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American Indian Policy in the Jacksonian Era

Ronald N. Satz

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For
my wife and children: Christa and Ani and Jakob
my mother and father: Gertrude and David Satz
my mother- and father-in-law: Berta and Jacob Ilgudas

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Satz

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58. For a precise breakdown of all expenditures under the Treaty of Dancing Rabbit Creek, see Wright, "Removal of the Choctaws," p. 124. The government received \$8,095,614.89 for the sale of Choctaw land in Mississippi, but it had pledged not to make any profit from the sale of land under the treaty. Nearly sixty years after the signing of the treaty, the Choctaws finally received a rebate of \$2,981,247.39, or the amount left after the government deducted all expenditures stemming from the treaty and ensuing litigation. See Memorial of the Choctaw Nation, 1873, *House Miscellaneous Document 94*, 42d Cong., 3rd sess., p. 5; Wright, "Removal of the Choctaws," p. 124.

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Indian Removal

EVEN BEFORE the first party of Choctaws left Mississippi in 1831, the Jackson administration was busy negotiating removal treaties with other tribes. By the end of the president's second term in office, the United States had ratified nearly seventy treaties—a record unequaled by any other administration. During the years of Jackson's presidency, the United States acquired about one hundred million acres of Indian land for approximately sixty-eight million dollars and thirty-two million acres of land across the Mississippi River. Nearly forty-six thousand Indians emigrated to the West, while a little more than that number had treaty stipulations calling for removal. Only about nine thousand Indians, mostly in New York and the Great Lakes region, were without treaty stipulations requiring removal. During the decade following Jackson's presidency, the government relocated most of the tribes under obligation to emigrate and negotiated treaties with others to do the same. The removal experiences of all of these Indians closely paralleled that of the Choctaws.¹

Treaty negotiations throughout the Jacksonian era generally resembled the procedures used with the Choctaws. Contrary to charges by many scholars, treaty making was not merely the equivalent of plying the Indians with "ample quantities of whiskey." Alexis de Tocqueville, the famous French visitor to the

United States in the early 1830s, presented a more accurate description of the process in his *Democracy in America*. Tocqueville assured his readers that "nowadays the dispossession of the Indians is accomplished in a regular and, so to say, quite legal manner." First, a team of American negotiators assembled them on the treaty ground and fed them. Then the commissioners advised them that the land in the West was far superior to their own. After many forceful speeches, the government officials gave the Indians generous presents. Usually the women and children, impressed by the merchandise distributed or anxious to improve their family's condition, urged the men to emigrate. If further encouragement seemed necessary, the negotiators warned the Indians that the extension of state law over the tribe or the nearness of white settlements would be disastrous for them. "In this way," Tocqueville noted, "the Americans cheaply acquire whole provinces which the richest sovereigns in Europe could not afford to buy."²

Even Tocqueville, as keen an observer as he was, missed some of the subtleties involved in negotiating removal treaties during the Jacksonian era. Henry R. Schoolcraft drew upon his many years of experience in the Indian service when he offered Commissioner William Medill the following advice concerning an upcoming treaty council in 1848:

An Indian council is a test of diplomacy. The Indians are so *fickle*, that they will change their minds twice a day. It requires some of the qualities of Job to get along with them, and their friends, the halfbreeds. But perseverance in right views, will ultimately prevail. They have, after all, very little confidence in themselves, and a great deal in the United States.

As was the case with the Choctaws, the question of removal engendered factionalism among most tribes and split them into pro- and antiremoval groups. In order to assure the ascendancy of the proremoval faction, War Department officials frequently relied on influential half-bloods like Greenwood LeFlore who were amply rewarded for their services. Attempts were also made to win over leading full-blood chiefs by giving them goods, promising them land reserves, or perhaps giving them special medals with the

portrait of the president on them. The latter were often viewed as "badges of power" by the Indians since they represented an important status symbol among the proremoval group. Indian medals together with land allotments and the various goods offered the Indians helped to promote "right views" at treaty negotiations, even though some Indians never fully understood the provisions of the documents that they signed.³

Another method used to obtain land cessions and the signing of removal treaties was the selection of a particular chief or faction to represent an entire tribe. President Jackson, for example, exploited growing tribal divisions among the Cherokee Indians in the 1830s in order to force their removal.

In the winter of 1832 the Cherokees jubilantly celebrated their apparent triumph over Georgia in the case of *Worcester v. Georgia*. Chief Justice Marshall's contention that the Indians were entitled to federal protection against intrusions by whites convinced most Cherokee leaders that they would not have to share the fate of the Choctaws and sign a removal treaty. Georgia state officials, however, soon made a mockery of Marshall's decision. Their harassment of the Cherokees together with continuing pressure from the Jackson administration for the negotiation of a removal treaty brought disunity to the tribe.⁴

Two rival factions emerged in Cherokee politics in the mid-1830s. The minority "Treaty party" feared the consequences of resisting Georgia and the Jackson administration. The Treaty party leaders included Major Ridge, who had served with Andrew Jackson against the Creek Indians during the War of 1812, his educated and politically ambitious son, John Ridge, and Major Ridge's nephews Elias Boudinot, the former editor of the influential *Cherokee Phoenix*, and Stand Watie, Boudinot's brother. Concluding that removal was inevitable, these men wanted to act quickly in order to avoid the wrath of Georgia and federal officials. They were also motivated, in part, by a desire to control tribal politics and the expectation of favors from the state and federal governments. The majority "National party," led by the charismatic John Ross, the son of a Scottish immigrant and mixed-blood mother, exerted every effort to thwart removal and, should it become a necessity, to exact the most favorable terms possible for the Cherokees so that they might be able to purchase a new home,

perhaps somewhere beyond the territorial limits of the United States.⁵

After carefully scrutinizing the situation among the Cherokees, the Jackson administration decided to deal solely with the Treaty party. On December 29, 1835, representatives of the War Department and about one hundred members of the Treaty party signed a removal treaty. In spite of the fact that delegates of the National party, representing nearly sixteen thousand of the seventeen thousand Cherokees in the South, refused to be bound by this "treaty," the Senate ratified the document by the extremely narrow margin of one vote. Georgia Governor Wilson Lumpkin warmly applauded the Senate's action and declared that the treaty was valid for the tribe since "nineteen-twentieths of the Cherokees are too ignorant and depraved to entitle their opinion to any weight or consideration" in any important matter.⁶

Following Senate ratification of the treaty, the Jackson administration refused to permit leaders of the majority National party to hold meetings to discuss the treaty and their next course of action. The War Department also warned John Ross that it refused to recognize any established government among the Cherokees until their arrival in the trans-Mississippi West and that it would suppress with arms any efforts to thwart the implementation of the treaty provision calling for the removal of all Cherokees by mid-1838. Brigadier General John E. Wool cautioned the Cherokees that any delay in emigrating would result in reprisals. "You will be hunted up and dragged from your lurking places and hurried to the West," he warned. Meanwhile, in order to assure Cherokee fulfillment of the treaty stipulation, government field agents made "prudent advances" of funds to influential tribal leaders.⁷

In the two-year period provided by the treaty for the preparation of removal, the National party sought to expose the fraud committed upon the Cherokees by the government and the Treaty party. In the meantime, white Georgia "vultures" cheated the Indians out of their money and stole their land. The Cherokees, one of the most advanced tribes in the South, soon faced the prospect of moving to the West "penniless" as "beggars." In spite of continued protest by the National party and petitions signed by a majority of the Cherokee Nation, the Jackson administration upheld the treaty as binding for the entire tribe.⁸

When the date for the removal of the Cherokee Indians passed in 1838, only two thousand had emigrated. Nearly fifteen thousand men, women, and children remained behind. Martin Van Buren, Jackson's hand-picked successor to the presidency, assigned General Winfield Scott the task of forcing the removal of those who had stayed in the South past the deadline. As part of the military operation to evict the Indians, the army built temporary stockades to house the Cherokees, who were rounded up as fugitives. Confronted with soldiers armed with rifles and bayonets, the Indians had to abandon their homes and leave their property, crops, and livestock behind. The Van Buren administration's emphasis on a speedy operation meant the Cherokees had to embark for the West without sufficient bedding, cooking utensils, or clothes and without their ponies or livestock. Perhaps the most brutal aspect of the internment of the Cherokees preceding their removal, however, were the acts of rape, bestiality, and murder committed by the "lawless rabble" and some soldiers who grossly exceeded their orders and the intentions of government officials in Washington. One Georgia volunteer engaged in removing the Cherokees remarked years later, "I fought through the civil war and have seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruelest work I ever knew." Using what John Ross and the leaders of the National party referred to as the "pretended treaty" of 1835 as a pretext, the Van Buren administration set into motion the Cherokee exodus to the site of present-day Oklahoma—the "Trail of Tears" along which several thousand men, women and children died as a result of malnutrition, exposure, cholera, and the physical hardships of the journey.⁹

The Seminoles in Florida Territory also suffered from the government's policy of selecting the group supposedly representative of a tribe. Following the passage of the Removal Act in 1830, the Jackson administration, anxious to appease Florida settlers who complained of Indian depredations and Georgia plantation owners who protested that runaway slaves were finding a haven with the Indians in Florida, negotiated a removal treaty with the Seminoles. Under increasing pressure from white settlers, government officials, and the devastating effects of the severe drought of 1831, Seminole leaders signed a provisional removal treaty on May 9,

1832. The document stipulated that removal was conditional, pending tribal approval of the site selected by the War Department for the Indians in the West. An exploring party of seven Seminoles reached the proposed trans-Mississippi location in the winter of 1833. Before the Indians returned home, they came under unremitting pressure from agent John Phagan, who finally coerced them to sign a final "treaty" binding the Seminoles to leave Florida by 1837 and to unite with the Creeks as one nation in the West. This so-called treaty, which included a "request" that Phagan be made the removal agent, was signed under extreme duress by the members of the exploring party, who feared for their safety should they refuse to put their marks on the paper.¹⁰

In spite of subsequent protests by the members of the exploring party and Seminole leaders in Florida and despite the fact that agent Phagan was soon dismissed from office for committing gross fraud against the Indians, President Jackson refused to question the legitimacy of the removal treaty signed in the West. Following Senate ratification of the document, the administration began an all-out effort to coax the Seminoles toward an early departure.¹¹

Seminole leaders steadfastly refused to be intimidated into accepting the "fraudulent treaty" of 1833. In addition to their denial of the legitimacy of the document, they opposed removal for at least four other reasons. First, they felt a strong attachment to their native land. According to one black interpreter, a Seminole chief asserted that, "bress God, dis berry fine country. Fader, mudder, live here an chil'n—he no wanto go nowhere [else] 't all." Secondly, traders exerted tremendous influence over the Indians and, fearful of losing their easy prey, urged them to remain in Florida. More important, however, was the dismal prospect of being submerged politically by being forced to unite with the Creeks in the West. Secretary of War Lewis Cass deemed it desirable to unite all kindred tribes in the West as one people, but the Seminoles did not look forward to merging with the Creeks, who had long demanded that runaway slaves living with the Seminoles be turned over to them. This demand was based on the fact that the government had previously forced the Creeks to compensate Georgia planters for runaway slaves because the Seminoles were alleged to be a branch of the Creeks. Now that the Jackson administration was trying to force the Seminoles to unite with the

Creeks, they feared that the Creeks would seize their blacks. Finally, the slaves living with the Seminoles enjoyed an almost luxurious life compared to their counterparts elsewhere in the South and understandably refused to leave Florida. Since many of these blacks had great influence with the Seminole leaders, the Indians proved intransigent. Continuing threats from government officials that the Seminoles would be forced to surrender runaway slave "property" and to emigrate to the West led the Indians to take action. Near the end of December, 1835, Seminole and black warriors under the leadership of Micanopy ambushed and annihilated a contingent of about one hundred men under the command of Major Francis L. Dade.¹²

The destruction of Dade's command by Indian and black warriors spread alarm and hysteria throughout Florida and adjacent states. The ambush marked the beginning of a bloody seven-year war which took the lives of large numbers of Indians and whites and cost the United States ten times the Jackson administration's estimate of the total expenditure for removing all eastern Indians. As soldiers tried to flush the Indians and their black allies out of their hiding places, there was a tremendous outpouring of public sympathy for the Seminoles in the North. The war became a cause célèbre for the nascent peace movement, which argued that the Indians were merely fighting a "defensive" war. Other humanitarian reformers of the day also protested the alleged harsh treatment of the Indians at the hands of the army. An abortive attempt by Florida territorial officials to end the war in 1840 by using Cuban bloodhounds to track down the Indians brought instant rebuke from northern religious leaders, abolitionists, and politicians. Although the army leashed and muzzled the hounds when it used them, the episode provided critics of the war with a highly emotional issue. Even some military leaders privately sympathized with the Indians. Major Ethan Allen Hitchcock, for example, found service in Florida "dispicable" and wrote a friend, "I can hardly help wishing the 'right' to prevail which is, in this case, . . . praying for the Indians." Despite such protests, however, the public response to calls for volunteers to force the Seminoles to obey the "solemn treaty" of 1833 demonstrated that there was general sympathy in the country for the removal policy, although the tactics used in negotiating the Seminole removal treaty as well

as the Cherokee treaty indicated that Indian sovereignty meant little to federal negotiators. The fact that there was written, therefore "legal," confirmation of the Seminole land cession seemed to be the important thing for administration leaders and the majority of Americans.¹³

The government also used the threat of economic sanctions to coerce tribal chiefs into signing removal treaties. Since the 1790s the War Department had invested the money appropriated by Congress for purchasing Indian land in state banks or stock and had paid the Indians only the annual interest on the amount owed them under treaty stipulations. This trust fund system, as it came to be known, gave the administration in Washington virtual control over the purse strings of many tribes. The withholding of annuities as a means of social control dates back to the early years of the republic and especially the administration of Thomas Jefferson, but it became a standard practice during the Jacksonian era.¹⁴

Field officials found they could often induce reluctant Indians to emigrate and hostile tribesmen to lay down their arms by threatening to cut off their annuities. Indian Commissioner T. Hartley Crawford observed in 1839, for example, that "there is wisdom in this most benevolent feature of our Indian policy, for, while it serves them and meets their wants, it must have a powerful effect in binding them to the performance of their duty to us." Commissary General George Gibson had earlier noted that "without some determined effort on the part of the United States [like withholding the annuities], it cannot be disguised that the Indians will perseveringly linger in their old haunts." Gibson even suggested, "Let the annuities be paid west of the Mississippi, and there is no reason to doubt that the scheme of emigration would meet with little future opposition."¹⁵

War Department officials during the 1830s and '40s were able to maintain considerable influence over tribal affairs by determining exactly whom the government would allow to receive the annuities for the tribes. Jackson, for example, altered the practice of paying annuities to recognized tribal chieftains or treasurers and divided the money equally among all members of the various tribes. The Jacksonians maintained that this was a more democratic procedure, but it conveniently allowed them to make it extremely difficult for the southern tribes to finance litigation

against states declaring their jurisdiction over them. Congressional supporters of these beleaguered Indians managed to secure legislation in 1834 providing that annuities be paid only to tribal leaders or persons specifically designated by them. This measure, however, failed to prevent War Department officials from using the annuities as a form of economic pressure to secure the signing of removal treaties.¹⁶

In some instances the government did not even bother to obtain a formal removal treaty before relocating Indians. The Creek treaty of March 24, 1832, which opened approximately five million acres of eastern Alabama land to white settlement and ultimately led to the eviction of the Creeks, was not a removal treaty. Unable to convince Creek leaders of the virtues of its Indian removal policy, the Jackson administration finally persuaded them in 1832 to relinquish a large portion of their holdings in return for a pledge that the remainder of their land would be allotted to the chiefs, headmen, and heads of families. In order to secure the signature of the Creek leaders, the government also promised to protect the Indians against all intrusions on their allotments and against forcible eviction from Alabama. Considering President Jackson's repeated contention that he was helpless to protect Indians living within state boundaries when a state extended its laws over them, the Creek treaty of 1832 and its pledges must be viewed as a clever administration ploy to expedite Indian removal by opening the door to white speculation in Creek lands. By converting Creek tribal holdings into private allotments, the president was following the old policy of divide-and-rule.¹⁷

Using techniques perfected during the sale of the Choctaw allotments in Mississippi, white speculators quickly began defrauding the Creeks, driving them from their homes and forcing them to wander about the countryside in Alabama in search of food and shelter. By the summer of 1835, the starving and demoralized Creeks who had steadfastly refused to emigrate began stealing the crops and livestock of white settlers. Arson and murder soon followed as some Indians decided to retaliate against the injustices perpetrated upon them and condoned by the War Department under the guise of protecting their right to "freedom of contract." Such acts of desperation resulted in government intervention. Secretary of War Lewis Cass finally ordered the removal

of the Creeks in 1836 as a military measure without the formality of a removal treaty. Thus the Jackson administration used the Indian-white conflict in Alabama resulting from the frauds in the "purchases" of Creek allotments as a pretext for accomplishing by force what it could not negotiate by diplomacy. By the spring of 1837, approximately fifteen thousand Creeks had emigrated across the Mississippi River without ever having signed a removal treaty.¹⁸

The Chickasaws in neighboring Mississippi also emigrated westward after signing an allotment treaty. Unlike the Creeks, however, the Chickasaws had early accepted the inevitability of removal. Even before the Choctaw exodus of 1831, the Chickasaws had agreed to emigrate if the United States would provide them with a suitable trans-Mississippi location. Although the Jackson administration had little luck in persuading the Chickasaws to merge with the Choctaws in their new western country, War Department officials persuaded the Chickasaws to sign an allotment treaty in 1832. The alleged purpose of this treaty was to provide the Indians with revenue in preparation for their ultimate relocation. The United States pledged that it would sell their land at a fair price, hold the funds in trust for them, and protect the Chickasaws from intruders while searching for a new home for them.¹⁹

Following the signing of the treaty, whites quickly settled in the Chickasaw domain. Washington officials initially sought to remove all of the intruders, but the task proved so formidable that the War Department generally evaded its obligation to evict them. Continuing pressure from white settlers and speculators and the death of Levi Colbert, the most formidable opponent to emigration, finally led the Chickasaws to agree to pay the Choctaws for the right to settle on a portion of their domain. The Chickasaw emigration to the new Choctaw country during the winter of 1837-38 was a direct result of the allotment treaty of 1832.²⁰

Throughout the Jacksonian era there were some problems inherent in the treaty-making process itself that never received adequate attention. While presidents were well aware that the Senate could reject treaties, they were not always respectful of the fact that a chief might return with a treaty only to have his council or people reject it. The Senate jealously guarded its right to amend

or to delete treaty provisions, and Indians frequently found themselves bound to treaties which did not reflect their understanding of prior agreements. Indians often could not comprehend why the "Great White Father" and his "Council" had changed their minds. Moreover, treaty stipulations were provisional until formally ratified by the Senate, and this caused hardships and delays for Indians awaiting promised rations, goods, or specie. Settlers rarely waited, however, for formal ratification of treaties before inundating Indian land. Treaties thereby served as an opening wedge for white encroachment, regardless of the Senate's final decision.²¹

The removal treaties negotiated during the 1830s and '40s were remarkably similar. They all contained liberal provisions for Indians emigrating to the West and those remaining behind. The government promised rations and transportation to the new country in the West, protection en route, medicine and physicians, reimbursement for abandoned property, funds for the erection of new buildings, mills, and schools, and maintenance of poor and orphaned children. Administration officials considered these provisions essential in order to placate public opinion, secure Senate ratification of treaties, obtain future Indian appropriations from the House of Representatives, and induce tribes to emigrate.²²

But in spite of the favorable terms promised in the removal treaties, most emigrants faced unnecessary hardships. The government stubbornly refused to abandon the system of furnishing rations and transportation to the Indians by issuing ~~contracts to~~ the lowest bidders. This policy, more than anything else, contributed to the sorrowful plight of the emigrants which writers have immortalized in portraying the Trail of Tears. Contractors were businessmen out to make a profit and the quality of rations and transportation vehicles reflected this. As Commissioner T. Hartley Crawford warned in 1839, "The rivalry of bidding, experience everywhere has shown, induces men, in the heat of the moment, to offer to furnish articles of a given quality lower than they can buy them; and, to make amends for this false step, resort is had to an effort to impose upon the department inferior articles, which sometimes may succeed." Benjamin Marshall, the Creek interpreter, reported that contractors had cheated the Creek emigrants by providing them with beef from "some very bad cattle, such as old bulls, and old oxen that were broken down, and not fit

either to work or to kill." Chickasaw agent A. M. Upshaw charged that the corn provided Chickasaw emigrants by contractors was so rotten that even their horses refused to eat it. The pork issued the Chickasaws was so putrid that many suffered from diarrhea and even died from eating it. Despite these disclosures and Commissioner Crawford's condemnation of the bidding policy, it continued in operation throughout the period. Even when the rations and method of transportation were the best possible, the haphazard planning of Indian removals took its toll in human lives. As one removal agent observed, "All that the contract granted them was secured to them. But all this could not shield them from the severity of the weather, cold sleeting storms, and hard frozen ground."²³

The government's perpetual concern for economy also militated against safe and healthy trips. The commutation scheme of removal, for example, remained in use throughout the Jacksonian era in spite of its consequences during the Choctaw removal. While removal treaties promised medicine and physicians to emigrants, the War Department ruled that "*medicines* will only be procured when actually required, or danger from sickness is apprehended. In no instance will full medicine chests or surgical instruments be purchased." Such orders may have saved the government money, but they were disastrous for the Indians. The Creek Indians who were forced to emigrate from Alabama under military escort especially resented the mode of transportation and poor medical attention provided them by the contractors and protested that "we are men—we have woman and Children . . . why should we come like horses?" Even some frontiersmen lamented that avaricious contractors were driving "*the Poor Indians*" westward like "*a Drove of Wild Beasts*."²⁴

There is evidence to indicate that the War Department conducted inspections of the goods and transportation vehicles provided emigrants during this period. The continual emphasis on speedy removals, the tremendous strain on manpower necessitated by such inspections, and political pressure exerted by friends of the contractors, however, often resulted in shortcuts and careless or infrequent examinations. As opposition leaders and newspapers pointed out that Indian removal was costing far more than President Jackson's original estimate, administration officials

became keenly sensitive of the need for retrenchment. While federal officials in Washington apparently did not purposely intend to make westward emigration a hazard to the lives of Indians, their eagerness to follow the path of political expediency and their continual efforts to economize in carrying out removal operations often had such an effect.²⁵

Many of the measures taken to speed up the emigration of Indians led to strained Indian-white relations. The continued use of the allotment policy after the scandalous treatment of the Choctaws and Creeks is an excellent example. War Department officials viewed the allotment policy as a necessary evil to promote removal. There were some notable attempts to improve the procedures used in distributing reserves and some efforts to guarantee the Indian a "fair" price for his allotment, but the presidential administrations of the Jacksonian era maintained that once Indians entered into contracts to sell their land without coercion they were bound by them. Officials paid little attention to the fact that full-blood Indians were not imbued with the Lockian values of the American society and were unable to deal on equal terms with white speculators.²⁶

The real beneficiaries of the allotment system were speculators, who obtained between eighty and ninety percent of the Indian title during these years. Thousands of acres of Indian land in the Old Southwest and the Old Northwest passed directly into the hands of speculators who used the allotments as a convenient device for taking tribal land away from the Indians, out of the public land system, and away from those white squatters seeking to put the preemption laws to work for themselves. To make matters worse, political considerations made it necessary to temporize on the issue of Indian claims resulting from frauds in the purchasing of allotments. Democratic presidents were especially sensitive to pressure from southern congressional delegations to tone down investigations of fraud in order to avoid any possible political embarrassment. Some Indian reserves, moreover, were never surveyed or located, and many Indians and their heirs had to wait generations before receiving their promised allotments. In 1848 Commissioner William Medill admitted to Secretary of War William Marcy that the adjudication of disputes over the ownership of Indian land allotments was an "embarrassing class of busi-

ness" stemming from "the evil and corrupt policy of granting reservations in Indian treaties."²⁷

Just as the government continued to view the allotment system as a necessary evil to speed up Indian emigration, it countenanced the inclusion of provisions for the payment of traders' debts in removal treaties. The support of the traders was crucial to the successful negotiation of removal treaties because the Indians looked to them for advice and subsistence. Since the presidency of Thomas Jefferson, treaty negotiators had found the inclusion of traders' debts in removal treaties an excellent means of coaxing the tribes to emigrate, and the government adopted this practice on a large scale during the 1830s. The effect of such action was to substitute individual Indian debts for a tribal debt which could easily be paid off by making a land cession.²⁸

The inclusion of traders' debts helped to encourage removal, but it also defrauded the Indians out of the money that the government paid them for their land. Traders grossly inflated the prices of goods they sold and falsified their account books. One treaty commissioner reported that the traders stuck to the Indians and their money "like buzzards to a dead carcass," but he also admitted that "if they were kept off, the Indians would refuse to act without their secret council." The government found it necessary to placate these men, who were not among the most avid proponents of removal. The presence of the Indians in their state or territory meant prosperity to the traders, who included among their number leading businessmen and political figures. Henry R. Schoolcraft, one of America's early ethnologists and a government Indian agent, observed that "the trader, ever[y]where, takes hold of the Indian with a desperate grasp" because Indians served as his "props." Some traders arrogantly warned the War Department that they would not only prevent the emigration of Indians but would incite them to "wars of extermination" if the government refused to acknowledge their claims.²⁹

The necessity of appeasing the traders proved an embarrassment to presidential administrations during the Jacksonian era. A sizable and articulate segment of the American people voiced concern throughout this period over the plight of the Indians resulting from fraudulent claims by traders. There was a growing fear, as agent Lawrence Taliaferro put it, that the traders were trying to "enslave the poor Indian *body* and *mind* to their dic-

tatorial will." The Jackson, Van Buren, and Tyler administrations responded to this pressure by occasionally invoking secrecy about impending negotiations and by tightening up the procedures for examining traders' claims. The factors militating against the success of such efforts, however, were overwhelming. Tribal leaders found it convenient and rewarding to acknowledge the traders' debts, and the traders had important allies in the Indian service, Congress, and the executive departments who lobbied for their interests. More importantly, perhaps, Washington officials succumbed to the traders' demands because they deemed it "absolutely necessary" to accommodate their claims in order to secure the signing of removal treaties.³⁰

Although the War Department directed field agents to scrutinize traders' claims in order to safeguard the Indians from gross frauds, it insisted that the Indians had a "moral duty" to pay every "just claim" against them. Since the full-bloods were not good judges of the prices of the merchandise that they bought, the traders saw to it that "legal" debts were enormous ones. Dr. Henry Van der Bogart, a physician who observed a claims investigation in Chicago during Jackson's presidency, remarked, "I often thought the cry of the inequity of this place was greater than the sin of Sodom." The tremendous pressures exerted by the traders on government officials during the depression years between 1837 and 1843 prevented any significant curtailment of the practice of acknowledging traders' debts.³¹

By March, 1843, the abuses of the practice had grown so widespread and opposition to it so vocal that the Senate, after conferring in secret session, refused to ratify any treaties attaching traders' claims. This decision and the rhetoric of officials in the Tyler and Polk administrations suggested that the practice had finally come to an end, but this was far from the truth. In 1847, for example, the Senate found it necessary to condemn the practice of paying unratified private debt claims from money provided the Indians, and traders continued to receive payments for their claims well into the 1850s. While the War Department and personnel assigned to the Indian Office made some notable efforts to end this practice during the Polk administration, political reality demanded the acknowledgement of additional claims. Licensed traders included many leading business and political figures, and the executive branch found it necessary to "avoid doing injustice

in any case to persons who are bona fide and in good faith . . . creditors." In this case, as in many others, expediency frequently dictated that the rhetoric of Indian policy differed from the reality.³²

By the end of the 1840s the United States had virtually accomplished Andrew Jackson's goal of removing the eastern Indians to the trans-Mississippi West. As early as 1842 the War Department informed President Tyler that although there were still some Indians residing East of the Mississippi River, "*there is no more land east of the Mississippi, remaining unceded, to be desired by us.*" This statement, however, did not adequately reflect the condition of the Indians of the Old Northwest and New York who, after making initial cessions of their land, faced the agony and vicissitudes of removal more than once.³³

Defenders of the removal policy had long argued against the continuance of an *imperium in imperio* and asserted that Indians emigrating from states and territories of the Union would receive permanent locations in exchange. Neither the Jackson nor the Van Buren administration, however, set aside a specific region for the permanent residence of the northern tribes. While the southern tribes received a new "country" outside the boundaries of any state or territory, the New York Indians settled in the Old Northwest, where the government had merely reshuffled indigenous tribes or coaxed them to move across the Mississippi River in order to make room for the growing pressures of white settlement, as well as to permit the opening and exploitation of rich mineral and timber land.³⁴

As early as 1831 the French travelers Alexis de Tocqueville and Gustave de Beaumont noted the disparity in the treatment of the northern and southern Indians. They asked Sam Houston, a personal friend of Andrew Jackson, if the government intended to provide the northern Indians with a permanent reserve comparable to that provided the southern tribes. Houston's reply typified the position of the Jackson and Van Buren administrations. He asserted that the situation in the North and Old Northwest was not as critical as in the South and that the Indians in the former areas would be "pushed back as [white] advance is made."³⁵

The checker-board type of settlement of tribes in the Old Northwest and the lack of any long-range planning for their future

location led to great uneasiness among the Indians and white settlers. The indigenous tribes were frequently close enough to their old domiciles to return whenever the hunting or crops in their new location proved insufficient for their needs. The result was often Indian-white or intertribal hostilities.³⁶

War broke out in Illinois in the spring of 1832, for example, when a hungry band of a thousand Sac and Fox Indians and their allies left their new home in Iowa Territory and crossed the Mississippi River in order to return to their ancient capital on the Rock River. Although the Indians entered Illinois in search of corn, they also returned as a means of protesting against the arrogance, brutality, and contempt shown them by frontiersmen whose claims that the Indians had no right whatsoever to visit their ancient burial grounds or to harvest their old cornfields did not exactly coincide with their interpretation of previous treaties. Black Hawk, an old, stubborn, and proud warrior who had supported Tecumseh and the English in the War of 1812, sought food, honor, and security for his people without aggressive warfare.³⁷

Despite the fact that Black Hawk's band contained large numbers of women and children, who would never accompany a war party, the return of the Indians sent a wave of panic across the Illinois frontier. Governor John Reynolds promptly called out the state militia to repel the "invasion" and requested immediate aid from President Jackson. The result was a short but bloody war largely instigated by drunken militia troops who left Black Hawk no honorable alternative but the tomahawk. As one contemporary observed, the war was "the result of a border feeling, which permits the destruction of an Indian upon the same principle that it does the wolf."³⁸

The ruthless suppression of "Indian hostilities" during the Black Hawk War broke the spirit of other tribes in the Old Northwest and led to new demands by frontiersmen for their removal. A newspaper in Galena, Illinois, near the Wisconsin border, for example, complained that the presence of Indians was a great impediment to progress. "Our country," lamented the *Galenaian* after the conclusion of the hostilities, "instead of realizing the brilliant prospects of wealth and plenty, presents the melancholy spectacle of deserted cabins, of wasted uncultivated fields." The War Department responded quickly to such rhetoric from resi-

dents of an area that was reputed to possess one of the richest mineral deposits in the country.³⁹

At the conclusion of the conflict with Black Hawk's band, the War Department persuaded the Winnebago Indians of present-day Wisconsin to sign a removal treaty. The Winnebagos, who received a tract of land in Iowa, underwent numerous changes in residence in the ensuing years as the War Department responded to pressure from white settlers and sought to use these Indians as a buffer zone between the Sac and Fox and their enemies the Sioux. The continual dislocation of the Winnebagos and their precarious situation between hostile tribes led to their deterioration as a society.⁴⁰

The social and psychological strain induced by the constant uprooting and relocation of the Winnebagos, together with disease and dissipation, brought about a tremendous population decline approaching nearly the fifty percent mark. Suffering from the culture shock of repeated dislocations and the resultant tribal deterioration, many Winnebagos frequently returned to the security of their old hunting grounds in violation of the treaties that they had earlier signed. Winnebagos returning to the sites of their old villages to fish once more in their beloved waters and to stand again near their sacred clan burial grounds found that the Oneida Indians of New York, among others, had received title to the land from the United States government. In turn, the Oneidas, who had ceded their land in New York for the Wisconsin location, soon discovered that their new position was even more precarious than it had been in New York.⁴¹

While the Jackson administration was pushing the Winnebagos and other tribes of the Old Northwest farther west, it was fulfilling old treaty stipulations and seeking new treaties to settle the New York Indians in the region. The Winnebagos were told that they had to emigrate to free themselves from contact with white frontiersmen; at the same time, the administration was relocating New York Indians on their old land so that they could be "free from the destructive evils of their present near connexion with the whites [in New York]." The Winnebagos and other tribes relocated in Iowa Territory soon became "a source of great annoyance and dissatisfaction" to white settlers, who complained that the area was "inhabited by savages and wild beasts," and the New York

Indians resettled in the Old Northwest quickly became the victims of the great land boom that swept the area in the 1830s. Both groups faced the prospect of future removals.⁴²

The Jackson and Van Buren administrations never undertook any long-range planning concerning the location of a permanent home for the Indians of the Old Northwest. The result was a makeshift arrangement that often resulted in great intertribal hostility.

The condition of the Indians in the Old Northwest and the eastern tribes relocated there underscores the fact that the creation of the southern Indian country was largely a response to the tremendous outpouring of public sympathy for the Cherokees and their neighbors. The deteriorating situation among the Winnebagos and other tribes in the Old Northwest that underwent continuous relocation never elicited the eloquent pleas or the countless petitions to Congress that were penned in behalf of the so-called civilized tribes of the South. Members of the peace movement, which was but one small manifestation of the reform spirit that permeated Jacksonian America, lamented the plight of the Indians of the Old Northwest and defended Black Hawk's actions in Illinois as a "defensive war" and "a resistance of evil," but such rhetoric was no match for the tremendous volume of petitions, letters, and resolutions presented to Congress in behalf of the Cherokees and their southern neighbors during the same period of time. Not until a large segment of the American people became concerned about the position of the northern tribes in the 1840s was serious attention focused on the need for constructing a northern counterpart to the southern Indian country. This situation is a further indication that the exigencies of the moment determined the components of the removal policy throughout the Jacksonian era.⁴³

NOTES

1. Kappler, *Indian Affairs*, 2: 213-362; Commissioner of Indian Affairs, *Annual Report* (1836), p. 420; Statement of the General Land Office, August 8, 1836, Statement Showing the Number of Indians, December 1, 1836, Statement Showing the Quantity of Lands Ceded by the Indian Tribes to the United States, December 1, 1836, IA, Miscellaneous Records, 1: 300-1, 2: 6-8, 90-92, 98-100, RG 75, NA.

2. Tocqueville, *Democracy in America*, pp. 324–25, 325 n. For examples of contemporary scholars who suggest that treaty negotiations consisted of drowning the Indians with whiskey, see Foreman, *Indian Removal*, preface; Paul W. Gates, Introduction to *The John Tipton Papers (1809–1839)*, comp. Glen A. Blackburn, ed. Nellie A. Robertson and Dorothy Riker, 3 vols. (Indianapolis: Indiana Historical Bureau, 1942), 1: 13–14; Pessen, *Jacksonian America*, p. 320. For an account of federal efforts to suppress the whiskey traffic among the Indians, see Prucha, *American Indian Policy*, pp. 102–38.

3. Schoolcraft to Medill, September 30, 1848, Medill Papers; McKenney to Eaton, December 21, 1829, IA, LS, 6: 199, RG 75, NA; Stockbridge Sachem and Counsellors to Henry R. Schoolcraft, January 4, 1838, enclosed in Schoolcraft to Harris, February 2, 1838, Thomas T. Hendrick et al. to Commissioner of Indian Affairs, December 10, 1838, in Carter and Bloom, *Territorial Papers*, 27: 913–14, 1107–8; Robert F. Berkhofer, Jr., "Faith and Factionalism among the Senecas: Theory and Ethnohistory," *Ethnohistory* 12 (Spring 1956): 110; Schoolcraft, *Memoirs*, p. 594. The above comments concerning the War Department's tactics in negotiating treaties are based on these sources: Kappler, *Indian Affairs*, 2: 213–425; *Senate Records*, Executive Messages Relating to Indian Relations, 1829–49, RG 46, NA; IA, Documents Relating to the Negotiation of Ratified Indian Treaties (hereafter cited as Treaty Negotiations), 1829–49, RG 75, NA; IA, Registers, vols. 2–36, LR, RG 75, NA. For a thorough study of the use of peace medals to promote federal Indian policy, see Francis Paul Prucha, *Indian Peace Medals in American History* (Madison: State Historical Society of Wisconsin, 1971).

4. Elijah Hicks to Cherokee Delegation in Washington, March 24, 1832, in *Niles' Register* 42 (May 12, 1832): 201; John Ross to Citizens of Amahee District, April 28, 1832, Wm. M. Davis to Cass, June 24, 1832, Cherokee Council to Cass, August 6, 1832, *Senate Document 512*, 23rd Cong., 1st sess., 3: 381, 418–19, 512; *Pittsburgh Gazette*, October 23, 1832; Commissioner of Indian Affairs, *Annual Report* (1832), p. 161; Cass to Cherokees, East, April 17, 1832, in Secretary of War, *Annual Report* (1832), p. 39; Grace S. Woodward, *The Cherokees* (Norman: University of Oklahoma Press, 1963), pp. 170–74, 176–77; Foreman, *Indian Removal*, pp. 244–49.

5. Edward Everett Dale and Gaston Litton, eds., *Cherokee Cavaliers: Forty Years of Cherokee History as Told in the Correspondence of the Ridge-Watie-Boudinot Family* (Norman: University of Oklahoma Press, 1939), pp. xvi–xvii; Foreman, *Indian Removal*, pp. 265–66; Woodward, *Cherokees*, pp. 171–82. For a sympathetic account of the Treaty party which views John Ridge as a realist and John Ross as an impractical leader,

see Thurman Wilkins, *Cherokee Tragedy: The Story of the Ridge Family and of the Decimation of a People* (New York: Macmillan Co., 1970).

6. Elias Boudinot to Stand Watie, February 28, 1835, John Ridge to Major Ridge et al., March 10, 1835, in Dale and Litton, *Cherokee Cavaliers*, pp. 10–14; Woodward, *Cherokees*, pp. 174–75, 190, 192; Foreman, *Indian Removal*, p. 269; Wilson Lumpkin to Jackson, September 24, 1836, in Lumpkin, *Removal of the Cherokee Indians*, 2: 45. The Cherokee population figure cited above is based on J. F. Schermerhorn to Cass, March 3, 1836, *Senate Document 120*, 25th Cong., 2d sess., p. 535. Following the ratification of the treaty by the Senate, congressional supporters of Ross and the National party made an unsuccessful attempt to defeat the Appropriations Bill for carrying the treaty into effect. See *Nashville Republican*, July 12, 1836, for the heated exchange between supporters and opponents of the treaty.

7. Foreman, *Indian Removal*, pp. 269, 273; Wool to Cherokees, March 22, 1837, Gunther Broadside Collection, Chicago Historical Society, Chicago, Ill.; Lumpkin and John Kennedy to Harris, March 23, 1837, *Senate Document 120*, 25th Cong., 2d sess., p. 816.

8. Woodward, *Cherokees*, pp. 192–95, 198–202; Foreman, *Indian Removal*, p. 272; Decree of Cherokee Council, August 1, 1838, in Commissioner of Indian Affairs, *Annual Report* (1839), pp. 417–18.

9. *New-York Observer*, July 14, 1838; Major H. M. Routledge to [Joel] R. Poinsett, August 8, 1838, Poinsett Papers, Historical Society of Pennsylvania, Philadelphia, Pa.; Decree of Cherokee Council, August 1, 1838, in Commissioner of Indian Affairs, *Annual Report* (1839), pp. 417–18; Eaton, *John Ross*, p. 64; Foreman, *Indian Removal*, pp. 284–312; Woodward, *Cherokees*, pp. 194–218; James Mooney, *Myths of the Cherokee and Sacred Formulas of the Cherokees* (1900; reprint ed., Nashville: Charles Elder, 1972), pp. 130–31; *Army and Navy Chronicle* 8 (January 3, 1839): 12, citing *New Orleans Bee*. For the quotation of the Georgia volunteer, see Mooney, *Myths of the Cherokee*, p. 130. James Mooney estimated that approximately four thousand of the eighteen thousand Cherokees removed under the Treaty of 1835 died as a result of the trek west or the circumstances surrounding their capture and detention before the emigration commenced. It is interesting to note that the mortality rate of the Indians who removed under military supervision was far greater than the rate of those who emigrated after John Ross convinced the army to allow the Cherokees to handle their own emigration. See Mooney, *Myths of the Cherokee*, p. 133; Foreman, *Indian Removal*, p. 312 n; Woodward, *Cherokees*, p. 218.

10. Cass to White, January 30, 1832, IA, LS, 8: 46–48, RG 75, NA; Memorial to Congress by the [Florida] Legislative Council, [February

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