision to distant regions enveloped in darkness and surrounded by dangers ♦ let it be by their own, free choice, not by the coercion of a withdrawal of the protection of our plighted faith. They can best appreciate the dangers and difficulties which beset their path. It is their fate which is impending; and it is their right to judge; while we have no warrant to falsify our promise. It is said that their existence cannot be preserved; that it is the doom of Providence, that they must perish. So indeed, must we all; but let it be in the course of nature; not by the hand of violence. If in truth, they are now in the decrepitude of age; let us permit them to live out all their days, and die in peace; not bring down their grey hairs in blood, to a foreign grave.

Courtesy of Jennifer Erbach; Abraham Lincoln Historical Digitization Project, Northern Illinois University Libraries; Accessed December 18, 2008; <http://lincoln.lib.niu.edu>

Appendix 2B: Excerpt from Everett, Edward. "Speech of Mr. Everett, of Massachusetts, on the Bill for Removing the Indians from the East to the West Side of the Mississippi. Delivered in the House of Representatives, On the 19th of May, 1830," (Boston: Office of the Daily Advertiser, 1830) pp. 28, 35.

Gentlemen, who favor the project, cannot have viewed it as it is. They think of a march of Indian warriors, penetrating with their accustomed vigor, the forest or the cane brake they think of the youthful Indian hunter, going forth exultingly to the chase. Sir, it is no such thing. This is all past; it is matter of distant tradition, and poetical fancy. They have nothing now left of the Indian, but his social and political inferiority. They are to go in families, the old and the young, wives and children, the feeble, the sick. And how are they to go? Not in luxurious carriages; they are poor. Not in stagecoaches; they go to a region where there are none. Not even in wagons, nor on horseback, for they are to go in the least expensive manner possible. They are to go on foot: nay, they are to be driven by contract. The price has been reduced, and is still further to be reduced, and it is to be reduced, by sending them by contract. It is to be screwed down to the least farthing, to eight dollars per head. A community of civilized people, of all ages, sexes and conditions of bodily health, are to be dragged hundreds of miles, over mountains, rivers, and deserts, where there are no roads, no bridges, no habitations, and this is to be done for eight dollars a head; and done by contract. The question is to be, what is the least for which you will take so many hundred families, averaging so many infirm old men, so many little children, so many lame, feeble and sick? What will you contract for? The imagination sickens at the thought of what will happen to a company of these emigrants, which may prove less strong, less able to pursue the journey than was anticipated. Will the contractor stop for the old man to rest, for the sick to get well; for the fainting women and children to revive? He will not; he cannot afford to. And this process is to be extended to every family, in a population of seventy-five thousand souls. This is what we call the removal of the Indians!

It is very easy to talk of this subject, reposing on these luxurious chairs, and protected by these massy walls, and this gorgeous canopy, from the power of the elements. Removal is a soft word, and words are delusive. But let gentlemen take the matter home to themselves and their neighbors. There are 75,000 Indians to be removed. This is not less than the population of two congressional districts. We are going, then, to take a population of Indians, of families, who live as we do in houses, work as we do in the field or the workshop, at the plough and the loom, who are governed as we are by laws, who send their children to school, and who attend themselves on the ministry of the Christian faith, to march them from their homes, and put them down in a remote unexplored desert. We are going to do it this Congress is going to do it this is a bill to do it. Now let any gentleman think how he would stand, were he to go home and tell his constituents, that they were to be removed, whole counties of them they must fly before the wrath of insupportable laws they must go to the distant desert, beyond Arkansas go for eight dollars a head, by contract that this was the policy of the Government that the bill had passed the money was voted you had voted for it and go they must.

But, sir, these Indians could not live in this country, not even if your advancing population would let them alone, and the country itself were a pretty good one. It requires some of the highest qualities of civilized man to emigrate to advantage. I do not speak of great intellectual elevation; not of book learning, nor moral excellence; though this last is of great importance in determining the prosperity of a new settlement. But it is only the chosen portion of a community, its elite, that can perform this great work of building up a new country. The nervous, ardent young man, in the bloom of opening life, and the pride of health, can do it. It is this part of the population that has done it. This is the great drain of New England and the other Atlantic States. But to take up a whole population; the old, the feeble, the infant, the inefficient and helpless, that can hardly get through life any where, to take them tip by a sweeping operation, and scatter them over an unprepared wilderness, is madness. It is utterly impossible for them I do not say to prosper but even to subsist. Such a thing was never heard of. How narrowly did the pilgrims of New England escape destruction, although their ranks were made up of men of the sternest moral qualities, well provided with pecuniary resources, and recruited for several years by new adventurers! The Indians are to be fed a year at our expense. So far is well, because they will not starve that year. But, are the prairies to be broken up, houses built, crops raised, and the timber brought forward, in one year? Sir, if a vigorous young man, going into the prairie and commencing a settlement, can raise a crop to support himself the second year, I take it he does well. To expect a community of Indian families to do it, is beyond all reason. The Chairman of the Committee tells us, it would be cruel to cast them off at the end of one year; they must be helped along. Doubtless they must. And, in the progress of this way of living, partly by the chase, partly by husbandry, and partly by alms, if a people naturally improvident do not speedily become degenerate and wretched, they will form an exception, not merely to all their brethren, with a single exception, who have preceded them in this course, but to the laws of nature. The earnest volition to go, is the great spring of the emigrant's success. He summons up his soul, and strains his nerves, to execute his own purpose; but drive a heart-sick family, against their will, from their native land, put them down in a distant wilderness, and bid them get their living, and there is not one chance in fifty that they would live two years. While you feed them they will subsist, and no longer. General Clark tells you, that those who were in comfort twenty years ago must now be fed. Sir, they cannot live in these dismal steppes.

Courtesy of Jennifer Erbach; Abraham Lincoln Historical Digitization Project, Northern Illinois University Libraries; Accessed December 18, 2008; <<http://lincoln.lib.niu.edu>>

Appendix 1C: Excerpt from the Committee on Indian Affairs. Removal of Indians, Delivered in the House of Representatives, 21st Congress, 1st Session, 24 February, 1830 pp. 2, 5-6, 25.

The most active and extraordinary means have been employed to misrepresent the intentions of the Government, on the one hand, and the condition of the Indians on the other. The vivid representations of the progress of Indian civilization, which have been so industriously circulated by the party among themselves opposed to emigration and by their agents, have had the effect of engaging the sympathies, and exciting the zeal, of many benevolent individuals and societies, who have manifested scarcely less talents than perseverance in resisting the views of the Government. Whether those who have been thus employed, can claim to have been the most judicious friends of the Indians, remains to be tested by time. The effect of these indications of favor and protection has

been to encourage them in the most extravagant pretensions. They have been taught to have new views of their rights. The Cherokees have decreed the integrity of their territory, and claimed to be as sovereign within their limits, as the States are in theirs. They have actually asserted such attributes of sovereignty, as, if indulged, must subvert the influence, and effect a radical change of the policy and interests of the Government, in relation to their affairs. Some of the States, within whose limits those tribes are situated, have determined, by the exercise of their rights of jurisdiction within their territorial limits, to repress, while it may be done with the least inconvenience, a spirit which they foresee, may, in time, produce the most serious mischiefs. This exercise of authority by the States has been remonstrated against by those who control the affairs of the Indians, and application has been made to the Federal Government to interpose its authority in defence of their claim to sovereignty.

No respectable jurist has ever gravely contended, that the right of the Indians to hold their reserved lands, could be supported in the courts of the country, upon any other ground than the grant or permission of the sovereignty or State in which such lands lie. The province of Massachusetts Bay, besides the subdued lands already mentioned, during the early period of its history, granted other lands to various friendly tribes of Indians. Gookin, the great protector and friend of the Indians, about the time these grants were made, was asked, why he thought it necessary to procure a grant from the General Court for such lands as the Indians needed, seeing that "they were the original lords of the soil?" He replied, that "the English claim right to the land by patent from their King." No title to lands, that has ever, been examined in the courts of the States, or of the United States, it is believed, has been admitted to depend upon any Indian deed of relinquishment, except in those cases where, for some meritorious service, grants have been made to individual Indians to hold in fee-simple.

The Committee do not understand, that, either the States, or the Federal Government, ever acted upon the principle, that it was necessary to obtain the consent of the Indians, before the right to exclude all competitors from the market of their lands could be asserted. It is asserted, upon the ground of ownership and political sovereignty, and can be sustained upon no other principles than those which our ancestors supposed to be well founded, when they denied to the Indians any right to more land than they required for their subsistence by agriculture. The Indians are paid for their unimproved lands as much as the privilege of hunting and taking game upon them is supposed to be worth, and the Government sells them for what they are worth to the cultivator. The difference between those values is the profit made by asserting the original rights of discovery and conquest. The rigor of the original rule has been mitigated in the exercise of this right of pre-emption, in regard to such lands as have been improved by the Indians, for the same reason that their right to such as they had subdued, was respected by the colonists in the early period of their history. Improved lands, or small reservations in the States, are, in general, purchased at their full value to the cultivator. To pay an Indian tribe what their ancient hunting grounds are worth to them, after the game is fled or destroyed, as a mode of appropriating wild lands, claimed by Indians, has been found more convenient, and certainly it is more agreeable to the forms of justice, as well as more merciful, than to assert the possession of them by the sword. Thus, the practice of buying Indian titles is

but the substitute which humanity and expediency have imposed, in place of the sword, in arriving at the actual enjoyment of property claimed by the right of discovery, and sanctioned by the natural superiority allowed to the claims of civilized communities over those of savage tribes.

If the Committee have not wholly misstated the condition of the Southern Indians, It will be apparent, that the common feelings of humanity, besides the obligations incurred in the past intercourse of the Government with them, require, that whatever means may be constitutionally employed, should be liberally applied for their relief. If they remain where they are, the experience of two centuries has shown, that they eventually must perish. The assimilation of the two races, which has been commenced, cannot be relied on to save such masses as the Southern tribes present. The common Indian is already in danger of being regarded as a degraded caste in his own country. The experiments which have been made, do not furnish any very flattering evidence of the practicability of civilizing Indians, in large masses, under any circumstances; but the efforts commenced and superintended by such men as Elliot and the Mayhews appear to have been, seem to be conclusive, as to the fate of the Indian when in contact with the whites. If the past could be recalled, and the eight or ten thousand Indians, including children, who, it is said, at one time, in Massachusetts and New Plymouth colonies, attended church regularly and orderly, supplied many of their own teachers, and a great portion of them being able to read and write, could be transplanted into some territory upon the Western frontier, and there, under the protection of the whites, but free from the actual and constant presence of a superiority which dispirits them; and from those vices which have always been their worst enemies, the problem of Indian civilization might be solved, at last, under the most favorable circumstances. If the condition of the Southern tribes is not so flattering as that of the Indians of New England, at the period alluded to, still, the improved condition and habits of the mixed race would be a great advantage in any attempt to elevate the condition of the common Indian, in a new country. Whatever civilization may be found among them, and the more there is of it the better, may be made the basis of a society West of the Mississippi, which may have the happiest effects upon the condition of all the Western tribes. This plan, at all events, offers a prospect, which may never again occur, of atoning, at last, for any wrongs inevitably incident to the settlement of the country by the white race, in a manner worthy of the character of the Government. To give the experiment every advantage in the power of the Government, their new country should be secured to them in such a manner, that they would cease to be haunted with the prospect of future changes in their residence. The stimulant, so powerful and important in its effects upon the white man, of a separate and exclusive property in lands, with the privilege of transmitting it to their children, should be supplied to the Indians, in their new country, under such guards against the improvident disposition of them by the grantee, as prudence may dictate. To these provisions, it would seem, must be added ample means of moral instruction; without these, there can be little hope of reclaiming the present generation of the common Indians, or of securing the amelioration of the next.

The country which has heretofore been designated as proper to be allotted to the Indians,

although not exhibiting the same variety of features with some portion of the country now occupied by them, possesses, in the outlet which it affords to a great western common and hunting ground, not likely to become the early abode of the white race, an advantage and relief to the adult Indians of the present generation, which, in the opinion of the committee, cannot be supplied in any other shape. If this country is secured to the Indians, or such portions of it as shall be satisfactory to them, it is believed the greatest objection will be removed which has heretofore existed with any portion of the more sagacious Indians, having no more than a common interest in remaining where they are, to the plan of emigration. If such measures shall be resorted to as will satisfy the Indians generally, that the Government means to treat them with kindness, and to secure to them a country beyond the power of the white inhabitants to annoy them, the influence of their chiefs cannot longer prevent their emigration. Looking to this event, it would seem proper to make an ample appropriation, that any voluntary indication, on the part of the Indians, of a general disposition to remove, may be seconded efficiently by the Government.

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Appendix 2C: Excerpt from Adams, Robert Huntington. "Speech of Mr. Adams, of Mississippi, on the Bill to Remove the Indians West of the Mississippi. Delivered in the senate of the United States, April, 1830," (Washington: Duff Green, 1830) pp. 3-5.

The question which is submitted to us by the bill itself, as reported to the Senate by the Chairman of the Committee on Indian Affairs, is this: Whether Congress will authorize the President of the United States to exchange territory belonging to the United States, West of the river Mississippi, and not within the limits of any State or organized territory, with any tribe of Indians, or the individuals of such tribe, now residing within the limits of any State or Territory, and with whom the United States have any existing treaties, who may voluntarily choose to make such exchange for the lands which such tribe of Indians, or the individuals of such tribe, at present occupy ; to compensate individuals of those tribes for improvements made upon the lands they now occupy; to pay the expenses of their removal and settlement in the country West of the Mississippi, and provide them necessary subsistence for one year thereafter.

The authority contemplated by the bill is to make the exchange of territory with those Indians, and with those only, who are willing to make it. The friends of this measure do not wish to vest power in the President of the United States to assign a district of country West of the Mississippi, and, by strong arm, to drive these unfortunate people from their

present abode, and compel them to take up their residence in the country assigned to them. On the contrary, it is their wish that this exchange should be left to the free and voluntary choice of the Indians themselves.

Is there any thing alarming in this proposition? any thing to cause that fear and trembling for the fate of the unfortunate Indian, which have been manifested in the opposition to this bill? Is there any thing to call forth those animated-denunciations against those who disregard and violate the faith of treaties? As if those who support this measure were ready to prostrate at the foot of their own sordid interest the honor of the nation, and inflict a stain upon her escutcheon that all the waters of the Mississippi could not wash out I confess, for my own part, I can see nothing in the provisions of the bill before us, unbecoming the character of a great, just, and magnanimous nation. And, indeed, if I had heard only so much of the eloquent speeches of those who oppose the passage of the bill as enjoined upon us the strictest good faith in the observance of treaties, I would have concluded that they were the warmest advocates of the proposed measure.

As early as the year 1802, the United States entered into a compact with the State of Georgia, which compact was ratified in the most solemn manner, being approved by the Congress of the United States and by the Legislature of the State of Georgia. By this agreement, the United States obtained from the State of Georgia a cession of territory sufficient, in extent, to form two large States, and in part consideration for such an immense acquisition of territory, agreed, on their part, in the most solemn manner, to extinguish, for the use of Georgia, the Indian title to all the lands situated within the limits of that State, "as soon as the same could be done peaceably and upon reasonable terms," Although this is not, in the technical sense of the term, a treaty entered into by the United States with the State of Georgia, yet it is an agreement upon a full and valuable consideration, and good faith on the part of the United States requires its fulfilment, according to its true spirit and intent. The bill under consideration proposes a mode by which this agreement may be performed; by which the Indian title to all the lands within the boundaries of that State may be extinguished, peaceably, and upon reasonable terms. Peaceably, because it is only to operate upon those Indians who are willing to remove. And upon reasonable terms, because they are to receive other lands in exchange for those which they give up; just compensation for improvements made by them; the expenses of their removal and settlement paid, and subsistence for one year furnished them.

Would it not, therefore, have been reasonable to suppose, that those who have said so much about the high and sacred obligation of treaties? and how essentially the great name of every nation depends upon their strict observance, would be amongst the foremost and warmest supporters of the bill under consideration?

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Appendix 1D: Excerpts from Success of the “Civilizing” Project Among the Cherokee; Chief John Ridge, 1826.

The Cherokee Nation is bounded on the North by East Tennessee & North Carolina, east by Georgia, south by the Creek Nation and State of Alabama___and west by Tennessee... There are a few instances of African Mixture with Cherokee blood & wherever it is seen is considered in the light of misfortune & disgrace but that of the white may be as 1 to 4___occasioned by intermarriage which has been increasingly in proportion to the march of civilization... In view of their location it readily appears that they are farmers and herdsmen [sic]

Our Country is well adapted for the growth of Indian Corn, wheat, Rye, Oats, Irish and Sweet Potatoes, which are cultivated by our people [sic]

Cherokees on the Tennessee River already commenced to trade in Cotton and grow it on large plantations for which they have experienced flattering profit. Preparation is making by all those in good circumstances, to cultivate the Cotton for market which will soon be a Staple commodity of traffic for the Nation [sic]

The tide of white population was advancing on all sides & the Indians poor in goods, but well supplied with the vices of their neighbors were retreating to a given point where they would eventually be crushed in the folds of the encroaching Serpent!... About the year 1795 missionaries were sent by... Gen. Washington who from the Indian Testimony itself laboured indefatigably to induce the Indians to lead a domestic life... Here they were first taught to sing and pray to their Creator, and here Gospel Worship was first established in our nation [sic]

It was for Strangers to effect this, and necessity now compels the last remnant to look for it for protection. It is true, we enjoy self Government, but we live in fear,... Strangers urge our removal [to make room for their settlements], they point to the West and there they say we can live happy. Our National existence is suspended on the faith and honor of the United States alone [sic]

In the lapse of half a Century if Cherokee blood is not destroyed it will run its courses in the veins of fair complexions who will read that their Ancestors under the Stars of adversity, and curses of their enemies became a civilized Nation.

Courtesy of Ronald Levine, South High School, Worcester Public Schools; Accessed December 19, 2008; <http://www.teachushistory.org/indian-removal/lesson-plans>

Appendix 2D: Excerpt from Cherokee Nation. "Cherokee Address," Niles' Weekly Register, 21 August, 1830 pp. 455-456.

Before we close this address, permit us to state what we conceive to be our relations with the United States. After the peace of 1783, the Cherokees were an independent people; absolutely so, as much as any people on earth. They had been allies to Great Britain, and as a faithful ally took a part in the colonial war on her side. They had placed themselves under her protection, and had they, without cause, declared hostility against their protector, and had the colonies been subdued, what might not have been their fate? But her [Great Britain's] power on this continent was broken. She acknowledged the independence of the United States, and made peace. The Cherokees therefore stood alone; and, in these circumstances, continued the war. They were then under no obligations to the United States any more than to Great Britain, France or Spain. The United States never subjugated the Cherokees; on the contrary, our fathers remained in possession of their country, and with arms in their hands.

We are aware, that some persons suppose it will be for our advantage to remove beyond the Mississippi. We think otherwise. Our people universally think otherwise. Thinking that it would be fatal to their interests, they have almost to a man sent their memorial to congress, deprecating the necessity of a removal. This question was distinctly before their minds when they signed their memorial. Not an adult person can be found, who has not an opinion on the subject, and if the people were to understand distinctly, that they could be protected against the laws of the neighboring states, there is probably not an adult person in the nation, who would think it best to remove; though possibly a few might emigrate individually.

We are not willing to remove; and if we could be brought to this extremity, it would be not by argument, not because our judgment was satisfied, not because our condition will be improved; but only because we cannot endure to be deprived of our national and individual rights and subjected to a process of intolerable oppression.

We wish to remain on the land of our fathers. We have a perfect and original right to remain without interruption or molestation. The treaties with us, and laws of the United States made in pursuance of treaties, guaranty our residence, and our privileges and secure us against intruders. Our only request is, that these treaties may be fulfilled, and

these laws executed.

But if we are compelled to leave our country, we see nothing but ruin before us. The country west of the Arkansas territory is unknown to us. From what we can learn of it, we have no prepossessions in its favor. All the inviting parts of it, as we believe, are preoccupied by various Indian nations, to which it has been assigned. They would regard us as intruders, and look upon us with an evil eye. The far greater part of that region is, beyond all controversy, badly supplied with wood and water; and no Indian tribe can live as agriculturists without these articles. All our neighbors, in case of our removal, though crowded into our near vicinity, would speak a language totally different from ours, and practice different customs. The original possessors of that region are now wandering savages lurking for prey in the neighborhood. They have always been at war, and would be easily tempted to turn their arms against peaceful emigrants. Were the country to which we are urged much better than it is represented to be and were it free from the objections which we have made to it, still it is not the land of our birth, nor of our affections. It contains neither the scenes of our childhood, nor the graves of our fathers.

Courtesy of Jennifer Erbach; Abraham Lincoln Historical Digitization Project, Northern Illinois University Libraries; Accessed December 18, 2008; <http://lincoln.lib.niu.edu>

Appendix 3D: Excerpt from Cherokee Nation. "Memorial of the Cherokee Indians," Niles' Weekly Register vol. 38 no. 3, pp 53-54.

To the honorable the senate and house of representatives of the United States of America, in congress assembled:

The undersigned memorialists, humbly make known to your honorable bodies, that they are free citizens of the Cherokee nation. Circumstances of late occurrence have troubled our hearts, and induced us at this time to appeal to you, knowing that you are generous and just. As weak and poor children are accustomed to look to their guardians and patrons for protection, so we would come and make our grievances known. Will you listen to us? Will you have pity on us? You are great and renowned the nation, which you represent, is like a mighty man who stands in his strength. But we are small our name is not renowned. You are wealthy, and have need of nothing; but we are poor in life, and have not the arm and power of the rich.

By the will of our Father in heaven, the governor of the whole world, the red man of America has become small, and the white man great and renowned. When the ancestors of the people of these United States first came to the shores of America, they found the red man strong though he was ignorant and savage, yet he received them kindly, and gave them dry land to rest their weary feet. They met in peace, and shook hands in token of friendship. Whatever the white man wanted and asked of the Indian, the latter willingly gave. At that time the Indian was the lord, and the white man the suppliant. But now the scene has changed. The strength of the red man has become weakness. As his neighbors increased in numbers, his power became less, and now, of the many and powerful tribes who once covered these United States, only a few are to be seen a few whom a sweeping pestilence has left. The northern tribes, who were once so numerous and powerful, are now nearly extinct. Thus it has happened to the red man of America. Shall we, who are remnants, share the same fate?

Brothers we address you according to usage adopted by our forefathers, and the great and good men who have successfully directed the councils of the nation you represent we now make known to you our grievances. We are troubled by some of your own people. Our neighbor, the state of Georgia, is pressing hard upon us, and urging us to relinquish our possessions for her benefit. We are told, if we do not leave the country, which we dearly love, and betake ourselves to the western wilds, the laws of the state will be extended over us, and the time, 1st of June, 1830, is appointed for the execution of the edict. When we first heard of this we were grieved and appealed to our father, the president, and begged that protection might be extended over us. But we were doubly grieved when we understood, from a letter of the secretary of war to our delegation, dated March of the present year, that our father the president had refused us protection, and that he had decided in favor of the extension of the laws of the state over us. This decision induces us to appeal to the immediate representatives of the American people. We love, we dearly love our country, and it is due to your honorable bodies, as well as to us, to make known why we think the country is ours, and why we wish to remain in peace

where we are. The land on which we stand, we have received as an inheritance from our fathers, who possessed it from time immemorial, as a gift from our common father in heaven. We have already said, that when the white man came to the shores of America, our ancestors were found in peaceable possession of this very land. They bequeathed it to us as their children, and we have sacredly kept it as containing the remains of our beloved men. This right of inheritance we have never ceded, nor ever forfeited. Permit us to ask, what better right can a people have to a country, than the right of inheritance and immemorial peaceable possession? We know it is said of late by the state of Georgia, and by the executive of the United States, that we have forfeited this right but we think this is said gratuitously. At what time have we made the forfeit? What crime have we committed, whereby we must forever be divested of our country and rights? Was it when we were hostile to the United States, and took part with the king of Great Britain, during the struggle for independence? If so, why was not this forfeiture declared in the first treaty of peace between the United States and our beloved men? Why was not such an article as the following inserted in the treaty: "The United States give peace to the Cherokees, but, for the part they took in the late war, declare them to be but tenants at will, to be removed when the convenience of the states within whose chartered limits they live shall require it." This was the proper time to assume such a position. But it was not thought of, nor would our forefathers have agreed to any treaty, whose tendency was to deprive them of their rights and their country. All that they have conceded and relinquished are inserted in the treaties open to the investigation of all people. We would repeat, then, the right of inheritance and peaceable possession which we claim, we have never ceded nor forfeited.

In addition to that first of all rights, the right of inheritance and peaceable possession, we have the faith and pledge of the U. States, repealed over and over again, in treaties made at various times. By these treaties our rights as a separate people are distinctly acknowledged, and guarantees given that they shall be secured and protected. So we have always understood the treaties. The conduct of the government towards us, from its organization until very lately, the talks given to our beloved men by the presidents of the United States, and the speeches of the agents and commissioners, all concur to show that we are not mistaken in our interpretation. Some of our beloved men who signed the treaties are still living, and their testimony tends to the same conclusion. We have always supposed that this understanding of the treaties was in accordance with the views of the government; nor have we ever imagined that any body would interpret them otherwise. In what light shall we view the conduct of the United States and Georgia, in their intercourse with us, in urging us to enter into treaties, and cede lands? If we were but tenants at will, why was it necessary that our consent must be obtained before these governments could take lawful possession of our lands? The answer is obvious. These governments perfectly understood our rights our right to the country, and our right to self government. Our understanding of the treaties is further supported by the intercourse law of the United States, which prohibits all encroachments upon our territory. The undersigned memorialists humbly represent, that if their interpretation of the treaties has been different from that of the government, then they have ever been deceived as to how the government regarded them, and what she asked and promised. Moreover, they have uniformly misunderstood their own acts.

In view of the strong ground upon which their rights are founded, your memorialists solemnly protest against being considered as tenants at will, or as mere occupants of the soil, without possessing the sovereignty. We have already stated to your honorable bodies, that our forefathers were found in possession of this soil in full sovereignty, by the first European settlers; and as we have never ceded nor forfeited the occupancy of the soil and the sovereignty over it, we do solemnly protest against being forced to leave it, either direct or by indirect measures. To the land of which we are now in possession we are attached it is our fathers' gift it contains their ashes it is the land of our nativity, and the land of our intellectual birth. We cannot consent to abandon it, for another far inferior, and which holds out to us no inducements. We do moreover protest against the arbitrary measures of our neighbor, the state of Georgia, in her attempt to extend her laws over us, in surveying our lands without our consent and in direct opposition to treaties and the intercourse law of the United States, and interfering with our municipal regulations in such a manner as to derange the regular operations of our own laws. To deliver and protect them from all these and every encroachment upon their rights, the undersigned memorialists do most earnestly pray your honorable bodies. Their existence and future happiness are at stake divest them of their liberty and country, and you sink them in degradation, and put a check, if not a final stop, to their present progress in the arts of civilized life, and in the knowledge of the Christian religion. Your memorialists humbly conceive, that such an act would be in the highest degree oppressive. From the people of these United States, who perhaps, of all men under heaven, are the most religious and free, it cannot be expected. Your memorialists, therefore, cannot anticipate such a result. You represent a virtuous, intelligent and Christian nation. To you they willingly submit their cause for your righteous decision.

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