THE STORY OF THE INDIAN—U.S. Government relations is perhaps unique in the history of the world. In most cases of imperialist expansion, the expanding country entered new territory, conquered the citizens there, made slaves of them, and adapted them into society, one way or another. The action was brutal but swift. The effect was devastating, but both societies were able to readjust more quickly and get on with the new lifestyles necessary for everyone.

SOVEREIGNTY OF INDIAN NATIONS. In North America, particularly in the United States, things were not handled in the traditional way. The United States Government claims never to have conquered the Native Americans. Instead, each tribe was recognized as a separate and sovereign nation living within the boundaries of the United States. Indian
nations elected their own officials and made their own laws within the borders of their own lands — but the United States Government reserved the right to make all final decisions concerning what to do with Indian land.

Actually, by the very nature of the situation, opposing governments must find it difficult, if not impossible, to coexist on one piece of land. However, Christian ethics discourages making war against another nation simply for the purpose of securing land, so the Doctrine of Discovery was formulated.

**DOCTRINE OF DISCOVERY.** The Doctrine of Discovery gave ownership of land in the New World to the government of the explorer who made the discovery. Since the discovering country was not at war with the native people, their position had to be defined. The doctrine made the Indians the “rightful occupant” of the land, while giving legal ownership to the European governments. Therefore, the rights of the Indians to the use of the land had to be purchased or otherwise legally obtained. These rights could not simply be violated.

The most common legal document dealing with tribal lands was the treaty. Between 1778 and 1871 the U.S. Government negotiated more than 400 treaties with Indian tribes, called “nations” in those documents. Because of the Americans’ belief in the Doctrine of Discovery, all the agreements made between the government and the Indian tribes contained four specific policies.

1. The government acknowledged Indian rights to occupy and use tribal lands.
2. The government offered to protect the Indians and their rights.
3. The government agreed to provide services in exchange for tribal lands.
4. The government precluded (prevented) anyone other than itself from disposing of, or otherwise altering the status of, tribal lands.

The Doctrine of Discovery had two main effects on Indian-U.S. Government relations:

1. It prevented the United States from trying to conquer the Indians.
2. Indian tribes were recognized as sovereign nations.

Therefore, the government was placed in the position of having to
claim to be protectorate over the tribal lands — “holding Indian lands in ‘trust’ for the day when the tribes would be strong enough to defend their legal title.” Furthermore, when the government made a land treaty with a tribe, those things previously obtained by the Indians from the land had to be provided. The government agreed to provide them.

**PROPERTY OWNERSHIP.** In the beginning of their relationship, Europeans believed that there was enough land in the New World to satisfy the needs of both societies. The Indians, disposed at first to getting along with the newcomers, were willing to share. As more and more Europeans poured onto the eastern coast, however, more and more land was needed.

The earliest land transactions between the colonists and the Indians led to misgivings and mistrust on both sides. That was because their ideas concerning property ownership were so different. The Europeans, particularly from England, regarded individual land ownership as the ultimate goal, a sign of success. In England, a person’s importance in the community was based on how much property he owned.

On the other hand, the Indians regarded individual land ownership as impossible. The Great Spirit had made the land and provided it for use. In their philosophy, land was as necessary to survival as food and shelter. They used the land for hunting, fishing and farming, but it belonged to the Great Spirit, who had given it to the tribe to use. They used it collectively, and no individual could own land.

When colonists bought tribal lands, they meant to buy it on a permanent basis. When Indians sold land, they were only selling the rights to use it for a limited period of time, as in renting. Therefore, when the Indians saw the colonists making permanent settlements and drastic changes in the land, they felt cheated and threatened. When the Indians objected to the uses made of land purchased by colonists, the settlers also felt cheated and threatened.

**OTHER CULTURAL DIFFERENCES.** Other cultural differences enhanced the mistrust and the misunderstanding between the two groups of people. Colonists believed that personal acquisition of property showed a strength of character marked by industry and hard work. The individual accumulation of wealth was desirable as a mark of success.

Tribal philosophy emphasized interdependence. What belonged to one member of the tribe belonged to another, and everything was for the
Early Cherokee Indian life is re-enacted in Tahlequah at Tsa-la-gi Historic Center.

Colonial Christianity emphasized independence and self-sufficiency, making an extended family important only as an emotional tie or as a responsibility in the case of a disabled relative. Festive occasions were enjoyed but considered frivolous if enjoyed too long. They were thought irresponsible if enjoyed during times that certain work was to be performed, such as during planting or harvesting time.

Colonists believed that hard physical labor was the sign of a worthy person and that agriculture kept man close to God. Therefore, while a few other necessary occupations were practiced, most colonists were farmers. The main work was handled by the father, who also directed the rest of the family members in their work. He saw to it that no one displayed tendencies of laziness.

In the tribal community, farm work was women’s work. Men were recognized for their abilities as hunters and warriors or for their leadership in tribal councils. Manual labor was for women, not warriors, and farm work in particular was demeaning to an Indian male.

The traditional Indian sought to be close to nature by displaying his respect for the land and its creatures. The earth was regarded as the mother of man because it provided for him the animals and other products essential to his life. Hunting societies used only minimal spaces of ground for cultivation because plowing the land was similar to assaulting a mother. Fences, too, were seen as desecration, since the land had been provided for everyone’s mutual benefit.

Colonists sought to be close to God by farming the land He had made good of all. The extended family was important. To provide fellowship with friends and relatives, feast gatherings and religious ceremonies were numerous.
and by watching seed turn to plants, and so on. These were the ways of God and, therefore, should be the ways of man. Fences were put up to protect the land God had made, land which each individual colonist had acquired through his industry and hard work.

Colonists poured into the New World for several reasons. Some had been religiously oppressed. Some had been economically oppressed. Some had been politically oppressed. Some were fulfilling a business agreement. Some were even escaping prison, but all of them had come from a crowded Europe in which shortages of food, shelter, and clothing were directly connected to shortages of land. Private land ownership determined degrees of survival, and a social class system largely determined land ownership.

**CONFLICT OF INTEREST.** When the colonists arrived, approximately 800,000 Indians resided in North America. They had lived for many generations in a land seemingly unlimited in its ability to provide the necessities of life. Consequently, they saw no purpose or need for private land ownership.

These and other cultural differences widened the gulf of misunderstanding between the Native Americans and the white settlers. As the white population grew, the need for land grew. As the need for land grew, hostilities grew on both sides. The Indians regarded the colonists as poachers encroaching on tribal ground, and they began to attack frontier settlements to protect their lands. The colonists, who considered the Indian inferior because of his lack of Christian beliefs, became more solidly convinced of Indian inferiority. Many colonists even began to regard Indians as evil, the children of the devil, and certainly undeserving of the land made by God for His people.

It does seem significant, however, that the attitude of the colonists, and later of the Americans, grew more hostile toward the Indians in direct correlation with white desire for Indian land.

**THE “INDIAN PROBLEM.”** The “Indian Problem” was the white man’s problem of securing the prime agricultural lands, which belonged to the Indians, without violating too harshly his own Christian ethics. In some cases, especially early on, Christianity was made the tool by which to condemn the Indians and to take their land.

According to Arrell M. Gibson, author of *The American Indian* (D.C. Heath, 1980), “Puritans held mixed attitudes about whether or not Indi-
ans were capable of achieving salvation and thus being worthy of Christian attention.” Some settlers came to believe that the only way to teach Indians what they should know about God and the Bible was to isolate them from their way of life.

Thus, in 1638, colonists established a reservation at New Haven for the Quinnipiac tribe, forbidding the tribal members from leaving the reservation or from selling any of the land. Somehow, the white settlers convinced the Indians to cooperate, and several of these tracts of land, called “plantations,” were established. The Indians residing on the Christian plantations were called “praying Indians.” The colonists claimed these reservations were for the good of the Indians, but by the 1670s, the Indians began to see them as a means for stealing tribal lands.

**KING PHILLIP’S WAR.** In 1675, a Wampanoag chief, King Philip, led his people against the Massachusetts settlers. In 1676, King Philip was killed, and his wife and children sold into slavery. “King Phillip's War” was ended. It had cemented white belief that Indians were blood-thirsty savages. Puritan leaders preached that Indians were the devil’s people and that it was the “duty of good Christians to exterminate them.”

**THE QUAKERS.** Only in Pennsylvania were Indians treated with respect and fairness. In 1682, William Penn signed a treaty recognizing Indian ownership of land. The treaty established guidelines for long-term leasing of tribal lands, rather than purchasing land outright. In 1726, however, the Quakers lost control of the government, and the 1682 treaty was abolished. The new government offered a $130 bounty for the scalp of an adult Indian male and $50 for the scalp of an adult Indian female.

**RIGHTS OF CONQUEST.** The American Revolution and the decision of many Indian tribes to ally with the British provided additional
reasons for taking Indian lands. Referring to “reparations of war” (payment for war losses), American militia groups rode west, rounding up Indian groups and confiscating their lands. For a short time, Americans claimed the “rights of conquest,” because the Indians had been defeated along with the British. However, American war funds had been painfully depleted by the Revolution, so further warfare would have been impossible financially. Therefore, when tribes showed signs of agitation over the new developments, the young government scraped together enough money and gifts to pay for confiscated tribal lands, appeasing the natives and avoiding another war.

The U.S. Government returned to the policy previously held by the British Government — that Indians were entitled to occupy their land, but the government actually owned it. In 1787, the Northwest Ordinance included this mollifying (to lessen anger) paragraph:

The utmost faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in the property, rights, and liberty, they never shall be invaded or disturbed unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Early leaders such as George Washington, Thomas Jefferson and Henry Knox believed that the Native Americans would gradually become acculturated, or “Americanized,” and would eventually become a part of American society. However, pressure for land was great. The sentiments of the Northwest Ordinance became nothing more than ink on paper. Government policy toward the Indians from 1787 forward became primarily a continual search for legal means by which to obtain tribal lands. Gibson claims that “land greed became a national madness.”

On the one hand [officials] righteously expostulated the duty of this Christian nation to protect the Indians’ interests. At the same time federal agents on the frontier were directed ‘to permit no opportunity to pass’ to extinguish Indian rights to all the land westward to the Mississippi River.

In other words, just as Christianity had been rationalized to justify taking tribal lands, and even to killing the Indians, the law would be used to
extract tribal lands from Indian ownership and place them into the hands of the new government for western expansion.

**SOLUTIONS TO THE “INDIAN PROBLEM.”** Thomas Jefferson, who did not believe the Indians were inferior people, favored *acculturation* and *assimilation*. Jefferson believed strongly in the *agrarian* society, and he encouraged programs through which the Indians could be convinced to cease being hunters and start being farmers. Education appeared to be the best tool with which to accomplish that goal, and systems were *established* for educating Indian children.

Treaty provisions for educating Indian youth became commonplace, and soon missionary societies became involved in the process. Missionaries moved into tribal regions and *established* schools for the youngsters
and churches for the adults. Since an illiterate person cannot read scripture, education was seen as a valid work of the clergy.

In many cases, missionaries endeared themselves to the tribes with whom they worked, and they frequently appealed to an indifferent public on behalf of the natives. Often, however, Christianity divided a tribe, separating it into two distinct parts, the Christians and the non-Christians, who had nothing to do with each other. Through such divisions tribes were irreparably weakened, and they became easy marks for land-seekers.

A less fair method by which tribal land was obtained was the Federal Factory System. Congress sought to regulate trade and to protect the Indians from unsavory businessmen by requiring licenses to trade with Native Americans. In 1796, the government ordered the construction of factories (trading posts) on the frontier. They were convenient to tribal homelands and operated by government employees. Federal agents had been unsuccessful in their diplomatic attempts to win Indian approval. Government officials hoped that trade would accomplish what agents had been unable to achieve.

The trading system was established with the finest of goals and the fairest of policies. Indian furs were purchased at market price, and in exchange, Indians were sold fine quality manufactured goods at cost. Liquor was not a legal trade item. The problem arose when government officials realized that credit could be used to obtain Indian property. By extending generous credit to the tribes and encouraging them to run up large bills, the government could then persuade those tribes to cede portions of their lands to satisfy debts. Even Thomas Jefferson was guilty of admonishing employees at the trading posts to encourage Indians to use more credit.

REMOVAL. After 1803 and the Louisiana Purchase, Jefferson saw new possibilities for solving the Indian problem. He proposed to exchange land in the West for land in the East and move Indian tribes to new grounds far away from white encroachment. A few Indians had already removed themselves to western lands. As early as 1785, a few Cherokees, dissatisfied with a treaty made with the whites, moved west into present-day Arkansas. In the early 1790s, other groups moved west, no longer able to cope with the unending land hunger of the Americans. The Bowl, a chief of the Chickamauga Cherokees, attacked a group of white traders in 1794. He was exiled to the West with his followers because they had endangered Cherokee-American negotiations, which were being held at the time. Other dissatisfied Cherokees followed. By 1813, one-third
of the Cherokee tribe lived west of the Mississippi River. They became known as the Western Cherokees, and these early Indian colonists later were called the “Old Settlers.”

Thomas Jefferson believed that assimilation of Indians into the Anglo-American world was the ideal solution. Removal was the answer for those Indians who were unable to handle living the white man’s way. Soon, however, removal became the hue and cry of the American settlers. Even though many Southeastern tribesmen were living like their white neighbors, speaking English, wearing European-styled clothing, building beautiful frame and brick homes, and even owning slaves and competing in the business world, white settlers were not satisfied. They wanted the Indians removed from their sight. Not only had Southern Indians assimilated, but they had done it successfully – too successfully.

**ALLOTMENT.** Allotment was suggested as an alternative to removal. “Allotment in severalty” is the division of tribal lands into specific-sized homesteads (usually 80 to 160 acres) with one family per allotment. This was suggested because it would free large tracts of tribal lands, which the government could open for white settlement. It would also complete the conversion of tribes from common ownership of land to individual ownership. Secretary of War Henry Knox had once suggested it as a method of “civilizing” the Indians.

After removal became the popular cry, Secretary of War William H. Crawford in 1816 proposed the allotment alternative to removal. He believed this would satisfy those Indians most stubbornly opposed to removal and free the others, those who could not adjust to non-tribal living, to move in a group. Frontiersmen and their Congressmen rejected allotment. They would only be satisfied with complete removal of the Indians to the West.

**PUBLIC DEMANDS AND ACTIONS.** The War of 1812 had played a big part in creating pioneer attitudes. Some Indian tribes, again allied with the British, had committed treason in the eyes of many Americans. They demanded that the government punish all Indians, and they considered tribal removal and government confiscation of tribal lands a just punishment. This was despite the fact that Cherokees, Choctaws, Chickasaws, and many Creeks remained loyal to the U.S. Government. They had fought under General Andrew Jackson not only against the British but against Creek warriors of the Red Sticks, who attacked white settlers
in an attempt to drive whites from Indian Country.

Indian leaders could not understand white attitudes on the southern frontier. Indian civilization, now accomplished, was regarded by whites as a threat. The settlers were envious and antagonistic toward successful Indian neighbors.

Furthermore, whites had the power to vote and Indians did not. Whites began to elect public officials who were willing to concentrate their efforts on removing the Indian from eastern soil. The election of Andrew Jackson as President in 1828 had a profound effect on Indian removal. Jackson, a frontiersman himself, was dedicated to Indian removal.

Many Southern states began to pass oppressive laws which restricted the powers of tribal governments. Indian leaders went to Washington to plead for the federal protection they had been promised. Federal officials, intimidated by pioneer delegations who were demanding Indian removal, did nothing.

In 1832, Chief Justice John Marshall of the U.S. Supreme Court declared that legislative actions restricting tribal functions were unconstitutional. Elated, tribesmen petitioned the President to act upon the decision and grant them protection. Jackson responded that he was “powerless in the matter,” and that the only hope for the Indians was “to accept their fate and move to the West.”

Jackson’s refusal to comply with his constitutional duty was the final blow for many of the Southern Indians who had vigorously fought removal. New treaties were signed, and the Five Civilized Tribes began to move west.

**DISCUSSION QUESTIONS**

1. How did the government officials justify confiscating Indian lands?
2. How did the purchase of the Louisiana Territory affect the problem of taking Indian lands?
3. How did the old European “doctrine of discovery” influence government and Indian relationships?
4. How did whites and Indians view one another?
5. What three ways did governmental policies encourage acculturation and assimilation of Indians?
6. How did the War of 1812 intensify the problems between the Indian and the white man?