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Ministry of Higher Education and Scientific Research
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Dissertation submitted in partial fulfilment of the requirement for the Master's
Degree in the field of English Language and Literature

Major: Literature and Civilisation

The Removal Act and Ethnic Cleansing of The Indigenous

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Academic Year: 2021/2022



Dedication

*We would like to dedicate this work
to our cherished parents, our brothers, sisters and our Friends.*

Charaf Eddine & Ismail



Acknowledgement

First and foremost, We thank Almighty Allah, my Creator, for providing us with the finest that life has to offer and for showering His grace on us along our journey to complete this work.

*We would like to express my appreciation to **Dr. CHEIKH Abderrahim** for his naturally guided, deep understanding, and unconditional support.*

Special thanks go to our parents, sisters, brothers and classmates for their continuous assistance and motivation.

We would like to thank the jury members for taking the time to evaluate our work.

Our heartfelt thanks to everyone who aided our research indirectly through their prayers.

Thank you all.



Abstract

After the colonies revolted against Britain, United States President George Washington and Henry Knox conceived the idea of “modernizing” Native Americans in preparation for their assimilation as citizens of the United States. Assimilation (both voluntary, as with Choctaw, Assimilation has become forced). During the 19th century, the ideology that American settlers were destined to spread throughout the continent became an integral part of the American National movement. The expansion of the European American peoples to the West after the American Revolution increased pressure on the Native American lands, as well as intergroup warfare, and heightened tensions in 1830, after the U.S. Congress passed the Removal Act, which allowed the government to displace Native Americans from their homes and relocate them to the states which established lands west of the Mississippi River, in order to accommodate European-American expansion. This led to the genocide or near genocide of many tribes, by brutal methods, until it was called the path of tears.

Keywords: George Washington, Henry Knox, Modernizing, Native Americans, Assimilation, Removal Act, The path of Tears .

ملخص

بعد أن ثارت المستعمرات ضد بريطانيا ، تصور رئيس الولايات المتحدة جورج واشنطن وهنري نوكس فكرة "تحديث" الأمريكيين الأصليين استعدادا لاستيعابهم كمواطنين في الولايات المتحدة. الاستيعاب (كلاهما طوعي ، كما هو الحال مع الشوكتو ، أصبح الاستيعاب قسريا). خلال القرن 19 ، أصبحت الأيديولوجية التي كان من المقرر أن ينتشر المستوطنون الأمريكيون في جميع أنحاء القارة جزءا لا يتجزأ من الحركة الوطنية الأمريكية. أدى توسع الشعوب الأوروبية الأمريكية إلى الغرب بعد الثورة الأمريكية إلى زيادة الضغط على أراضي الأمريكيين الأصليين ، وكذلك الحرب بين المجموعات ، وتصاعد التوترات في عام 1830 ، بعد الولايات المتحدة. أقر الكونجرس قانون الإزالة ، الذي سمح للحكومة بتهجير الأمريكيين الأصليين من منازلهم ونقلهم إلى الولايات التي أقامت أراضي غرب نهر الميسيسيبي ، من أجل استيعاب التوسع الأوروبي الأمريكي. أدى ذلك إلى الإبادة الجماعية أو شبه الإبادة الجماعية للعديد من القبائل ، بأساليب وحشية ، حتى أطلق عليها طريق الدموع .

كلمات مفتاحية: جورج واشنطن ، هنري نوكس ، تحديث ، الهنود الحمر ، الاستيعاب ، قانون الإزالة ، طريق الدموع .

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Introduction

Native American history was extremely tragic. The number of Native Americans living in America at the time of European colonization is estimated to be between 10 and 90 million. At least 15,000 years ago, the ancestors of living Native Americans arrived in what is now the United States via Beringia. They had made their way slowly across the country, into Mexico, and beyond. Christopher Columbus the term « Indian » after believing he had arrived in the Indies. These tribes had evolved their own cultures for many years before the arrival of the first European settlers. The population of Native Americans north of the Rio Grande was nearly to be at 10 million. There were approximately 600,000 Native Americans in 1800, and less than 250,000 in 1900. As part of its settler colonization policy, the United States conducts wars and massacres against various Native American people, displacing them from their ancestral territories.

Native Americans were considered semi-independent countries when the United States was formed. The federal government only concluded treaties with other countries until 1871. The Indian Appropriations Act ended the acknowledgment of indigenous peoples as self-governing. Many Native American reservations are exempt from state law, therefore tribal members' conduct are governed by federal law. The US government's strategy was to avoid alienating Native Americans unnecessarily, but where tribes' desires or whims clashed with those of non-Indians, whites were to take precedence. Europeans began to intrude on land that had been held by Native Americans for millennia as the frontier expanded westward.

In 1824, the Bureau of Indian Affairs was founded to maintain peace and amicable relations along the boundary. In the early 1830s, about 125,000 Native Americans landed on millions of acres of ancestral territory. Indians are persuaded by the

federal government to quit their ancestral grounds and walk hundreds of miles to « Indian territory. »

Native Americans were seen as Savage, inferiors, and foreigners by white Americans. The only way to solve the « Indian dilemma, » according to George Washington, was to « civilize » the Native Americans. These practices were adopted by many Choctaw, Chickasaw, and Seminole, Creek, and Cherokee people. However, this did not solve the Indian issue, and land in Georgia, Alabama, North Carolina, Florida, and Tennessee became extremely valuable. By encroaching on Native American lands, state governments threatened to limit their autonomy and interests. Indian policies in the United States alternated between acculturation and expulsions. (Andrew Jackson et al).

The objective of study

This study is a historical and analytical investigation of the United States' program of colonization in America, which affected the lives of the Indian peoples. The goal of this research is to demonstrate and examine the instruments utilized by the US government to take over the Indian Territory. It also seeks to demonstrate how the government used deception to deceive the public. The Native Americans It will also highlight the impact of this policy on the lives and cultures of the people American Indians.

Motivation

The motivation for studying the topic at hand is to help raise awareness of the United States' policies that nearly resulted in the elimination of Indians. It also strives to raise awareness about the extinction of native cultures and nations.

Research questions

Our research aims at the removal act and its factors.

Who opposed the Indian Removal Act and why ?

What was the real reason for the Indian Removal act ?

What were the consequences of the Indian Removal Act of 1830 ?

What were the consequences of the Trail of Tears ?

The hypothesis

Hypotheses are formulated to answer the research questions:

President Andrew Jackson signed and passed the Indian Removal Act of 1830. Native American tribes might be forcibly moved from land they had originally claimed west of the Mississippi River under this act. The purpose of this violent elimination was to make it easier for Americans to push westward. Manifest Destiny proponents stated that Native Americans were preventing them from moving westward. In the years leading up to the Indian Removal Act's passage.

Methodology

This study will be based on some historians writings such as Gary Clayton Anderson in his *Ethnic Cleansing and the Indian :The Crime that should haunt (2014)* , Moreover the study will rely on Carson James's *Ethnic Cleansing and the Trail of Tears: Cherokee Pasts, Places, and Identities (2017)*. Additionally, The study will rely on certain published materials such as(Articles, documentary videos, electronic books, and internet).

Our work will hence be divided into three chapters

Chapter One

Will provide an overview of the early events that occurred before and after the discovery of the New World by Columbus.

Chapter Two

Will include a comprehensive contextualization of the various presidential periods that preceded America's independence.

Chapter Three

Will focus on the concept of paternalism and how the U.S. used it as an excuse to manipulate Native Americans, resulting in perpetual Indian dependence.



**CHAPTER-I. The Discovery of the New World
by Christopher Columbus**

Introduction

The process through which European settlers colonized North, Central, and South America, as well as the Caribbean islands, was known as European colonization of the Americas. It is also acknowledged as a direct cause of the replacement and, in some cases, eradication of indigenous peoples' cultures in certain places.

Christopher Columbus (1451-1506), an Italian explorer, found the Americas by accident. Between 1492 and 1504, his journeys to the West Indies, Central and South America, and other Caribbean islands are credited for opening the so-called New World to European concerns. Columbus was looking for a new marine route to Asia after the Ottoman Empire closed the overland trade routes (known as the Silk Road) in 1453. The so-called Age of Discovery began with this event. Columbus' voyage to Spain allowed Spanish colonists to settle in the land he had explored, opening the stage for the Spanish Conquest of Central and South America in the 16th century.

I.1. Early Life

In 1451, Christopher Columbus was born in Genoa, which is now part of modern-day Italy. Domenico Colombo and Susanna Fontanarossa were his parents' names. Bartholomew, Giovanni, and Giacomo were his three brothers, and Bianchinetta was his sister. Christopher learned map making and sailing while working as an apprentice at his father's wool weaving business. He finally left his father's company to join the Genoese fleet and sail the Mediterranean. He elected to stay with his younger brother Bartholomew after one of his ships sank off the coast of Portugal, where he worked as a cartographer (mapmaker) and bookseller. Furthermore, he married DOA Felipa Perestrello e Moniz and had two sons, Diego and Fernando, while he was there.

Polo's famous book, which encouraged Christopher Columbus to travel, was in his possession. In the mid-fifteenth century, Portugal was desperately trying to find a faster trade route to Asia. Spices, ivory, silk, and diamonds were in high demand, among other exotic items. Europeans, on the other hand, had to travel through the Middle East to get to Asia. At the time, Muslim countries imposed high fees on European travelers traveling through. As a result, traveling to Asia was difficult and costly. Other sailors had assured me that going west would get me to Asia. Christopher Columbus was inspired to embark on his own revolutionary mission after hearing this. First and foremost, he needed ships and supplies, which required the investment of funds that he lacked. He approached King John of Portugal, who declined him. He then proceeded to England's and France's kings. Each declined his request for funding. After seven years of trying, he was finally sponsored by King Ferdinand and Queen Isabella of Spain.(Fleming 30).

I.2. Voyages

I.2.1. Principal voyages

In August 1492, Columbus set sail with 87 men on three ships: the *Nia*, *Pinta*, and *Santa Mara*. The *Santa Mara* was led by Columbus, while the *Nia* and *Pinta* were led by Vicente Yanez Pinzon and Martin Pinzon, respectively. This was the first of four outings he had planned. He traveled across the Atlantic Ocean from Spain to the west. On the 12th of October, land was discovered. He named the first island he visited San Salvador, but the locals referred to it as Guanahani. Columbus mistakenly believed he was in Asia, while he was actually in the Caribbean. He also stated that Cuba belonged to China. Because he assumed he was in the Indies, he called the natives "Indians." He detailed the landscape and his contacts with the natives in his letters to Spain. He continued his journey through the Caribbean, naming numerous of the islands he encountered after his ship, king, and

queen: La Isla de Santa Mara de Concepción, Fernandina, and Isabella. It's difficult to say which islands Columbus visited throughout his journey. On the other hand, his depictions of native peoples, topography, and plant life provide some insight. We know he came to a halt in modern-day Haiti. Hispaniola was the name he gave to the island. Both Haiti and the Dominican Republic are now part of Hispaniola. Columbus returned to Europe in January 1493 to report on his discoveries. He was forced to land in Portugal due to severe waves, which was a devastating experience for Columbus. Because of the tense relations between Spain and Portugal at the time, Ferdinand and Isabella accused Columbus of smuggling vital information or products to Portugal, where he had spent several years. Those who disliked Columbus would subsequently use this as an excuse to attack him. Columbus was eventually allowed to return to Spain, taking tobacco, turkey, and exotic spices with him. He also brought with him some natives from the islands, whom Queen Isabella adored.

I.2.2. Subsequent voyages

Columbus made three additional voyages to this area. In 1493, he embarked on a second expedition with a big fleet, with the goal of conquering native inhabitants and establishing colonies. The indigenous assaulted and killed the Europeans who remained at Fort Navidad at one time. Many locals were enslaved by the colonists over time, with some being sent to Europe and others being used to mine gold for the Spanish settlers in the Caribbean. The purpose of the third expedition was to see more of the islands as well as mainland South America. Columbus was designated governor of Hispaniola, but the colonists, dissatisfied with Columbus' leadership, petitioned Spain's monarchs, who sent Francisco de Bobadilla as a replacement. Before being transported to Spain, Columbus was kidnapped and imprisoned on a ship. On his fourth and final expedition west, in 1502,

Columbus' goal was to find the « Strait of Malacca » in order to find India. However, an unlucky journey was made by a hurricane, followed by being denied access to Hispaniola and then another storm. His ship was so badly damaged that he and his men were stranded on the island of Jamaica for two years before getting help from Hispaniola. In 1504 Columbus and his men were returned to Spain.(McGovern88).

1.3. The indigenous

The Indigenous peoples of the Americas are the people who lived in the Americas before European settlers arrived in the 15th century, as well as the ethnic groups who presently identify with them. Despite the fact that certain Indigenous peoples of the Americas were traditionally hunter-gatherers—and many still are, particularly in the Amazon basin—many communities practiced aquaculture and agriculture. Some societies relied solely on agriculture, while others combined farming, hunting, and gathering. Indigenous peoples built monumental architecture, large-scale organized cities, city-states, chiefdoms, states, kingdoms, and empires in several parts of the world. Engineering, architecture, mathematics, astronomy, literature, physics, medicine, planting and irrigation, geology, mining, metallurgy, sculpture, and goldsmith were among the subjects covered by some.

Indigenous peoples still live in many parts of the Americas, including Bolivia, Canada, Ecuador, Guatemala, Mexico, Peru, and the United States. Thousands of Indigenous languages are spoken throughout the Americas. Millions of people speak Quechua, Aymara, Guarana, Mayan languages, and Nahuatl. Many also continue to varying degrees elements of Indigenous traditional practices, such as religion, social organization, and subsistence activities. Like other civilizations, Indigenous peoples'

traditions have evolved over time to incorporate traditional features while also responding to current needs. Because they live in relative isolation from Western society, certain Indigenous peoples are still termed uncontracted peoples. The Indigenous peoples of the Americas are the people who lived in the Americas before European settlers arrived in the 15th century, as well as the ethnic groups who presently identify with them. Despite the fact that certain Indigenous peoples of the Americas were traditionally hunter-gatherers—and many still are, particularly in the Amazon basin—many communities practiced aquaculture and agriculture. Some societies relied solely on agriculture, while others combined farming, hunting, and gathering.

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I.4. After Columbus

I.4.1. The pilgrims

Under Elizabeth, I's reign, the English Parliament passed a number of laws aimed at reforming the Church of England's theology and rituals, which had been established during her father, Henry VIII's reign. However, some Protestants feared that the measures went too far. The Church of England, many Protestants argued, was hopelessly corrupt and incapable of reform. They believed that their only choice was to abandon the church and form new, independent churches. These Puritans, known as « separatists, » left their homeland in 1609 and relocated to Leiden, Holland, where they planned to worship freely without being harassed by church authorities.

Some members of the Leiden church returned to England and set sail for America on the Mayflower on August 5, 1620. Only 44 of the travelers were Pilgrims, or as they were known, « Saints. » The Pilgrims who clung to Plymouth's rough shores were eventually assimilated into the Massachusetts Bay Colony's Puritans. The Puritans, like the Pilgrims, believed that the Church of England required reforming, but instead of leaving it, they chose to stay within it. They came in huge numbers, tens of thousands at a time, forming a flourishing religious community that significantly influenced American notions about religious liberty, the nature of individual spiritual experience, and the concept of Americans as a chosen people. The Pilgrims' legacy is less substantial, but they remain on in historical memory, memorialized by a national festival that honors their thankfulness but overlooks their hardships and final betrayal of their Local tribes. (betlock 51).

I.4.2. The Puritans

The Puritans, like the Pilgrims, were English Protestants who believed that the Church of England's reforms did not go far enough. The ritual, in their opinion, was still excessively Catholic. Bishops lived as if they were princes. Corruption afflicted the ecclesiastical courts. Because the king of England was the head of both the church and the state, the Puritans' hostility to ecclesiastical authority also meant they were defying the state's civil authority.

In 1630, the Puritans embarked for America. Unlike the Pilgrims ten years before, the Puritans did not abandon the Church of England; rather, they strove to change it. They saw themselves reenacting the Exodus story, looking to the Bible for comfort and stability. On board the flagship *Arabella*, their captain, John Winthrop, reminded them of their covenant responsibilities and commitments. They would be blessed if they kept their promises to God; otherwise, they would be chastised.

When the Puritans arrived in New England, they founded the Massachusetts Bay Colony in Boston. Life was difficult, but they were free to worship as they pleased in this harsh and cruel environment. Their worship was centered on the Bible. The services at their church were simple. The organ, as well as all other musical instruments, were prohibited. Poems were sung a cappella by Puritans.

The Puritans thought that God had chosen a small group of individuals, known as « the elect, » to be saved. The remainder of humanity was sentenced to an eternity of pain. Puritans lived in a continual state of spiritual anxiety, searching for evidence of God's favor or fury, yet no one really knew if they were saved or doomed. Conversion was thought to be a significant indicator that a person had been rescued. The key to salvation

was faith, not works. Individual salvation was important, but so was the spiritual health and welfare of the community as a whole, for it was the community that honored and kept the agreement. This religious fervor faded over time. Scholars are divided on when and why this occurred. It was difficult for the Puritans to keep a community in a state of creative ambiguity(betlock, 68).

Conclusion

After healing from the Black Death pandemic and in quest of new products and prosperity in the late 15th century, Europe desired to increase commerce and relations with the rest of the globe. Profit drove explorers to seek out new trade routes to the East, bypassing the intermediaries. Europeans desired to bring Christianity to the East and any newly discovered civilizations since they were devout Christians.

European travelers seeking trade in Asia were surprised to discover a “New World” in the Americas, populated by millions of educated people, beginning with Christopher Columbus in 1492. This major event in 1492 created new conflicts as European powers rushed to gain colonies in the New World.

Early on, Spain came to prominence in the Americas, establishing a world power and winning enormous profits. By the beginning of the 17th century, Spain’s rivals, England, France, and the Dutch Republic, had each established an Atlantic presence in the struggle for imperial control. The English colonists in Virginia suffered greatly; but, the Jamestown colony survived, and exports from England’s West Indian possessions quickly became a substantial source of money for the country. New France and the Netherlands were minor colonial territories in the northeast of the continent, but their

thriving trade and ties with indigenous peoples established the framework for future power shifts.

This age of travel and the establishment of an Atlantic World signaled the beginning of globalization as formerly isolated groups—Africans, Native Americans, and Europeans—came into touch for the first time, with often terrible repercussions. In contrast, arrivals from Europe who came into contact with American Indians experienced heavy losses as previously unknown diseases wiped out their populations. They were also victims of European arrogance, believing themselves to be undisputed rulers of the New World, sent by God to convert the “Indians.”



**Chapter-II. Indian Politics In The United
States And A Vote On Indian Sovereignty**

Introduction

The United States experienced an era of fast growth in the early nineteenth century, which began with the expansion into the lower south. During this expansion, European settlers faced a significant challenge: Native American groups such as the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles lived in the territories they sought to occupy. The existence of these tribes impeded further progress, thus desperate for land to plant cotton, American settlers pressed the federal government to buy the Indian Territory.

Andrew Jackson was a supporter of Native American deportation from 1814 to 1824, and he negotiated nine treaties with the Native Americans during that time. The majority of these treaties offer southern tribes from the east the opportunity to trade their holdings for territory west of the Mississippi River. Tribes signed these treaties for strategic reasons and with the expectation of reclaiming their ancestral lands one day. As a result of these treaties, the United States gained control of three-quarters of Alabama and Florida, as well as sections of Georgia, Tennessee, Mississippi, Kentucky, and North Carolina. On May 28, 1830, just one year after assuming office, Andrew Jackson forced through both chambers of Congress a new piece of legislation known as the Indian removal act. This legislation gave the president the authority to negotiate removal treaties with Native American tribes east of the Mississippi. Native Americans were expected to give up their land east of the Mississippi in return for areas even further west, and those who opted to stay in the east became citizens of their home state under one of these agreements. Although the approach was intended to be peaceful, many tribes resisted the removal effort, and Jackson had to force them to leave.

II.2. The epoch of Washington

The subject of the Indians has been a source of concern for US presidents since The beginning. When President George Washington deemed Indians to be Less than civilized and compared them to wolves and other predatory species, He set the tone for government paternalism and eventual persecution. In his policy Declaration on Indian and land policy, President George Washington described them as simple-minded savages, predicting further violence as white Settlers attempted to illegally seize their lands. To avoid a full-scale Indian conflict, President George Washington set the stage for the Indian strategy of treaty deceit. The de facto director of Indian affairs, James Duane, gave a formal report to the Continental Congress in October 1783, explaining the President's plan for dealing with American Indians in the still-contested North and West.

Resolved, that a committee be appointed with the task of preparing and reporting on an ordinance regulating the Indian trade, with a clause prohibiting all civil and military officers, particularly all commissioners and agents for Indian affairs, from trading with Indians, purchasing, or being directly or indirectly involved in the Indian trade. Except by express license and authority of the United States in Congress enacted.

On the suggestion of the President, the US congress publicly declared its exclusive authority to administer the Indian nation on October 15, 1783. Treaties, laws, and records followed soon, notably the Hopewell Treaty with the Cherokee, which was signed on November 28, 1785, and became the first treaty between the united States and the Cherokee Nation. This treaty established recognized borders between the two countries and subordinated U.S. citizens living in Cherokee areas to Cherokee law. An

ordinance for the control of Indian affairs was also passed on August 7, 1786, in which, whereas the United States in Congress assembled, under the ninth of the articles of confederation, and the exclusive right and power of regulating the trade and managing all transactions with Indians who are not citizens of any state; provided, however, that the legislature has the authority to regulate trade and manage all affairs with Indians who are not citizens of any state.

The President's dilemma was that he had a greater grip on US-Indian relations than the states, who questioned Congress primary role in dealing with the Indian country. There were gaps uncovered, and it was established that North Carolina and Georgia were in flagrant violation of federal safeguards for Indian communities whose ancestral lands extended beyond state borders. However, President George Washington's treaty deception controlled US-Indian policy from 1783 until 1947.

II.2. Presidents Washington and Jefferson's Assimilation Program In 1789

President George Washington launched the Assimilation campaign, asking the Cherokee nation and other Indian tribes to leave their traditions and embrace American culture. The President promoted a Civilization scheme in which Native Americans were promised full and equal citizenship in the United States if they gave up traditional land ownership in favor of ownership in severalty—that is, as individuals—and were effectively adapted to English, agricultural practices, and Christianity by American government agents and missionaries. This plan called for the denationalization of tribes, which included ceding tribal land that wasn't being farmed to the federal or state governments as surplus land. Within fifty years, President George Washington wanted all

Native Americans east of the Mississippi River to be acculturated. Many others, however, believed that neither cohabitation nor assimilation were desirable or practical policies.

By 1800, Georgia officials and inhabitants had become more sympathetic to the idea of Indian exclusion, despite Washington's assimilations agenda dominating federal Indian affairs. As a result, state authorities made a crucial demand when Georgia and congressional delegations met to discuss a cession of western areas to the United States that Georgia claimed under the 1783 Treaty of Paris. Congress must promise that, as quickly as practicable, it will oversee the extinguishment of Cherokee and Creek title to property that Georgia desires, on fair and amicable terms, in exchange for the states cession of those millions of acres—of dubious legal title. The US government confronted a significant policy challenge with the signing of the 1802 treaty. Should the federal government encourage relocated Native Americans to go west if Washington officials were successful in securing tribal land in the east, or should they be given individual family allotments of ceded land and in becoming US citizens? The idea turned toward Indian Removal after representatives of President Thomas Jefferson came upon the Louisiana Purchase, a transaction in which France ceded ownership to 827,000 square miles of land west of the Mississippi River to the United States for €15 million in 1803.

President Jefferson made false promises to Indian groups living east of the original 13 states historical borders before to the Louisiana Purchase in 1803. Unconcerned about Indians long-held land rights in this western territory. He exploited unproven constitutional rights to gain what the US regarded genuine land title in this extension. The US government was confident that the Louisiana Purchase would provide enough western land to accommodate generations of new settlers while also enforcing an

Indian removal program that would persuade eastern Indian nations to cede all of their land to the US and be relocated to the new Louisiana Purchase. Only a few months later, Jefferson agreed to this new plan, and U.S. agents began their first unsuccessful attempt to persuade Cherokees to leave the Southeast.

To begin with, Jefferson's solution to the Indian issue was to urge Indian tribes to remain on what remained of their ancestral lands if they changed their cultural traditions to fit the Anglo-Protestant worldview. The civilized tribes were the eastern tribes who followed these assimilation principles. President Jefferson was faced with the difficult issue of balancing the impact of recent European settlers on the fledgling republic with the necessity to treat indigenous peoples with respect. Thomas Jefferson conveyed his understanding of these challenges in a November 24, 1801, letter to Virginia Governor James Monroe, which was included in his writings.

Could we create territories outside the United States borders to serve as a receptacle for these people (American Indians)? ... Spain controls vast swaths of land on our western and southern borders, the most of which is occupied by Indian locals, with a few isolated locations occupied by Spanish subjects. Is it really so unlikely that the Indians would sell? Is it possible that Spain would be willing to accept these people? (Regardless of whether our current interests keep us within our own bounds, it is impossible not to look forward to a time when our rapid multiplication will expand beyond those bounds and cover the entire northern, if not the entire western, continent. In a southern continent populated by people who speak the same language, are governed in similar ways, and are subject to identical laws, either blot mixture of that surface be contemplated with satisfaction.

This message emphasizes President Jefferson's white Anglo-Saxon Protestant sympathies and inspiration for the Louisiana Purchase and the Lewis Clark Expedition. In this speech, the President took a tough stance against Indians, laying the seeds of their elimination as well as US dominance in the American hemisphere. The Monroe Doctrine, which should have been renamed the Jeffersonian Doctrine, was the outcome of his influence on James Monroe. As a result, Jefferson's assimilation model, which ostensibly encouraged tribes who adopted the Euro-American way of life, became a farce as a result of this. President Jefferson believed he had discovered a new approach to the Indian problem with the Louisiana Purchase: establishing new homelands for Indian tribes in this new frontier west of the Mississippi River, thus sowing the seeds for the US systematic strategy of Indian displacement or ethnic cleansing, which would later be encapsulated under the removal program. The 18-month voyage marked out the land that today extends west of the Mississippi River, doubling the size of the United States. north to the Canadian border, and east of the Missouri River, allowing the United States to expand under the dictates of Manifest Destiny, setting the stage for the War of 1812, the Mexican-American War (1846-1848), the Civil War (1861-1865), and the bloody Indian Wars of the nineteenth century.

In his book 'Seeds of Extinction: Jeffersonian Philanthropy and the American Indian,' Bernard Sheehan points out that the primary reason for Jefferson's insistence on the Louisiana Purchase was to solve the problem by removing those tribes that did not subscribe to the Euro-American social-legal model, allowing the civilized tribes to continue to transform their societies and keep their aboriginal lands.

The Cherokee, the most numerous southeastern tribe at the time of the American Revolution, is the clearest example of Jeffersonian integration. However, they were split between progressives who wanted to maintain the historic status and those who wanted it taken away. Treaties and white encroachment ruined the Cherokees' hopes of remaining on their native lands, and in order to avoid recurrent wars with US troops and state militias, they adopted the "American way of life." Ironically, they had to disenfranchise adult women who had long enjoyed voting rights equal to their male counterparts and buy black slaves to do it because their reservation was based in slave states. They were also compelled to welcome Christian missionaries and churches into their communities, which was a significant concession. By 1825, Cherokee Nation residents had become prosperous settlers, herders, and traders with a bustling economy. Their assimilation was held up as a model of Jeffersonian assimilation, in which the aboriginal community was allowed to live a separate but complimentary ethnic lifestyle from their white counterparts in the South. In order to maintain their own language in print, the Cherokee created their own syllabary in 1821. By 1828, the Cherokee Phoenix, their tribal newsletter, was widely published throughout the Cherokee Nation. Regrettably, not everyone in the United States is a liberal. Indeed, many people held firm beliefs in white supremacy as well as deep and intractable racial prejudices, and nothing could persuade them that Indians would ever be treated equally to Americans. Despite the wealth of the five civilized tribes, the seeds of catastrophe were being sown as the Cherokee Nation developed. Before ratifying the US Constitution, the southern states overlooked the Cherokee Nation's presence. Beginning in 1788, Georgia, South Carolina, and Virginia were absorbed into their respective bounds, followed by North Carolina in 1789, and then

Kentucky, Alabama, and Tennessee in 1790. In the Georgia Compact of 1802, President Thomas Jefferson promised the state of Georgia that he would expel all Indian tribes from the state in exchange for a direct federal claim to all western regions previously disputed by the state.

II.3. The Jacksonians Revolution

Whether made with or without official authority, Jackson's judgments all served the objective of US expansion. Native Americans, in his opinion, were an impediment to the realization of Manifest Destiny; thus, it is not surprising that during his military service, Jackson won and emphasized his reputation as an "Indian Warrior," a man who believed that instilling fear in the native population was more desirable than fostering friendship. Because of his confrontational inclinations, several questioned Jackson's aptitude as a national leader. The man who stood in the way of Jackson's political rise was Thomas Jefferson.

I'm really concerned about the potential of General Jackson becoming President. He was one of the least qualified men I've ever met for such a position. He has little regard for laws or constitutions, yet he is a capable military commander. His passions are appalling. He was a Senator when I was President of the Senate, and he could never speak because of the rashness of his feelings. I've watched him do it several times and choked with wrath each time. His passions are undoubtedly calmer now; he's been through a lot since I first met him, but he's still a dangerous man.

The Cherokee and other tribes that still held land east of the Mississippi River were not happy with Andrew Jackson's election. The War Department was established by the First Congress on August 7, 1789, under the new United States Constitution, in an

attempt to claim exclusive sovereignty over Indian land. The United States Indian wars, the countrys longest war, officially began on this date. It was not until 1849 that the Interior Department, which competed with it, was established. Congress began enacting federal legislation outlining US-Indian ties with the passage of the first Trade and Intercourse Act in July 1790.

II.3.1. Tribal sovereignty versus state authority

Only a few weeks after the election, state legislators issued a new threat to Indian tribes by passing a new sovereignty bill that subjected all white citizens living in the Cherokee nation to Georgia's standards. All Cherokee rules and customs would be ruled illegal and useless in Georgia, according to the statute. The bill may have subjected all Cherokee Nation Indians to Georgia laws as second-class citizens, depriving them of political and civil rights enjoyed by whites, such as the right to appear in a Georgia court.

The Sovereignty of the Indians delayed their removal. The first of a series of legal exams, Johnson V. McIntosh, was decided in 1823. The first of three Marshall Trilogy court cases is decided, setting the foundation for American Indian law. Even as colonial rule shifted, Chief Marshall ensured Indian tribes shared use of ancestral grounds, establishing Indian tribes legal rights to possess their historic territories under the principle of aboriginal title or Indian title. According to the Supreme Court, individuals, companies, and governmental agencies other than the US government were not entitled to seize Indian lands.

This case, the high court protected Indian lands from being taken by individuals, corporations, or political entities other than the US government, and then through only

purchase or conquest (Armand 38-39). The solution to the Indian problem changed dramatically under Andrew Jackson's presidency (1829-1837). Jackson's anti-Indian beliefs were well-known, leading to widespread support for the forcible removal of the big southern tribes west of the Mississippi River, including the Five Civilized Tribes, into Jefferson's Indian Territory. President Andrew Jackson utilized pragmatism to get the Indian Removal Act passed via a severely divided Congress.

Georgia was able to claim sections of the Cherokee Nation that were outside of its limits according to the Cherokee Removal Act. Andrew Jackson established the stage for Georgia's objection to the supreme court's exclusive power over Indian land in exchange. Georgia attempted to remove the Indians' title within its borders, particularly rejecting the Cherokee Nation's laws. The discovery of gold within Cherokee territory, as well as massive invasions of whites, caused a series of treaty abuses that eventually led to the 1831 U.S. Supreme Court case *Cherokee V. the State of Georgia*.

The Cherokee tribe has filed a bill seeking an injunction to prevent the state of Georgia from enforcing certain laws that state.... Even though Indians are recognized to have an undeniable and unassailable right to the areas they live until that right is eliminated by a voluntary cession to our government, it is debatable whether those tribes who reside within the recognized limits of the United States can be dominated by foreign nations with strict accuracy. They are more accurately referred to as dominating domestically dependent nations. They inhabit a region over which we claim a title autonomous of their will, which must take effect when their right of ownership ends. Their relationship with the US is like that of a ward to his guardian... The Court has given this issue its full attention, and after careful consideration, the majority believes that an

Indian tribe or nation within the United States is not a foreign state within the meaning of the constitution, and hence cannot bring a lawsuit in US courts... The motion for a preliminary injunction has been denied.(Pet 25)

These early supreme court rulings laid the foundation for laws that impacted federally recognized Indian tribes in what became known as Indian territory. Chief Justice John Marshall established that Indians were a domestic dependent nation in the 1831 Cherokee Nation V. Georgia judgment, thus making them wards of the US government. Tribes were distinct political units with territorial borders (created by the United States government) and land retained in common, controlled by the federal government, according to the 1832 Worcester V Georgia ruling.

This verdict centralized the federal government's control over Indian territory, with the exception of states that had recognition and security treaties with respective tribes. The American Indian Policy Review Commissions final report from 1977 describes Indian nation as The term Indian Country comes from the federal criminal jurisdiction statute 18 U.S.C. SEC. 1151... The Indian country statutes are divided into three sections. To begin, any territories inside the boundaries of any Federal Indian reservation are considered Indian country... Second, Indian country encompasses all dependent Indian communities located within US borders... Third, Indian country encompasses all Indian trust allotments, even if they are not located within the reservations boundaries (Abourezk 113-114).

State courts, on the other hand, were more concerned with the federal governments limits on state activity and paid no attention to tribal rights. The state court was more

concerned with the subject of federalism than tribal jurisdiction, or when the federal government's authority over Indians gives way to a states power. Even when state justices wrote of tribal sovereignty, it was to confirm the states existing jurisdiction to regulate Indians, rather than the federal governments, and the tribal sovereignty question was deeply connected to the problem of state rights from the states position. They believed that tribal sovereignty within states was conflicting with state sovereignty.

II.3.2. The Path that Comes Before the Trail

Andrew Jackson, a brave white nationalist, adopted the Washington administration's trickery-by-treaty strategy. Tribes were either tricked or compelled to sign treaties that culminated in their exile to Indian Territory. The deportation of the Indians demonstrated that the US did not intend to integrate nonwhites into American culture. The fact that the US government would completely disregard the Five Civilized Tribes' great progress in dramatically modifying their traditions in order to conform to the Euro-American framework revealed that colonial sentiments at the time promoted either physical or cultural annihilation. Furthermore, creating conflicts amongst Indian groups and pitting one side against the other was a long-standing government strategy. One of the most striking manifestations of the program was the Cherokee removal, often known as the Trail of Tears. The legal story of the Trail of Tears begins with a series of treaties and agreements signed by the United States, rather than with the Supreme Court of the United States. Perhaps the most significant of them was the Compact of 1802, in which the state of Georgia agreed to surrender its claims to western territory to the United States national government. Such agreements did not truly undermine Jefferson's civilization drive; in fact, he expected most "civilized" tribes to integrate to the point of extinction

into the United States' general population. Separatists who wished to live away from white Americans were still able to do so by heading west. Jefferson had made up his mind. Wasn't this one of the options that his Louisiana Purchase opened up for him? The objective behind this treaty, on the other hand, was that Native countries would be able to negotiate freely without fear of being forced to do so (French 25-51).

A group of angry Cherokee chiefs went against the Cherokee Agency's intentions in 1817, surrendering some areas in Tennessee and Georgia in exchange for individual land allotments and US citizenship for those who stayed on the land. Despite the fact that the members of the National Council asked that the contract be repealed, it was not until 1819 that the treaty was altered. A handful of Cherokees voluntarily relocated to Arkansas and Oklahoma during this time. The majority of them preferred a more conservative lifestyle. The Cherokee National Council was insistent that no further lands should be ceded, and the leaders placed their decision in writing, refusing to participate in any future treaty commissions and stating that any Cherokee who gave more lands would face the death penalty.

II.3.3. Internal problems with Georgia

With Andrew Jackson, the "Indian Fighter," elected to the White House, many Georgians believed the moment had come to exploit the state's advantage against the Cherokee Nation. A series of decisions made by the Georgia legislature confirmed this. To begin, the state's country borders were modified to include Cherokee land. Second, the state extended its norms to the Cherokees, essentially nullifying their territorial autonomy. In 1830, Georgia created a plan to redistribute Indian territory to Georgia settlers. The Cherokees filed a federal case stating that Georgia state statutes violated the

Cherokee Nation's rights as well as diplomatic treaties inked by the US with the Cherokees (Deborah46).

II.4.The Indian Removal Act's Legislation

When the Georgia state legislature was examining ways to dissolve the Cherokee nation, Indian Removal Act was passed by the US Congress of 1830. Andrew Jackson signed it into law with zeal. The president was given the authority to execute land-exchange agreements with indigenous peoples living within the United States as a result of this act. Cooperating nations will obtain western soil in exchange for surrendering their territories. As a result, in what is now Oklahoma, what is known as Indian Territory was established. The first treaty made under this act was the Dancing Rabbit Creek Treaty, which included the Choctaws of Mississippi. During Jackson's presidency, about seventy treaties with Native Americans were signed. Many of these transactions involved land acquisitions, some of which were compelled and others which were illegal. As a result, roughly 45,000 Native Americans were relocated to the West, and approximately 100 million acres of Indian Territory were ceded. The number of persons forced to flee eventually reached around 100,000. As he stated in his positive reaction to the Removal Act, the United States should be commended, and American Indians should be grateful.

Despite their loss in Georgia, Cherokee authorities and lawyers looked for a lawsuit to bring before the Supreme Court that would not be dismissed. Cherokee hopes were put in the hands of the legal establishment, which had both the executive and the rest of the legislature on its side. An opportunity arose when Georgia approved a legislation ordering all whites living in the Cherokee Nation register for a state permit and swear an oath of

allegiance to Georgia. The goal of the politicians was to find and deport white Cherokee supporters. They were all Cherokee missionaries who worked and lived in the area. Several ministers from the American Board of Commissioners for Overseas Missions, for example, have broken Georgia's present laws.

The Supreme Court was free to determine whether it could extend its authority into and over the Cherokee Nation. A majority ruling written by Chief John Marshall in 1832 backed up the Cherokees. Marshall argued that the Cherokee Nation, as a domestic-based entity rather than a foreign nation, had the right to self-government. Prior conventions compelled the US to safeguard Cherokee property and citizenship from anybody who would infringe on it, according to the ruling. No country could readily undo what the United States had previously acknowledged and promised to protect. The Cherokee Nation gained no relief from the Supreme Court in the end. Jackson refused to carry out the judgment, claiming that he would not interfere in state matters. When South Carolina declined to enact the Tariff of 1828, claiming that a state could overturn a federal statute, Jackson demonstrated his willingness to use military force to protect national sovereignty over state rights. Worcester, on the other hand, obstructed Jackson's Manifest Destiny strategy. The 1830 Removal Act provided the drive, while the Worcester judgment provided confidence. When the Cherokees discovered that the Removal Act, as well as Jackson's unwillingness to act on Worcester, suggested that the US would enable states to push native peoples into relocation, their elation was short-lived. The US administrative and legislative branches, as well as the states, had decided that removal was the best way to resolve the Indian situation (Amy 38-40).

II.5.A Violent Migration: The United States' Ethnic Cleansing Experiment

Since 1831, the US government has tried to push southeastern tribes, including the Choctaw, Creek, Chickasaw, and Seminole, west of the Mississippi River. Before they left, some people suffered physically, but diseases like smallpox and dysentery killed them. Contrary to popular thought, some tribes opposed the Indian Removal Act with arms. The majority of them were killed, captured, or relocated during the Second War, which lasted from 1835 until 1842. (Katie 40). President Andrew Jackson's New Echota Treaty was fine-tuned by the United States Senate on May 23, 1836. Around 20,000 Cherokees were given a deadline to cross the Mississippi River ; any who did not do so would be forcibly killed.

By early 1837, the Cherokee Nation was practically the last big southern tribe that the US army had failed to forcibly transfer to Indian territory. Many of them had been relocated to the Mississippi River's opposite bank over the preceding two decades, but the first group was transported on January 1, 1837, thanks to the Indian Removal Act. Ridge, his son, and Boudinot were among the 400 who made the trip before November 1837. Even if there were few deaths, the death rates in the detachment that followed would not be comparable to any other. And, until the spring of 1838, the majority of them were National Party members, hoping that Ross's political maneuverings would save them from being deported.

By May 1838, both US forces and the remaining Cherokee Indians, estimated to number around 16, 000, were facing a peace agreement resettlement deadline (Katie 40-42). The detention of Cherokees began on May 23, 1838, a day that would be recorded in history as a watershed and shameful event in US-Indian relations. They were obliged to

retreat to military stockades with nothing but the clothes on their backs. By the end of June, General Winfield Scott's soldiers had arrested nearly 10,000 Cherokees. As soon as they were expelled from their houses, farmers, plantations, companies, and many whites took their property. Scott helped individuals who had not planned for the transfer before he made his move so that their ambitions would not be dashed.

For both the Cherokees and the American soldiers, Scott's series of Cherokees, which began in May 1838, is likely to be an emotionally and physically draining event (katie 44-45) During the Acadian Expulsion, ethnic cleansing was used by American colonists to process Indian country on a regular basis ; Professor George J. Andreopoulos defined it as « the method of forcible replacement of inhabitants belonging to particular ethnic groups in a geographical territory. » It can sometimes mean erasing all physical evidence of the targeted group and considering the group to be more like other humans, with no rights equivalent to other individuals (258).

Although some opponents see a distinction between ethnic cleansing and genocide, he said ethnic cleansing remained a difficult issue. Defenders, on the other hand, argue that the perpetrator's goal distinguishes ethnic cleansing from genocide : whereas genocide's main goal is the destruction of an ethnic, racial, or religious community, ethnic cleansing's main goal is the creation of ethnically homogeneous territories, which can be accomplished through a variety of methods, including genocide (259).

After witnessing the misery and brutality associated with forced relocation, the remaining Cherokees reluctantly began the exodus to Indian country, with the last detachment of 13,000 leaving in October 1838 in a caravan of almost 600 wagons. When former President Andrew Jackson learned that principal Chief John Ross had been named

superintendent of Cherokee removal and subsistence, he attempted to have him arrested. The Cherokee removal cost a lot of lives and caused a lot of suffering. Over 4,000 Cherokees, or about one-fifth of the Cherokee population, died as a direct result of the heat. Thousands more died over the years, some of them in the US army-guarded stockades. Private John G. Burnett described his contacts in 1838 and 1839, which took place during the winter months, where the Indians were regularly pushed like cattle by army soldiers on the road that was known as « the trail of death, » as he wrote.

When they arrived on Indian land, hundreds more died as a result of sickness and exposure during the 1,000-mile long journey. The president sent a congratulatory message to the United States Congress after the eastern tribes were removed, describing the procedure as a great event for the country. The Cherokees used their customary form of blood revenge, which involved the murder of a white man, to express their own feelings. Even at that time, the US army, led by The Ridge and his sons, John and Elia Boudinot, was unable to drive all Cherokees from their ancestral lands, particularly those who hid in the Appalachian Mountains, fighting a guerilla war against General Scott's troops under the command of Tsali, the local chief. (Arman 45-47) estimates that about a thousand Cherokees were able to hide in the remote mountains, forming the Eastern band of Cherokee Indians, who now live on the Qualla Boundary in North Carolina (Arman 45-47).

Conclusion

The Cherokee relocation story is well-known, and the tribe's losing battle to maintain its homeland is one of the few Native American events that is today deemed significant in the greater American narrative. However, it is necessary to revisit the battle

of the Jacksonian era in order to grasp Indian political writing in the nineteenth century. Members of Congress agreed to end the practice of forming alliances with Indian tribes at a time when Cherokees were striving to gather support for a constitutional accord. Some claimed that the tribes were ruled by state and federal laws rather than tribal laws.

Moreover, the removal issue taught the Cherokees about American politics and white America's "Indian Question," and it defined many of the fundamental terms for the Cherokees' relationship with the United States for the remainder of the century. The Cherokees began sending delegates to Washington on a regular basis during the removal war to keep an eye on federal officials. The crisis also forced Cherokee leaders to sharpen their legislative and public relations skills. It compelled them to hire lawyers to teach them how to communicate with government officials, newspaper editors, and "Indian relatives." It demonstrated the significance of educating non-Indians about Cherokee rights and desires on a continual basis.

Finally, and most importantly, Cherokees developed beliefs and adopted terminology in writing about expulsion that would show up in a variety of ways in their interaction with white America in the decades ahead. Although most historical accounts of the Cherokees end with the Trail of Tears, this was only the beginning of the tribes' long conversation with the US government regarding the Indian country.



**CHAPTER-III. The question of Paternalism
in U.S-Indians relations**

Introduction

This chapter, which builds on the previous one, emphasizes the concept of ultimate control over Indian autonomy and democracy. It also highlights paternalism and how the United States exploited and governed Indians without their permission. It would also identify Several features of paternalism After that, this Chapter will look at how the United States utilized will conclude by using treaties as a tool rather than a means to achieve its insatiable ambitions, and looking at the facts of Indian reliance and how it has harmed India's position.

III.1. Paternalism

Over the duration of the country's two centuries of existence the role Indians in American society has been a perplexing dilemma for the government and citizenry. Unlike Other ethnic minorities who emigrated to the New World in the past, Native Americans were Native to the continent. They asserted ownership of the entire continent, which they had occupied for thousands of years. Many attempts have been made to explain the values of American Indian policy and to trace the history of the United States' relations with Indians. However, throughout the course of the United States' two centuries of history, the Effect was clear : Europeans and their families displaced Indians on the continent, and land Ownership transferred from Indians to Whites. Some historians have made observations on The ongoing struggle for dominance, such as Edward Pessan's assertion in his book «Jacksonian America» that the story was about a « Conquistador mentality» that attempted To forcibly eliminate the Indians in order to satisfy the whites' covetous desires for Indian Territories. The focus has been on dispossession, the US government's callous contempt for Indian interests, and the US government's widespread breach of treaties. In 1969, one Indian Writer remarked,« it is dubious that any nation can ever surpass the

United States' record For perfidy. » The scenario is littered with exceptional villains, the most notable of which Being President Andrew Jackson (296-297).

According to Vine Deloria, a scholar of the early National period, Jacksonian Indian policy was a mix of hypocrisy, can't, and rapaciousness, Seemingly riddled with paradoxes. Inconsistencies, on the other hand, are only apparent if The Presidential documents' language is taken seriously. »« The federal administration had To exhibit tact, wit, deceit, cajolery, and more than a hint of compulsion» in removing the Indians, according to one historian. Andrew Jackson's dedication to the assignment ensured That it proved more than up to the task. His performance was that of a zealot who totally shared their biases and rapacity, not that of a responsible government employee yielding to Citizens' wishes. (248) As have been subjected to a Marxist interpretation that claims, in the Words of one writer, Roxanne Dunbar Ortiz on a paper titled« The Interaction of Historians And Anthropologists in the Writing of American Indian History», «The United States Existence is the result of the massive robbery of an entire continent and its resources from Its aboriginal owners. »According to this theory, American Indians have lived under western Colonization, which is defined as the expansion of colonial systems into foreign nations and Capitalist capture of lands, wealth, and labor. To combat colonization, American Indians have utilized both defensive and offensive strategies. As a result of this system, the United States Has become a democratic and economical powerhouse. The resistance to colonization has shaped the cultures of today's American Indians. Furthermore, 'genocide was an inextricable Aspect of colonialism, and racism was a primary ideological instrument,' according to this viewpoint. The Marxists regard Indian resistance as a form of class struggle, focusing on «the indigenous peoples'

relationship to capital, not only the cultural relationship between Europeans and Indians» (23-30).

Psychohistory practitioners, on the other hand, will lead us to believe that Indian policy can Be explained using Freudian or other psychoanalytical terms. Whites reconnected with Nature by 'replacing Indians upon the land, according to historian Michael Paul Rogin in his Book 'Father and Children : Andrew Jackson and the enslavement of the American Indian.' Manifest Destiny discourse depicts America as a youthful and growing country that developed by eating land, much like an animal feeds to grow. Civilization would inevitably consume savagery (9-10). As they described expansion, whites retreated to delusions of baby omnipotence, he claims. They were engrossed with the most primordial kind of object relations, the annihilation of the Object via oral introjection. Whites, according to this viewpoint, infantilized Indians in order to reclaim parental authority, which had previously been recognized in liberal politics. According To the same author, Andrew Jackson's conquest of the Indians was the result of separation anxiety ; Jackson demonstrated his manhood by slaughtering Indians (Michael 10-11).

In their contemporary cultural settings, Indians were inferior to Europeans, according to the Second reading of this view. « We presume that our strength and their weakness is now so Visible, that they must see, We have only to crush them,» Jefferson wrote to a territorial Governor in 1803. Jefferson, who generally urged humanity in dealing with Indians but was Willing to fall back on fear, wrote to a territorial governor in 1803 :« We presume that our Strength and their weakness is now so visible, that they must see, We have only to crush Them. » As time progressed, the gap between Indian and European societies widened. In January 1820, Secretary of War C. Calhoun acknowledged

the Indians' 'partial successes,' But he encouraged more radical measures and reported to Congress, as documented in American State Papers : Indian Affairs They must be progressively brought under our rule and laws, or else they will devolve into Depravity and suffering. It is hard for them to exist as autonomous communities in the midst Of civilized society because of their customs. They are not self-sufficient individuals and Should not be treated as such. They should be placed under our supervision, and our Judgment, not theirs, should rule in decisions affecting their culture and happiness (200-201).

According to the Jeffersonian, the Indians' inferiority was due to circumstance rather than nature. They thought the Indians' unhappiness stemmed from their manner of life. The Commissioner of Indian Affairs T. In 1844, Hartley Crawford, said that the Indians were« in no manner inferior to our own race, except in being less pleasantly situated. » 'Whatever of barbarism or brutishness there has been in the history of the Indian people has been due rather to terrible circumstances, for which they were not necessarily responsible,' said commissioner Thomas Jefferson Morgan half a century later (241).

As a result, the third fundamental concept holds true : Indian culture may and should be transformed to match or resemble that of their white neighbors. Because of the inexorable rise of human civilizations, the Indians were forced to grow through several stages of society, from savagery and barbarism to eventual civilization, much like the Europeans' forefathers had done centuries before. Ronald L. Meek questioned whether Christian kindness should not wait decades for evolutionary change to sort itself out in his book "Social Science and the Ignoble Savage." Christians have a responsibility to speed

the shift to a beneficial, if not repressive, transformation of Indian society. The effect, as seen in the United States' Indian policy, is best described by the term paternalism. Indians were considered as newborns by Christian statesmen and their missionary partners, for whom they had mother or parental obligations. Parents were responsible for providing the best for their minor children, looking out for their best interests (which the youngsters did not judge), and assisting them in fully maturing.

Only when an individual is causing or threatening to cause harm to another can the government intervene in that person's rights; involvement for the individual's own good is never justifiable. As can be seen, paternalism's basic notion incorporates two elements that, when combined, violate this principle: conflict with rights and support of a person's advantage. A third feature, the absence of consent, is frequently included in definitions of paternalism to accommodate the authors' reference to the use of authority against an individual's will. Any of these three variables, however, is questionable. It's proven difficult to Describe paternalism without accepting a restriction on an individual's rights that would be included in a broader definition. Paternalism" while yet endorsing a restriction on an individual's rights that would be included in a broader definition (Julian and llg-8).

Gerald Dworkin (1972, 65) defined paternalism as "the interference with a person's liberty of action justified strictly by considerations related entirely to the person being controlled's welfare, good, happiness, needs, interests, or values. They act to limit freedom in order to protect them good, for example (2013, 17). This notion, which emphasizes liberty or freedom of action, is about the absence of restraints. Another major viewpoint on The problem was offered by Francis Paul Prucha in his book "Indians in

American Society,” in which he suggested that because children were helpless, they required support and protection, as well as

The friendly mode of paternalistic policy was founded on these values. The Indians Would soon become the Republic’s majority and self-governing people. But, partly because the United States Government came into contact with new communities of Indians as the country spread westward, and partly because many Indians were hesitant to take over the role of complete liberty and self-sufficiency within the white man’s community, paternalism appeared to be unending (10-11).According to “the American Heritage dictionary of the English Language “, paternalism is defined as a method or practice of treating or regulating people in a fatherly manner, notably through providing for their needs without offering them responsibility (89).

III.2.Treaty-making in India Misuse of Treaties and the Process

American Indians, like other countries, have long been concerned with maintaining Cultural integrity, territorial hegemony, and political hegemony. Tribes have retained their Legal advantages through treaties and settlements with other sovereigns. The United States has ratified around 370 Indian treaties (Deloria and llg181). Several other treaties originating from US-Indian tribe negotiations were never confirmed by the US Senate and remain illegal. For a number of reasons, Indian tribes formed alliances with other Sovereigns, with varying results. Treaties built and maintained stability, guaranteed communal continuity, and, in some cases, provided for the dissolution of tribal Administrations. Treaties are legally binding agreements between sovereigns. They are also Known as Compacts, Covenants, Conferences, and Agreements. Regardless of their name, these towns have played a significant role in American Indian history and are still

essential to tribal governments today. In actuality, tribal governments are still negotiating treaties and agreements with a wide range of sovereigns, particularly state and local governments (Deloria and Ilg381).

Treaties with tribes came to an end in 1871 as a result of US federal policies. Congress attached a provision to an appropriations measure in March of that year, thus ending the practice of Indian settlements in the United States. The executive branch must make treaties with the tribes before that day, and the Senate will decide whether to ratify them. Any treaties that required Congress to appropriate funds in order to make monetary transfers to tribes had to be approved by Congress. The House of Representatives was against this method since they were being asked to fund treaty-related items despite not having participated in treaty discussions. Despite the fact that legislation passed in 1871 prohibiting the federal government from signing anymore Settlements with Indian tribes, the rule on the books, differs from what really occurred. Tribes kept control of their territories and natural resources. Tribes and the federal government retained a government-to-government connection, and diplomatic talks proceeded as previously, but not through formal treaties. Years before European contact, tribes made Treaties with other tribes, similar to the treaties they would later sign with European governments and, finally, with the United States. Tribes had mastered the technique of creating treaties and settlements by the time Europeans came, for a variety of reasons. Tribes had formed military and political alliances for centuries. They also had complex trade Networks that required access to wide areas of land, including those owned or controlled by other tribes. All of these talks took place before European contact and influence (Deloria and Ilg103).

The Pact of Fort Pitt (Treaty with the Delaware) was signed during the Revolutionary War, and it was the first treaty between America and an Indian tribe.

The Delaware forged a formal partnership with American revolutionaries, letting colonial armies to march freely through their territory. The Americans agreed to build a fort within the Delaware Nation to defend the city in exchange. This treaty was significant not just for its Historical significance, but also for confirming that tribes were sovereign countries with diplomatic power. It also recognized tribes as landowners with complete authority over their areas, including the ability to exclude others, in a legal sense. The Delaware were in a good Position when it came to dealing with the colonists. Their relative power, on the other hand, dwindled with time, and they found themselves in a diplomatic position of weakness. They proceeded to form alliances with other sovereigns, regardless of their strength or weakness, In order to achieve their goals. In 1867, the Delaware formed an alliance with the Cherokee Nation, which arguably led to political collapse (Treaty of April 8, 1867). The Delaware negotiated citizenship rights within the Cherokee Nation in order to safeguard their people's constitutionally protected position. The Cherokee and Delaware tribes were both politically Weakened by the United States in 1867. In fact, the United States pushed both tribes to sign the intertribal treaty, which was signed in the presence of government authorities in Washington, D.C. The Delaware were forcibly removed from their homeland by the United States and relocated to Indian Territory. The federal government needed land to accomplish The Delaware relocation, and most of the Indian Territory holdings, had been claimed. In a deal with the United States, the Cherokee Nation committed to acknowledge both the Delaware and the Shawnee tribes. The Cherokee accepted the relocations as well as the Inclusion of Shawnee and Delaware people to the Cherokee Nation (Fixico8-9). During this time, the tribes lacked their former political and military power. By this time, most tribes had been relocated to reservations or smaller land bases. Despite the fact that the US had only

militarily conquered a few tribes, in prior treaties, other tribes had agreed to become protectorates of the US, foregoing any attempt to retain their own warriors. The tribes began to fall under the governmental jurisdiction of the United States. As a result, the US began intruding in things that the tribes had previously considered internal, such as how they governed themselves. The tribes felt that if they did not sign the agreements, the federal government would illegally take their lands. The tribes had two options: authorize Congress to enact a bill allowing tribal lands to be assigned without tribal approval or input, or engage into agreements with the federal government to redistribute tribal lands on more favorable conditions. Tribes who signed treaties with the federal government for tribal land allotment did so under force. Despite their strong opposition, the tribes agreed to allotment in order to avoid being completely powerless in the process.

Leeds found that tribal participation in the allotment process was preferable to No bargaining at all (Leeds64–66). The federal viewpoint when signing the allotment agreements was that it would abolish tribes and prepare Indians for eventual citizenship in the United States. Indians would be reduced to an ethnic minority, and tribal authority would be eliminated. As a result, rules dissolving tribal states and allowing residency to U.S. Citizens were inserted in several of the allotment agreements. Depending on their national, economical, and cultural situations, tribes handled treaty-making in a number of ways. They, like their colleagues around the world, make political and economic decisions for some reasons. There are a number of different leaders who belong to different factions. Some are true statesmen who, with or without public support, serve their people in difficult situations and make difficult decisions based on what they truly believe is in their constituents' best interests. Other leaders fall to corruption and allow financial gain to

influence their decisions, even at the price of the people they represent. India has sent a number of leaders to both sides.

In 1830, the Treaty of Dancing Rabbit Creek was signed. Choctaw Chief Greenwood Flore agreed to the Choctaw people being relocated from their native lands to Indian Territory (Treaty with the Choctaw). Despite this, he was allowed to stay in Mississippi and maintain his farm (Foreman, 26). Other tribal leaders received preferred land allocations and extra benefits in exchange for signing treaties that bound their countries to conflicting fates. Treaty-making is a power granted to the executive arm of the US government, subject to Senate approval. Tribes, on the other hand, viewed it as a question of adjusting the ability of individuals or groups within the tribe to negotiate. Individuals recognized by the federal government as having the right to sign treaties were not always those with the authority to act on behalf of the tribes. As a result, numerous indigenous countries have refused to obey by the treaties that the US has signed and adopted. The federal government has designated certain Indian chiefs for the purpose of collecting signatures, regardless of whether the tribes acknowledge them as formal leaders. The United States continued this custom well into the 1960s by appointing tribe authorities to get signatures on leases and other legal documents. In these circumstances, the federally appointed “chiefs” were not elected by the native communities. Any tribe had treaty councils or delegations that were formally authorized by the tribal people to act as representatives.

In the 1890s, the Chickasaw Nation issued official signed certifications to individuals who were official representatives to Washington (Viola 81). These people had the power to negotiate on behalf of the people and to force the people they represented to sign treaties. Those who looked to have the authority to sign treaties, unlike their federal

counterparts, were limited in the subjects they could yield and the powers they could exercise. Some tribes had their own complicated property rules and would participate in land grants and trade publicly (Peters 25). Contrary to several historical stories, certain tribes did not have difficulty acquiring or exchanging land. Several tribes in the Indian Territory maintained thorough land Archives as part of their official tribal documentation in the late 1800s. These are exact replicas of today's county property records, which include recorded deeds and various sorts of land transfers such as rents, easements, and land acquisitions. Individuals in these tribes could possess the surface of the land, and they were free to sell it to Other tribe members. The tribe, on the other hand, controlled the underlying estate in order to protect tribal sovereignty and retain the contiguous land base.

Other tribes considered land to be a sacred object that could not be shared, sold, or transferred in any way. The Lakota people have refused to accept money judgments that have been awarded to them as a result of federal court actions in which they have succeeded. They believe that the only way out is for the land to be returned to them. Tribes who believed in this viewpoint would not have signed treaties with the US in the past. The tribal chiefs' influence with those Tribes may have been limited to other sectors of diplomacy. Those tribal leaders may have been given authority by their people to talk and negotiate with other sovereigns in terms of commerce, war and peace, and political affairs, but they almost definitely did not have the authority to convey actual property. Other tribes, on the other hand, refused to recognize that A small group of people had the authority to speak for the entire tribe, and hence required the approval of general councils before making decisions. Some treaties, for example, specified that any subsequent treaty amendments must be placed to a vote of the tribal people. The capacity of a single

delegate to bind the tribe to treaty revisions may have been limited. Other tribes were obligated to consult specific categories of community members, Such as elders or women, before making a final decision or agreement (Berger 104-105).

III.3. Indian dependency

Paternalism toward Indians arose from a real, if often misguided, desire to help people who were perceived as inferior and dependent, as well as to provide them the “Blessing of Christian civilization.” The fact that the Indians were reliant and in such a position Necessitated paternalistic reactions from the federal government, which in turn caused even More dependency, is clear. The Indians’ conditions changed over time, and distinct tribes experienced dependency at different eras. All Indian tribes’ sovereignty and self-sufficiency, However, had been significantly weakened by the end of the nineteenth century. By the early Twentieth century, Indian tribes had fallen from a position of stability and significant political And economic influence to beingpolitically subordinated to and almost entirely dominated by the federal government, having fallen from a position of stability and significant political and economic influence at the start of the nation’s existence. For their existence, they were Reliant on white products and services. White contact altered and, in some cases, destroyed The economies of indigenous communities.

When the first European settlers arrived in New England, they met Indian tribes that had developed a cooperative connection with the environment and a mixed economy based on agriculture and hunting and gathering They supplemented their produced crops by hunting and gathering wild edibles, ensuring the population’s survival. This organization was effectively destroyed by the invading English, Who established permanent settlements, surrounded the land with fences and private ownership, and transformed the environment on which the Indians had based their sustenance economies.

The Indians were lured into the English consumer network as their traditional means of existence dwindled, and they became heavily reliant on white culture. The fur trade, for example, altered the Indian economy by introducing new commercialism, threatening supply animals and weakening the Indians' land base. The presence of the Europeans not only altered the natural basis of the tribes, but European commerce products also became requirements for the Indians, and the market system went after them. They now hunted deer for skins to trade with the English or French for weapons or booze (Spicer 16-17).

As a result, the Treaty of Hopewell provided the following: The stated Indians recognize that all Cherokees are under the jurisdiction of the United States of America, and no other sovereign, on behalf of themselves, their tribes, and their towns." "The United States in congress together shall have the entire and exclusive right to control all their affairs in such a manner as they judge necessary for the good and comfort of the Indians, and to prevent abuses or oppressions on the part of people or Indians," the Indians agreed. The Indian commerce and intercourse regulations also established the US's supremacy over the tribes' foreign ties. Chief Justice John Marshall identified this problem in the Cherokee Nation case. In 1831, V. Georgia was elected president of the United States.

The Indian Territory is recognized as a component of the United States of America. It is so considered in all of our maps, geographical treaties, histories, and laws. Any attempt at communication between Indians and foreign nations is regarded to be inside the jurisdictional borders of the United States, subject to many of the constraints that are imposed on our own citizens... Foreign countries consider them and their country. As well as by ourselves, as being so thoroughly under the jurisdiction and dominance of the United States that any attempt to acquire their territories or create

political ties with them would be regarded as an invasion of our territory and an act of aggression by everybody. (Peters17-18)

Despite the fact that the law had no direct impact on Indian tribes' internal affairs, the tribes were unable to escape federal interference in their sovereignty. This was proved by the passing of the Major Crime Act of 1885, which categorized significant criminal offenses committed by Indians as federal felonies, taking them from tribal jurisdiction. The Indians on reservations were nearly completely reliant during the nineteenth century, especially as their traditional means of survival were diminished or abandoned, and annuities in exchange for land replaced the fur trade in providing what they needed. It was the most pernicious type of reliance since it required no effort on the side of the Indians, who became reliant on the government's annuities and additional rations as a form of dole. The paternalism that typified US Indian policy was not a goal in and of itself. The goal of the benign humanitarians who had such a big influence on Indian policy in the nineteenth century was to assimilate Indians into the wider American population. "The elimination of the Indians through absorption into the nation's dominant white Christian culture" was considered as an alternative to paternalism and dependence. If the Indians were integrated in this fashion, reformers frequently stated that there would be no "Indian problem," because there would be no Indians. During the nineteenth century and the first two decades of the twentieth century, the federal government's efforts to integrate and Americanize Indians dominated federal Indian affairs. Only a few skeptics remained, a small group of intellectual individuals who understood that achieving assimilations aims would be difficult, if not impossible. The Indians' responses ranged from departure to armed resistance to passivity, but all were ultimately fruitless. Tribesmen were subjected to oppression as a result of American

influence. The final outcome was convincing. Paternalism and a strong reliance.(Whipple 450-451).

Conclusion

Treaties with Native American tribes were continued in the United States, as they had been in the United Kingdom. The treaties were made to define Native American land limits and compensate for land acquisition. Treaties that were not ratified by the Senate, on the other hand, were not necessarily regarded as enforceable by the US government, leaving difficulties unresolved.

Members of American tribes that signed treaties were occasionally prohibited by tribal law from doing so. The Muskogee-Creek Nation's chief, William McIntosh, was killed for breaching Creek law by signing the Treaty of Indian Springs. In 1871, Congress ceased to recognize tribes as legal entities capable of negotiating treaties, therefore ending treaty-making as a whole. The legitimacy of the treaties was thrown into question when the Supreme Court determined in 1903 that Congress had complete power over Native American matters and could veto treaties. However, many of the treaties made before that time remained in force to some extent, and the Supreme Court was occasionally requested to interpret them. The Ft. Laramie Treaty, signed in 1868, is a well-known treaty having long-term implications. The United States pledged, among other things, that the Lakota Nation would have "complete and undisturbed use and possession" of the Great Sioux 'Lakota' Reservation, which included the Black Hills. With the discovery of gold in the area, the US attempted to reclaim the Black Hills, despite neither party abiding by the treaty's stipulations completely.

The Lakota refused the arrangement, igniting the Black Hills War (1876-1877), which culminated in Custer's Last Stand at the Battle of Little Bighorn (June 25-26, 1876).

After failing to reach an agreement on the treaty, Congress passed laws regaining the Black Hills in 1877. In 1923, the Lakota settled a lawsuit. According to the Supreme Court, the tribe was owed "sole recompense" plus interest beginning in 1877, and the annulment was a "taking" under the Fifth Amendment. The tribe, on the other hand, has refused to accept payment and is still demanding the land back. As of 2018, the amount owed appears to be around \$1 billion.

Each tribe was considered a sovereign nation with the right to self-determination and self-government, according to the treaties. When European settlers began to settle on Native American territories, however, this vision collided with the government's rapid westward expansion, resulting in one of many broken promises. Tribes occupy a unique position in American politics. In the classical sense, they are neither foreign countries nor states. Tribes are distinct political communities that are regarded as "domestic, dependent states" under international law. The Supreme Court outlined the United States' commitment to tribes in *Cherokee Nation v. United States*. In 1831, he moved to Georgia as a guardian for his wards. Following court decisions, it has become clear that federal agencies must follow the least restrictive "fiduciary" (trust) standards possible. Federal agencies haven't always lived up to their trust commitments when it comes to salmon.



General Conclusion

Despite the existence of culturally and linguistically different groups of people in America, from the country's establishment, there has been an intentional endeavor to forge an unified American cultural identity. First Nations were present in America prior to the advent of Europeans; they were considered as distinct from whites and regarded as racially and culturally inferior. Non-whites mistook me for a non-white. The idea of inferiority held by nonwhites served as a reason for their exclusion from an American cultural identity, justifying racist behavior toward them. The governor of Virginia, in Jefferson's opinion, was a murderous dictator. the symbiotic relationship between Native Americans and whites was that Native Americans were to be civilized. The white imaginary gave birth to the notion that it was the white man's responsibility to ensure that First Nations peoples were "civilized." Extermination would be the only option if this was not feasible. Even though most Native Americans were not delighted to be a part of the dominant society, Jefferson believed that they had to assimilate, or become 'acculturated,' which meant not only to affirm externally but also to become habituated to the 'dominant' culture's way of life, rituals, and customs.

Traditional beginning narratives of the Trail of Tears also analyze the events in relation to President Andrew Jackson's vision of his country, as a horrifying tragedy due to the fatalities, but an inescapable effect of the United States' development and maturation. In actuality, the Trail of Tears reveals many contradicting facets of Andrew Jackson's legacy. First, rather than continuing the pattern established by founders such as Thomas Jefferson, Jackson's administration broke it in numerous ways. Jackson's actions penalized the most acculturated and assimilated native nations, known as the "five civilized tribes," rather than continuing the civilization drive that enabled American Indians to acculturate and assimilate. Second, the Indians' removal was not unavoidable.

If the United States political structure had worked as it was meant to work is, if the executive had upheld the judiciary's decision in *Worcester v. Georgia* and if Congress had refused to ratify an unconstitutional treaty like the Treaty of New Echota—the Trail of Tears would not have happened—at least not in the way it did. The fact that today's federal Indian legislation is fundamentally defective is unarguable. To a considerable extent, the Cherokee Nation and the *Worcester* decision are to blame. Each decision's unclear language—in particular, the allegation of an unspecified The rejection of foreign nation status, as well as the assertion of federal jurisdiction over Indian issues, has left a lot of room for judicial interpretation and jurists who would accept the final dispossession of Indians from their land. As a result, Indian law is divided into two doctrines and two levels of legality. One school of thought regards Native Americans as "domestic, dependent nations," and maintains that in relations with Indian sovereignties, the US must adhere to legal standards of regularity, calculability, and due process—standards of justice that are compatible with liberal-constitutional ideals. Tribes have been declared independent by courts. They have devised legal standards requiring that unclear treaty text be interpreted in favor of Indian signatories, asking that treaty abrogation by Congress be based on a particular choice and full notification, and pledging compensation for the loss of Indian title.

A second line of cases, but at the other hand, supports the United States Congress's plenary power as defender of its Indian "units." According to federal courts, the relationship between the federal government and Native Americans is extraordinary, and thus exempt from ordinary constitutional standards and procedures. On this premise, Indian affairs have been handled in an extra-constitutional manner, with one providing Congress nearly exclusive control over Indian affairs and the other exempting its use from

judicial review. Furthermore, by exploiting the ward-guardian principle established in Cherokee Nation, the American government has established a vast trustee jurisdiction over ‘its Indian wards,’ a power that has been exploited to bolster the unprecedented existence of federal control over Native Americans. If political decisions resulted in the protection or seizure of Indian land, the forcible resettlement of entire communities would be necessary. Indians have been left wholly to the good will or bad will of the United States, with no redress or justice, when it comes to tribes or the return of territory wrongfully acquired. The courts have allowed a system in which the US government’s power is limited neither by the idea of Indians’ inherent rights nor by the application of constitutional or institutional restrictions, relying on conflicting notions within Federal Indian law.



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