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Indianness and Democracy: Andrew Jackson's "big problem"

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Andrew Jackson's coming to power as the president of the United States in 1828 constituted a major turning point regarding federal Indian policy. Jackson's radicalism, that reached its peak with the deportation of Indian populations living east of the Mississippi to present-day Oklahoma, forced Native American nations to develop strategies of resistance. Among the southeastern nations, resistance imposed the strategic use of cultural transformation and the redefinition of Indianness to try and maintain Indian sovereignty on ancestral lands. The following paper examines the ways both Andrew Jackson and Indian leaders appropriated and articulated the tenets of American Democracy to fuel their antagonistic agendas.

Apprehending the full scope of Native American history and realities during the so-called Jacksonian era is a difficult endeavor. Not only is it a time of radical Federal and local actions against Native Americans whose ancestral territories were located east of the Mississippi, and a period that was characterized by dispossession, cultural genocide, and deadly deportation, but it is also a complex ideological and political turning point. It imposes a fundamental reflection on the part Indian nations were meant to play - or rather not to play - in the continental affirmation of American Democracy in the middle of the 19th century. Besides, it demands the paradox of Jacksonian ideology be analyzed. The radicalism of the period, that Jackson embodied in the most outstandingly populist and somehow "tyrannical" manner, is expressed through the federal policy developed at the time to solve what came to be known as the "Indian problem". That is why, with regards to the question addressed here, one needs to examine how Jackson apprehended the very notion of democracy - and distorted it - and the way he used the republican apparatus to complete, as the head of the executive, the long-term anti-Indian agenda he had nurtured ever since his young years as a Frontiersman. Historiography has taught us that the thorough analysis of the Native American perspective - the "facing east" analysis - was substantial to fully understand the cultural, political and ideological dynamics at play in the period¹. Needless to say the development of American

¹ The methodology of ethnohistory, developed in the wake of the New Indian History in the 1990s, has allowed for a reconsideration of the dynamics at stake in the construction of colonial North America. It has notably highlighted Native American agency and perspectives. See for instance Daniel K. Richter, *Facing East from Indian Country: A Native History of North America*, Cambridge, MA: Harvard University Press, 1991; Donald L. Fixico, *Rethinking Native American History*, Albuquerque: University of New Mexico Press, 1997; Élise Marienstras, *La résistance indienne aux États-Unis*, Paris: Gallimard, 2014 [1980].

Democracy relies on colonization. Besides the colonial and national incentives behind the founding of the American Nation-State, the establishment and expansion of the early American republic was a function of Native American agency, that is to say Indian initiatives - mainly of adaptation to settler colonialism, resilience and resistance. Indian presence and actions were an “obstacle” the American republic had to deal with from the start. While territorial expansion depended on constant negotiation and often violent physical interactions between colonists and indigenous populations, the ideological process of self-definition and continental appropriation of the United States implied the othering of Native American cultures, a phenomenon that legitimized Euro-American occupation of American soil and highlighted the incompatibility of Indians with the rising democracy at the same time. As American Republican Democracy was perceived as natural, providential, and a synonym to human progress and civilization, it came as “self-evident” that Indians had to be neutralized, whether through annihilation, removal or forced assimilation. In the meantime, as they were imposed intercultural interactions, Indian populations had to adapt to this ever-growing colonial sphere that legitimized the appropriation of land first because of culture, then because of race. This led to more-or-less conscious cultural transformations among Native nations that underwent acculturation, mostly through trade. The evolutions of social and political organizations of these nations helped maintain integrity and self-determination - in one word: sovereignty -. In the process, Native Americans came to apprehend their own Indianness and shaped it repeatedly in order to resist American expansion while trying as hard as possible to keep the essence of their identity on the lands on which tribal cohesion had always depended. As he took office in 1828, Andrew Jackson was confronted to a striking reality: the Indian nations his anti-Indian policy targeted defied the colonial dichotomy between “civilization” and “savagism” that justified the inferiority of indigenous populations. Despite the treaties signed before the War of 1812 and the cessions imposed by the Treaty of Fort Jackson in 1814 in the *Deep South*, the southeastern nations (namely the Choctaws, Chickasaws, Creeks and Cherokees) still owned important tracts of land and constituted an obstacle to the expansion of the Slave South. Most importantly, as they had to resist the land-greedy settlers of Georgia and South Carolina, that had been promised the extinction of Indian sovereignty by Thomas Jefferson as early as 1802 (Compact of 1802), these Indian nations had strategically reshaped their own Indianness. Thus, under the influence of a mixed-blood political and economic elite that had emerged within the nations during the colonial era, these nations had transformed their cultural and political organizations to fit in the developing American Republic. In building “civilized” agricultural and slave societies in the South-East, and establishing constitutional republican governments, the leaders of these nations

had managed to use acculturation as a means to resist American expansion using the cultural and legal tenets of American Democracy. That was indeed Jackson's big "problem". In this paper, I will first study the way Jackson used the growth of the anti-Indian feeling and the rise of pseudo-scientific racism, nationalism, and imperialism in the 1820s as a rationale for his southern-oriented plan of Indian deportation. I will then examine the strategies of resistance developed by the southeastern nations in this context of radicalization in the South, and the populist and authoritarian distortions of the democratic ideology Jackson operated to achieve the complete subjugation of Indians east of the Mississippi River.

I- Indianness and democracy: incompatibility reaffirmed in the 1820s

From 1824 to 1848, Federal Indian policies targeted more specifically the southeastern Indian nations - the so-called "Five Civilized Tribes". On the one hand, most of Indian populations in the Old North-West had been annihilated under Jefferson's presidency. On the other hand, the southeastern nations still occupied important territories that overlapped the territories of the new states founded after the War of 1812 (Mississippi in 1817, and Alabama in 1819 for instance). Most importantly, these nations had been involved in the conflict with Great Britain, that had turned into an Indian civil war in the South because of the Red Stick rebellion that had eventually been destroyed by Jackson's troops and their Indian allies. In the South, Indians came to be seen as enemies from within, populations that represented a danger to the Union and a constant threat to the populations of settlers that had established in the backcountry. The years that followed the victory over the British marked the renewal of American nationalism and the emergence of a strong expansionist momentum in the South-East. Jackson, who had become a national hero for his actions during the war, launched a military campaign to secure the Frontier and guarantee the protection of southern settlers that, according to him, had been abandoned by the Federal government. His bold actions, the most daring of which was the invasion and imposition of martial law in Spanish Florida in 1818 to "strike the wolf in his den" - as he wrote to John Calhoun in 1817 referring to rebel Indians that had taken refuge among the Seminoles of Florida - galvanized southern settlers who were growing impatient to see the federal government act and remove the Indian "hindrance" to the irresistible expansion of "civilization" over the "wilderness". In the meantime, the growing white population in the westernmost territories that enjoyed recent universal suffrage, the economic weight of these regions due to the boom of the King Cotton, and the presence of

influential southern political figures such as John Calhoun in the federal executive eventually made “Frontier issues” national issues.

The emergence of the “Indian problem” must be studied through the lens of the growing racialization of American society in the 1820s. As Charles Caldwell and Samuel George Morton theorized racial polygenesis, the rise of pseudo-scientific racism provided southern settlers with the perfect justification for racial segregation and the extinction of Indian sovereignty. Meanwhile, southern politicians led by Jackson’s rising national aura demanded quick actions be taken by the Federal government. Jackson, who had always advocated for the end of treaty-making diplomacy, found an outstanding echo in those impatient populations. What is more, to him, Indians were to be subjects of the republic, and Indian nations - that had been considered as independent sovereign nations so far - had to be denied their right to self-determination.

In the wake of pseudo-scientific racism, the thesis of the “vanishing Indian” also developed and gained popular appeal. Not only did their “racial and physical difference” prevented the Indians from enjoying the “blessings of civilization” (defined at the time by Christianity, individual property, and the extensive exploitation of land), their incompatibility with democracy and progress also caused their “degradation”. This would undeniably lead to their extinction. “They have [...] ceased to be an object of terror, and have become that of commiseration”, Calhoun affirmed in his report on the system of Indian Trade in 1818, pointing out their dependence and submission to white civilization and trade. This pathetic vision of contemporary Indian populations living east of the Mississippi pervaded American society as a whole. Politicians, including Jackson’s Whig opponent Henry Clay, affirmed that progress was impossible for Indians to achieve because of their race. French observer Alexis de Tocqueville mentioned the “remnants of indigenous populations” he encountered. Literary figures and intellectuals also developed the idea that the Indians were about to disappear. James Fenimore Cooper’s *The Last of the Mohicans* - one of Jackson’s bedside readings - was published in 1826. Politically, if the thesis of “degradation” pushed some activists and social reformers to question the federal Indian policy, it mostly reinforced the idea that Indians living east of the Mississippi had to be removed farther west. The project of relocating Eastern Indians to the regions described at the time as the “Great American Desert” by Stephen H. Long was not new. Jefferson, after the Louisiana Purchase in 1803, had already envisioned Indian removal as an alternative to assimilation: “They will in time either incorporate with us as citizens of the US or remove beyond the Mississippi”, he wrote in a letter to William Henry Harrison. Still, incitement to remove the Indians increased in the 1820s. Interestingly, the alleged

“degradation” of Indians added a supposedly humanist tone to the project of deportation. Advocates of the new *colonization* such as Jedediah Morse and Isaac McCoy insisted on the fact that relocation was supposed to avoid the extermination of Indians and “promote their welfare, happiness and future progress”. The American Colonization Society founded in 1816, that created Liberia in 1821 to relocate Free Blacks to Africa with the same arguments, campaigned actively in favor of this policy of dispossession that ended up being perceived by a majority as a benevolent one². Quite logically, Andrew Jackson embraced the removal project completely. He made it the centerpiece of his presidential platform in 1828 and Indian Removal remains his most outstanding “legacy”. In affirming that removal would “enable [Indians] to pursue happiness in their own way”, “retard their decay” and allow them “to cast off their savage habits and become an interesting, civilized and Christian community”, Jackson strategically used the philanthropic argument developed at the time, hypocritically associated deportation with democratic ideals of opportunity and happiness and opened the way to the capitalist interests of the Slave South in one fell swoop. Strikingly enough, in opposition to his predecessors (including John Quincy Adams), Jackson insisted on the fact that removal should be forced upon the Indians. Using authority - if not “tyranny” - to implement the deportation of Eastern Indians despite considerable opposition in Congress but also in civil society, Jackson adamantly reaffirmed Indian incompatibility with civilized democracy and called for strong actions in the name of the legitimate “good people” of the republic. Relying on racist arguments coated with benevolence, Jackson strategically ignored the cultural transformations undergone by the southeastern nations. The latter were not the “few savage hunters” that he described in his message to Congress in December 1830. Activists, missionaries, and opponents to removal pointed out a completely different reality to prevent forced deportation. In 1829, the Cherokees themselves affirmed they had “unexpectedly become civilized”. Jackson knew it too well. It was an argument he was not willing to consider.

II- Transforming Indianness to survive: acculturation as resistance

At the beginning of the 19th century, the southeastern nations constituted an exception in the North American Native landscape. Ever since the colonial era, these descendants of the formerly powerful mound-building Mississippian civilization had seen their culture evolve due

² Nicholas Guyatt, ““The Outskirts of Our Happiness”: Race and the Lure of Colonization in the Early Republic”, *The Journal of American History* 95, n° 4 (2009): 986-1011.

to the intense diplomatic and commercial interactions they had engaged in with British, French and Spanish colonists on a particularly volatile contact zone³. As the agricultural character of these sedentary matrilinear societies allowed for the establishment of trading posts and development of extensive trade, the integration of white merchants within the indigenous populations led to the appearance of a mixed-blood elite that, at the end of the 18th century, took over economic and political control of the nations and favored outstanding acculturation, from the integration of European goods and tools to the adoption of Black slavery. That cultural specificity favored their participation as agents in the construction of the South-East and delayed, to some extent, the loss of land and sovereignty for a while. Also, the southeastern nations that, in opposition to northeastern nations, chose accommodation to survive the colonial invasion, were particularly receptive to the Civilization Program implemented by Jefferson who planned to make Indians farmers of the agrarian republic. Access to individual property would lead the Indians to abandon the large hunting grounds they still owned; assimilation would make the Indian obstacle “vanish”. Philosophically, the Federal government would avoid extermination; technically, the American Republic would expand. As far as the Indian populations were concerned, agricultural development, the integration into the southern market economy and the success of what federal authorities considered as evidence of a civilizing process, allowed for a limitation of colonial invasion on their lands.

Yet, the consequences of the Creek War, the emergence of the anti-Indian ideology and the growing pressure exerted on them by backcountry settlers in the 1820s pushed the southeastern nations to reconsider their strategies of resistance. Still under the influence of the mixed-blood elite that favored acculturation, as they went from an oral tradition to a written tradition (especially among the Cherokees where Sequoyah had invented an alphabet), the nations developed what I contend to be a form of “strategic mimesis”⁴. Reinforced acculturation - characterized by ideological connections with the colonial South through the development of the Peculiar Institution and the industrialization of agriculture for instance - was supposed to counter the idea that Indians were not compatible with civilization and delay the attacks Indian sovereignty constantly underwent. Cherokee chief John Ross affirmed in 1822 that “when the Indians are seen themselves to manifest the will to reach the blessings and happiness derived of civilized life” he could not “believe that the United States would continue [...] to effect the

³ Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848*, New York: Oxford University Press, 2007, p.28.

⁴ William G. McLoughlin refers to this period as “Cherokee Renaissance”. William G. McLoughlin, *Cherokee Renaissance in the New Republic*, Princeton: Princeton University Press, 1986.

purpose of removing nation after nation of them from the lands of their fathers”. On the surface, Indian leaders aimed at satisfying the federal will to see the Indians assimilate and “disappear” in showing evidence of a cultural and moral ability to adapt while responding, in depth, to tribal and national objectives to preserve territorial sovereignty. The state-like entities developed by the nations in the South-East, framed by laws and constitutions (especially in the case of the Cherokees, that drafted a constitution in 1827) that defined Indian territory in the law, allowed Indian nations to resist expansion using Euro-American legal language and tools that could have left no choice to the Federal and local states but to acknowledge Indian legitimacy. Indianness was reshaped so that tribal integrity could be maintained using the very tenets of then-developing American Democracy. On March 4, 1829, an address intitled “To the Cherokee People” in the *Cherokee Phoenix*, first Native American newspaper to be published written both in English and Cherokee language, stated: “We have noticed the ancient ground of complaint founded on the ignorance of our ancestors and their fondness of the chase, and for the purposes of agriculture as having in possession too much land for their numbers. What is the language of objection at this time? The case is reversed, and we are now assaulted with menaces of expulsion because we have unexpectedly become civilized. We have formed and organized a constitutional government”. As if to contradict an American society that believed they were doomed to extinction, the southeastern nations surprised the Federal government with the establishment of a state-making apparatus. It allowed them to assert their legitimacy to occupy their territory to the Supreme Court as a nation against the State of Georgia that had imposed its jurisdiction on the Cherokee nation independently from the Federal government in 1828. In 1832, the Supreme Court led by Chief Justice Marshall made a ruling of the *Worcester v. Georgia* case. It stated that states did not have the right to impose regulations on Native American land. President Jackson refused to enforce the ruling. “Let him enforce it!” he is said to have declared, keeping up with the populist and constitutionally ambiguous political attitude that had him elected president with more than 90% of popular vote in Georgia and Tennessee.

III- Distorting democracy: populism in power

From the early 1820s, as he rose to the status of national political figure, first as governor of Florida where he forced the Seminoles onto a reservation with the treaty of Moultrie Creek in 1823, then as the unlucky presidential candidate of 1824, Jackson understood his anti-Indian rhetoric and defense of slavery appealed to the settlers of the Frontier. He knew the progressive democratization of the backcountry would favor the political emergence of the Frontier states

and he aimed at becoming their ideological representative. Jackson made his own the growing sectionalism of the Slave South that rested upon the idea that the Federal government did not accompany local initiatives of popular expansionism against Indian sovereignty. As he claimed to represent the “common people” he described as “the planter, the farmer, the mechanic and the plowman” who “love liberty and desire nothing else but equal rights” against established and corrupt National Republican elites in Washington, Jackson developed a populist discourse⁵. He appropriated the Jeffersonian democratic ideology that favored states’ rights in the fight against Indian sovereignty. In the name of the “common man”, of republican virtue and patriotism, he legitimized what Matthew Karp recently referred to as a “vast southern empire” that relied on slavery and served purely capitalist interests at the time of the “market revolution”⁶. It also justified the invasion of Indian lands by southern settlers, emboldened by Jackson’s repeated constitutional infringements like in Florida. From 1827 to 1833, Georgia, Tennessee, Alabama and Mississippi unilaterally decided to impose their jurisdictions on Indian nations and settlers started to invade Indian territories systematically. That was Jacksonian ideology at work.

On May 28, 1830, the Indian Removal Act was voted in Congress, implementing the forced relocation of all eastern Indian populations to present-day Oklahoma. It would be wrong to underestimate the opposition to the deportation of Indians. While Native American leaders multiplied diplomatic visits to Washington to appeal this radical decision, intellectuals, missionaries, abolitionists, and feminist activists including Catharine Beecher, Jeremiah Evarts and Samuel Worcester campaigned in favor of the Indians. The Whigs somehow opposed Indian Removal, mostly to condemn what they considered to be “tyranny”. “Will the American government steal? Will it lie? Will it kill?”, Emerson exclaimed at the time. After all, the vote in Congress was close (101 for, 97 against). Historian Claudio Saunt has recently contended that removal could have been avoided if it had not been for Jackson’s autocratic power⁷.

Still, Eastern Indians were given an impossible choice: they could keep their sovereignty, but they could not keep their land. As death was coming to Indian lands, many Indian leaders decided to voluntarily leave. They accepted to sign federal treaties in the 1830s and endured removal as a means of maintaining the tribal nations. Those who resisted were eventually put

⁵ Harry L. Watson, “Andrew Jackson’s Populism”, *Tennessee Historical Quarterly* 76, n°3 (2017): 218-239.

⁶ Matthew Karp, *The Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy*, Cambridge: Harvard University Press, 2016.

⁷ Claudio Saunt, *“Unworthy Republic”: The Dispossession of Native Americans and the Road to Indian Territory*, New York: WW Norton, 2020.

in camps and deported to the West by the US army. The sadly famous *Trail of Tears*, that took place from 1838 and was implemented by Jackson's ideological heir, Martin Van Buren, caused the death of at least 4,000 Cherokees. Women, men and children had to undergo deportation on foot through nine states to reach allocated lands in Indian Territory. They faced cold, starvation and diseases. Some babies were even killed by members of the army for they were a "burden" that slowed down migration. We usually mention the deportation of the so-called "Five Civilized Tribes", but one needs to remember that the whole of eastern Indian populations suffered the same uprooting. From the Black Hawk War in 1832 to the Second War with the Seminoles (1835-1842) stem the respective exiles of the Sauk and Fox and the Seminoles. About 80,000 people were removed from their homes in what may be considered as one of the first mass deportations in the modern world. Some even argue that the conditions in which Indians were deported make removal a case of actual genocide. As they were forcibly removed, the southeastern nations, that were considered as "domestic dependent nations" since the Supreme Court decision of 1831 in the *Georgia v. Cherokee Nation* legal case, had to reinvent new forms of sovereignty in the Great Plains, on the lands allocated by the State that actually belonged to Plains Indians. While trying to rebuild national unity in Indian Territory, the deported nations became "civilized" and slave-owning agents of the construction of a disputed West, at a time when Manifest Destiny pushed American settlers to rush to the Pacific.