

President Andrew Jackson's Case for the Removal Act

First (sic) Annual Message to Congress, 6 December 1830

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

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it Promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will incalculably strengthen the southwestern frontier and render the adjacent States strong enough to repel future invasions without remote aid. It will relieve the whole State of Mississippi and the western part of Alabama of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community. These consequences, some of them so certain and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

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. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the General Government in relation to the State authorities. For the justice of the laws passed by the States within the scope of their reserved powers they are not responsible to this Government. As individuals we may entertain and express our opinions of their acts, but as a Government we have as little right to control them as we have to prescribe laws for other nations.

With a full understanding of the subject, the Choctaw and the Chickasaw tribes have with great unanimity determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi River. Treaties have been made with them, which in due season will be submitted for consideration. In negotiating these treaties they were made to understand their true condition, and they have preferred maintaining their independence in the Western forests to submitting to the laws of the States in which they now reside. These treaties, being probably the last which will ever be made with them, are characterized by great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been long busily employed in devising means to avert it, but its progress has never for a moment

been arrested, and one by one have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race and to tread on the graves of extinct nations excite melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the West, we behold the memorials of a once powerful race, which was exterminated or has disappeared to make room for the existing savage tribes. Nor is there anything in this which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the conditions in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns, and prosperous farms, embellished with all the improvements which art can devise or industry execute, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization, and religion?

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 to the westward, and we now propose to acquire the countries occupied by the red men 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. Our children by thousands yearly leave the land of their birth to seek new homes in distant regions. Does Humanity weep at these painful separations from everything, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds and almost thousands of miles at their own expense, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government when, by events which it can not control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the West on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

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

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

Jackson, Andrew. "President Andrew Jackson's Case for the Removal Act: First Annual Message to Congress, 8 December 1830." Vincent Ferraro, *Mount Holyoke College*. 6 May 2005. <http://www.mtholyoke.edu/acad/intrel/andrew.htm>.

Defense Witness: Major Ridge (ca. 1771-1839) Biography

The Cherokee leader Major Ridge is primarily known for signing the Treaty of New Echota (1835), which led to the Trail of Tears. Before this tragic period in Cherokee history, however, he was one of the most prominent leaders of the Cherokee nation.

Major Ridge was born in the early 1770s in Tennessee. His Cherokee name, Kah-nung-da-tla-geh, meant "the man who walks on the mountaintop." Englishmen called him "The Ridge." He was brought up as a traditional hunter and warrior, resisting white encroachment on Cherokee lands. He married a fellow Cherokee, Susanna Wickett, in the early 1790s, and they moved to Pine Log, in present-day Bartow County.

As a result of U.S. president George Washington's "civilization" policy for Native Americans, the government agent Benjamin Hawkins provided The Ridge with new farm implements and Susanna with a spinning wheel and loom, so that the young couple could learn "white" ways of working. (Traditionally, Cherokee women farmed, and the men hunted, fished, conducted politics, and fought wars.) With his military experience and brilliant command of the Cherokee language, The Ridge soon became a successful politician. Purchasing African slaves to work as field laborers enabled the Ridge family to enlarge their agricultural production to plantation status.

When the [War of 1812](#) began, The Ridge joined General Andrew Jackson's forces in fighting the Creeks and the British in Alabama. For his heroic leadership at the Battle of Horseshoe Bend, The Ridge received the title of major, which he subsequently used as his first name.

After the war, the Ridge family established a [plantation](#) on the Oostanaula River in present-day [Rome](#). With his friend and neighbor [John Ross](#), Ridge helped establish a Cherokee Nation with three branches of government in 1827. He served as counselor, and Ross became principal chief, the equivalent of president.

Believing that they had succeeded in the "civilization" process by establishing a government on a U.S. model, Cherokees like the Ridges were shocked when the U.S. Congress passed the Indian Removal Bill of 1830 and Georgia implemented a lottery to dispense Cherokee lands shortly thereafter. As Georgians began to move illegally into the Cherokees' houses, businesses, and plantations, often by force, Ridge became convinced that either warfare or negotiation with the U.S. government must proceed. He became a leader of the Treaty Party, which favored removal to Indian Territory west of the Mississippi River (in present-day Oklahoma), in exchange for financial compensation of \$5 million to the Cherokees. He and a minority of Cherokees signed the Treaty of New Echota in December 1835 without authorization from Ross or the Cherokee government. The illegal treaty was then signed by President Jackson and passed by one vote in the U.S. Senate.

The Ridge family and others voluntarily moved west, but Principal Chief Ross and opponents of the treaty fought its implementation. They failed, and [Cherokee removal](#) was forced by the military. Because of harsh weather conditions, more than 4,000 Cherokees died during the 1838-39 winter on the "trail where they cried," commonly known as the Trail of Tears. On June 22, 1839, in retaliation for Ridge's part in this tragedy, some of Ross's supporters ambushed and killed Ridge on his way into town from his plantation on Honey Creek in Indian Territory. His assailants were never officially identified or prosecuted.

Taylor-Colbert, Alice. "Major Ridge (ca. 1771-1839)." *The New Georgia Encyclopedia: History and Archeology*. 2004-2005. 6 May 2005.

<http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-2885>.

Defense Witness: Elias Boudinot (ca. 1804-1839)

Biography

Elias Boudinot was a formally educated Cherokee who became the editor of the *Cherokee Phoenix*, the first Native American newspaper in the United States. In the mid-1820s the Cherokee Nation was under enormous pressure from surrounding states, especially Georgia, to move to a territory west of the Mississippi River. Ultimately, the Cherokee Nation was divided, with the majority opposing removal, and a small but influential minority, including Boudinot, favoring removal. As an educator, an advocate of Cherokee acculturation, and editor of the *Phoenix*, Boudinot played a crucial role in Cherokee history during the decades preceding the Nation's forced removal, often referred to as the Trail of Tears.

Elias Boudinot was born in Oothcaloga, in northwest Georgia, about 1804. He was called Gallegina, or the Buck, and was the eldest of nine children. His father, Oo-watie, was considered a progressive Cherokee. Oo-watie enrolled Gallegina and a younger son, Stand Watie, later a Confederate general, in a Moravian missionary school at Spring Place, in northwest Georgia. In 1817 young Gallegina was invited to attend the American Board of Commissioners for Foreign Missions school in Cornwall, Connecticut. On his journey there, Gallegina was introduced to Elias Boudinot, the aged president of the American Bible Society, and adopted his name in deference and tribute.

Boudinot spent several successful years at the American Board school, and in 1820 he converted to Christianity. Four years later he became engaged to a white woman, Harriet Ruggles Gold, the daughter of a Cornwall physician. Their engagement ignited a firestorm of racial prejudice, and the betrothed couple was burned in effigy. Labeled a breeding ground for mixed couples, the American Board school was forced to close immediately. Boudinot and Harriet Gold married in 1826, then returned to High Tower in the Cherokee Nation to work in a mission.

Earlier in the spring of 1826 Boudinot had embarked on a national speaking tour to elicit financial, spiritual, and political support for the Cherokee Nation's continuing progress in the "arts of civilization." His pamphlet, "An Address to the Whites" (1826), was based on a speech he made in Philadelphia. Boudinot proved remarkably effective at fund-raising. By 1827 the General Council of the Cherokee Nation was able to purchase a printing press and Cherokee typeface for the publication of a national newspaper, with Elias Boudinot as its editor. The groundbreaking first issue of the bilingual periodical, known as the *Cherokee Phoenix*, appeared on February 21, 1828. Boudinot pledged to print the official documents of the Nation and tracts on religion and temperance, as well as local and international news.

In the years following the Indian Removal Act (1830) Boudinot also began to publish editorials in favor of the voluntary removal of the Cherokees to a territory west of the Mississippi River. But his opinions were at odds with those held by the majority of the Nation, including the General Council. He resigned as editor of the *Phoenix* in August 1832 but continued to take an active role in the removal crisis and even printed a pamphlet attacking anti-removal chief John Ross. He ultimately signed the New Echota Treaty (1835), which required the Cherokees to relinquish all remaining land east of the Mississippi River and led to their forced removal to a territory in present-day Oklahoma. Soon after moving west with his family in 1839, Boudinot and two other treaty signers (his uncle Major Ridge and cousin John Ridge) were attacked and stabbed to death by a group of Ross supporters.

Boudinot was inducted into the Georgia Writers Hall of Fame in 2005.

Pulley, Angela F. "Elias Boudinot (ca. 1804-1839)." *The New Georgia Encyclopedia: History and Archeology*. 2004-2005. 6 May 2005. <http://www.georgiaencyclopedia.org/nge/Article.jsp?path=/Media/Journalism/Newspapers/EditorsandOwners&id=h-626>.

Defense Witness: General Winfield Scott (1786-1866)

Biography

No one person would have more influence on the United States Army during its first 100 years of existence than General Winfield Scott. Known as Old Fuss and Feathers because of his attention to detail and a penchant for gaudy uniforms, Winfield Scott fought in the War of 1812, the Blackhawk War, the Seminole Wars, the [Mexican-American War](#), and the War for Southern Independence (American Civil War). A [Civilian Conservation Corps](#) park and lake bear the name of the man who oversaw the removal of the Cherokee from the state of Georgia.

Born of parents who were both wealthy and famous (his father was a hero in the American Revolution), Winfield Scott attended The College of William and Mary in Williamsburg, Virginia. The evolving upheaval in relations between the United States and Britain at the start of the 19th century ended an uninspired legal career for the six foot, five inch Scott.

During the War of 1812 Lt. Colonel Scott led a series of attacks against combined British and Canadian forces between Fort George and Fort Erie, on the Canadian side of the border west of Buffalo, New York.

After the War he married, worked on military books and hobnobbed with New York society. Over the next 15 years the flamboyant Scott angered many of his peers, including future president Andrew Jackson.

Scott returned to active military duty in 1832 to fight in various "Indian Wars" and was called upon to replace John Wool as commander of Federal troops in the Cherokee Nation just prior to the Trail of Tears. Spreading from the Blue Ridge Mountains west to the Cumberland Plateau, the [Cherokee](#) had sworn in 1819 to give no more land to encroaching settlers. The United States Supreme Court agreed with the Cherokee's right to self-rule, but Andrew Jackson did not and in 1835 he convinced a small group of these American Indians to sign the Treaty of [New Echota](#). ...

Receiving orders on April 6, 1838, Scott arrived at New Echota, Cherokee Nation that May and immediately began with his plans for removal. He divided the Nation into three military districts and The Cherokee were rounded up and herded into unsanitary "[forts](#)," one of which was named for the general. Nearly one-third of all the Cherokee deaths attributed to the [Trail of Tears](#) would come as a result of this confinement.

The first parties to leave Georgia suffered huge losses in both people and livestock, attempting to travel west in the scorching heat of summer. The Cherokee clearly viewed Scott as their "warden" when they appealed directly to him to postpone the removal until cooler months. "We, your prisoners, wish to speak to you...We have been made prisoners by your men but do not fight you..."

The appeal worked. Scott not only agreed to postpone the removal, he backed a proposal for the departing parties to be led by Cherokee chiefs rather than the U. S. Army. For this Winfield Scott expected, and got, an incredible backlash from the pro-removal forces. Even former President Andrew Jackson wrote to protest Scott's decision.

The general, in spite of serious personal problems, was determined to accompany a group of Cherokee west. He left Athens, Tennessee, on October 1, 1838, and continued with the Cherokee to Nashville, where he received orders to return to Washington.

[He later served in both the Mexican War and the Civil War]

"Winfield Scott: a North Georgia Notable." *About North Georgia*. Copyright 1994-2003 by Golden Ink. 6 May 2005.
<http://ngeorgia.com/people/scott.html>.

Letter to the Cherokee from Major General Scott

(May 10, 1838)

“Cherokees! The President of the United States has sent me with a powerful army, to cause you, in obedience to the treaty of 1835 [the Treaty of New Echota], to join that part of your people who have already established in prosperity on the other side of the Mississippi. Unhappily, the two years which were allowed for the purpose, you have suffered to pass away without following, and without making any preparation to follow; and now, or by the time that this solemn address shall reach your distant settlements, the emigration must be commenced in haste, but I hope without disorder. I have no power, by granting a farther delay, to correct the error that you have committed. The full moon of May is already on the wane; and before another shall have passed away, every Cherokee man, woman and child in those states must be in motion to join their brethren in the far West.

My friends! This is no sudden determination on the part of the President, whom you and I must now obey. By the treaty, the emigration was to have been completed on or before the 23rd of this month; and the President has constantly kept you warned, during the two years allowed, through all his officers and agents in this country, that the treaty would be enforced.

I am come to carry out that determination. My troops already occupy many positions in the country that you are to abandon, and thousands and thousands are approaching from every quarter, to render resistance and escape alike hopeless. All those troops, regular and militia, are your friends. Receive them and confide in them as such. Obey them when they tell you that you can remain no longer in this country. Soldiers are as kind-hearted as brave, and the desire of every one of us is to execute our painful duty in mercy. We are commanded by the President to act towards you in that spirit, and much is also the wish of the whole people of America.

Chiefs, head-men and warriors! Will you then, by resistance, compel us to resort to arms? God forbid! Or will you, by flight, seek to hid yourselves in mountains and forests, and thus oblige us to hunt you down? Remember that, in pursuit, it may be impossible to avoid conflicts. The blood of the white man or the blood of the red man may be spilt, and, if spilt, however accidentally, it may be impossible for the discreet and humane among you, or among us, to prevent a general war and carnage. Think of this, my Cherokee brethren! I am an old warrior, and have been present at many a scene of slaughter, but spare me, I beseech you, the horror of witnessing the destruction of the Cherokees. Do not, I invite you, even wait for the close approach of the troops; but make such preparations for emigration as you can and hasten to this place, to Ross’s Landing or to Gunter’s Landing, where you all will be received in kindness by officers selected for the purpose. You will find food for all and clothing for the destitute at either of those places, and thence at your ease and in comfort be transported to your new homes, according to the terms of the treaty.

This is the address of a warrior to warriors. May his entreaties be kindly received and may the God of both prosper the Americans and Cherokees and preserve them long in peace and friendship with each other!

Source: Edward J. Cashin (ed.), *A Wilderness Still The Cradle of Nature: Frontier Georgia* (Savannah: Beehive Press, 1994), pp. 137-38.

“Letter to the Cherokee from Major General Scott.” *The Cherokee Nation*. 5 May, 2005.
<http://www.cherokee.org/Culture/HistoryPage.asp?ID=125>.