



America, the Creeks, and Other Southeastern Tribes

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Framing Question

What challenges faced the United States in 1789 as they sought to negotiate with the Creeks and other Native American nations of the Southeast?

Understanding

In the first days of the Constitution the United States faced multiple difficulties as it moved to negotiate with the Indian tribes of the Southeast. These independent nations resisted white invasions into their lands, and a patchwork of former treaties and agreements, multiple tribes and leaders, foreign threats on US borders, invading settlers and land speculators, and issues of state sovereignty (especially that of Georgia) rendered the times uncertain. American officials worked to develop policies to establish the federal government as the sole legitimate negotiator with the Tribes in order to construct treaties that would yield mutually acceptable goals.

Text

[To George Washington from Henry Knox, 7 July 1789.](#)



Se-loc-ta, a Creek chief

Background

Prior to the end of the French and Indian War, American tribes in the southern US, especially the Creek, Cherokee, Chickasaw, Choctaw, and Seminoles, enjoyed rich trading partnerships with the French and the British. Both France and Britain understood the value of healthy trading relationships with the Tribes, as the purpose of the Americas for Europe was to provide raw materials to fuel the mercantile system. But with the exit of the French in 1763, British restrictions on westward settlement after the Proclamation of 1763, and a new British policy awarding trading licenses to most who applied, including dishonest traders, these relationships began to sour.

After the American Revolution the situation shifted even further. The British had seen Native Americans as independent nations and trading partners, but many Americans saw them differently — they were an obstacle to westward expansion and the commercial use of natural resources. And since most tribes had sided with Britain during the Revolution, they were also a defeated people.

Native tribes suffered multiple attempts to deprive them of their lands. Preceding the adoption of the US Constitution, under the Articles of Confederation Congress controlled trade and diplomacy with the sovereign Indian nations outside of recognized state borders, while states negotiated treaties within their own borders. In 1786 Congress, operating under the Articles, divided the Native American tribes into two administrative departments divided by the Ohio River and established trade regulations, but the government could only request compliance by the states. Many states chose to act in their own interests, even to the point of pressing claims for nebulous state boundaries. The Treaty of Hopewell (1785) between the US and the Cherokee established a western boundary for American expansion, but settlers ignored the Treaty to the point of establishing a new “state” of Franklin west of North Carolina. Although the government refused to recognize the state and reaffirmed the territory as Cherokee land, the area would eventually become part of the state of Tennessee. Additional Treaties of Hopewell in 1786 with the Choctaw and Chickasaw Nations set boundaries and trade conditions, but the boundaries continued to be violated by settlers.

Contextualizing Questions

1. What kind of text are we dealing with?
2. When was it written?
3. Who wrote it?
4. For what audience was it intended?
5. For what purpose was it written?

The Southern tribes resisted US advances into their lands through both military and diplomatic means in an environment complicated by previous treaties, purchases, and encroachments by individuals, states, land companies, and governmental agents as well as US attempts to establish federal sovereignty over states. By 1789, the year in which the US Constitution was adopted and the letter we are going to study was written, troubled relationships in the South were most critical with the Creek and the Cherokee, especially in and adjacent to the state of Georgia. The Chickasaw and Choctaw lands, further to the west, were less disturbed by direct American incursions, even though the Chickasaw threatened to join the Cherokee if American encroachments continued.

Two European powers complicated US relations with the Southern tribes. Spain, who held Florida, supported Native land claims as a counterweight against the US. In October, 1793, the Spanish signed the Treaty of Nogales with the Cherokee, Chickasaw, Choctaw, and Creek Nations whereby the Spanish promised to support a mutual defense pact of these tribes designed to reverse American encroachments into tribal lands and to protect the Spanish border. The British continued to occupy forts in the Ohio Valley, and although they did not provide active military support to the natives after 1783, they did provide trade goods to support the activities of Northern and Southern tribes.



What happened to the Creeks and the Cherokee? In spite of the 1791 Treaty of Holston between the US and the Cherokee that introduced an assimilation program, including the adoption of sedentary agriculture, new boundaries, and confirmation that the Cherokee were under US protection, most of the Cherokee were forcibly removed west of the Mississippi River in the 1830s. Relationships between the state of Georgia and the Creeks remained especially volatile and were not addressed until the Treaty of Fort Coleraine on June 29, 1796. Although the Treaty set boundaries, encroachments by settlers continued. Many Creeks relocated west, both by treaty and by force, in the 1820s and 1830s.

When he became president, Washington asked all of his department heads to report on the conditions within their departments. The letter in this lesson is one of a series sent to Washington by his Secretary of War, Henry Knox, who was also in charge of Indian affairs. In a previous letter sent May 23, 1789, Knox outlined situations with the Northern tribes, but this letter focuses on tribes in the South. Knox uses this opportunity to summarize the current reality among the Southern tribes and to give Washington policy options. Note how Knox considers the challenges of the situation and gives Washington two possibilities for action. One option is more forceful and immediate, while the other is more diplomatic and long-term. As you analyze the two options think about which one Knox is actually recommending and why.

Text Analysis

Excerpt 1

Note how Knox believes that the affairs of the different tribes are interrelated.

Activity: Vocabulary

Learn definitions by exploring how words are used in context.



(1)...the critical situation of affairs between the State of Georgia and the Creek Nation require a more particular consideration — In discussing this subject it will appear that the interest of all the indian nations south of the Ohio as far as the same may relate to the whites, is so blend'd together, as to render the circumstance highly probable, that in case of a War, they may make it one common cause.

(2) Although each nation or tribe may have latent causes of hatred to each other on Account of disputes of boundaries and game, yet when they shall be impressed with the Idea, that their lives and lands are all at hazard, all inferior disputes will be accomodated, and an union as firm as the six northern nations may be formed by the southern tribes.

(3) Their situation entirely surrounded on all sides, leads naturally to such an Union; and the present difficulties of the Creeks and Cherokees may accelerate and complete it. (4) Already the Cherokees have taken refuge from the violence of the frontier people of North Carolina within the limits of the Creeks, and it may not be difficult for a Man of Mr McGillivrays abilities to convince the Choctaws and Chickasaws, that their remote situation is their only present protection that the time must shortly arrive when their troubles will commence.

(5) In addition to these causes impelling to a general confederacy, there is another of considerable importance — The Policy of the Spaniards — (6) The jealousy that power entertains of the extension of the United States would lead them into considerable expense to build up if possible an impassable barrier — (7) They will therefore endeavour to form and cement such an Union of the southern Indians.

(8) Mr McGillivray has stated that Spain is bound by treaty to protect the Creeks in their hunting grounds. (9) Although it may be prudent to doubt this assertion for the present, yet it is certain that Spain actually claims a considerable part of the territory ceded by Great Britain to the United States.

1. By 1789 sustained violence in the frontier had broken out between Georgia settlers, pushing west and ignoring any treaties negotiated between the US and the Creeks. Why does Knox think this is a major danger to the peace of the area in general?

2. How does Knox restate this danger in sentence 2?

3. To what northern group of Indians does Knox refer in sentence 2?

4. Why does he refer to the "six northern tribes"? What is he implying?

5. How did the Cherokee respond to the “violence of the frontier people of North Carolina”?

6. What does Knox fear as the Cherokee take refuge with the Creeks?

7. Knox refers to Mr. McGillivray, the son of a British father and Creek mother, who understood both worlds of the whites and the Creek. McGillivray became an important figure among the Creeks, negotiating with foreign countries on their behalf. What is Knox’s opinion of McGillivray? Cite evidence from the text.

8. What is currently protecting the Choctaws and Chickasaws from land pressure from settlers? According to Knox, will this protection last? Why or why not?

9. Why would the Spanish support a confederation of the Tribes?

Excerpt 2

In this excerpt Knox presents two courses of action to Washington. Note the differences in the two options and which Knox prefers.

(10) Although the case of the Creeks will be a subject of Legislative discussion and decision, it may be supposed that after due consideration they will in substance adopt one or the other of the following alternatives to wit.

(11) 1st That the national dignity and justice require that the Arms of the union should be called forth in order to chastise the Creek nation of Indians for refusing to Treat with the United States on reasonable terms and for their hostile invasion of the State of Georgia or, 2dly That it appears to the Congress of the United States that it would be highly expedient to attempt to quiet, the hostilities between the State of Georgia and the Creek Nation of indians, by an amicable negotiation, and for that purpose there be a bill brought in to authorize the President of the United States to appoint three Commissioners to repair to the State of Georgia in order to conclude a peace with the said Creek nation and other nations of indians to the Southward of the Ohio, within the limits of the United States.

(12) Supposing that any measure similar to either of the said alternatives should be adopted it may be proper to examine into the manner which they are to be executed.

(13) The most effectual mode of reducing the Creeks to submit to the will of the United States and to acknowledge the validity of the treaties stated to have been made by that nation with Georgia, would be by an adequate Army to be rais’d and continued until the objects of the War should be accomplished.

(14) When the force of the Creeks be estimated and the probable combinations they might make with the other Indian nations, the army ought not to be calculated at less than 5000 Men[.] (15) This number on paper would not probably afford at the best, more

than 3500 effectives — (16) The delays and Contingencies inseparable from the preparations and operations of an Army, would probably render its duration necessary for the term of two years.

(17) An Operating army of the above description, including all expences could not be calculated at less than one Million five hundred thousand dollars annually.

(18) A less army than the one herein proposed would probably be utterly inadequate to the object: an useless expence, and disgraceful to the nation.

(19) In case the second alternative should be agreed upon, the negotiation should be conducted by three Commissioners...

(20) The Commissioners should be invested with full powers to decide all differences respecting boundaries between the State of Georgia and the Creek Indians, unconstrained by treaties said to exist between the said parties otherwise than the same may be reciprocally acknowledged.

(21) The Commissioners also should be invested with powers to examine into the case of the Cherokees, and to renew with them the treaty made at Hopewell in November 1785, and report to the President such measures as shall be necessary to protect the said Cherokees in their former boundaries.

(22) But all treaties with the Indian nations however equal, and just they may be in their principles will not only be nugatory but humiliating to the Sovereign unless they shall be guaranteed by a body of troops.

(23) The angry passions of the frontier Indians and whites are too easily inflamed by reciprocal injuries, and are too violent to be controuled by the feeble authority of the civil power.

(24) There can be neither Justice or observance of treaties, where every man claims to be the sole Judge in his own cause, and the avenger of his own supposed wrongs.

(25) In such a case the sword of the Republic only, is adequate to guard a due administration of Justice, and the preservation of the peace.

(26) In case therefore of the Commissioners concluding a treaty, the boundaries between the whites and Indians must be protected by a body of at least five hundred troops.

(27) The posts which they should occupy should be without the limits or jurisdiction of any individual State and within the territory assigned to the Indians for which particular provision should be made in the treaties.

(28) All offences committed by individuals contrary to the treaties should be tried by a Court Martial agreeably to a law to be made for that purpose.

(29) By this arrangment the operation of which will soon be understood, the indians would be convinced of the Justice and good intentions of the United States, and they would soon learn to venerate and obey that power from whom they derived security against the avarice and injustice of lawless frontier people.

(30) Hence it will appear that troops will be necessary in either alternative — An Army in case of an adoption of the first, and after all the success that could reasonably be expected by means thereof, a corps to be continued and stationed on the frontiers of five hundred men — (31) In case of the adoption of the second, the corps of five hundred only will be wanted provided proper treaties can be effected. (32) But in any event of troops the subject must necessarily be considered and determined by Congress.

(33) The disgraceful violation of the Treaty of Hopewell with the Cherokees, requires the serious consideration of Congress. (34) If so direct and manifest contempt of the authority of the United States be suffered with impunity, it will be in vain to attempt to extend the arm of Government to the frontiers — (35) The Indian tribes can have no faith in such imbecile promisses, and the lawless whites will ridicule a Government which shall on paper only, make Indian treaties and regulate indian boundaries.

Proceedings of the Senate upon the preceding Communication

United States of America

In Senate, August 11th 1786

The Senate proceeded to consider the message from the President of the United States of this day - and

RESOLVED, that the Senate do advise and consent that the President of the United States, do at his discretion cause the Treaty concluded at Hopewell with the Cherokee Indians to be carried into execution according to the terms thereof, or to enter into arrangements for such further cession of territory from the said Cherokee Indians as the tranquility and interest of the United States may require, provided the sum which may be stipulated to be paid to the said Cherokee Indians do not exceed one thousand dollars ^{annually}; and provided further, that no person who shall have taken possession of any lands within the territory assigned to the said Cherokee Indians by the said Treaty of Hopewell

Senate proceedings regarding the Hopewell Treaty, 1790

10. Although Knox acknowledges that the Legislature will eventually discuss the situation with the Creeks, he suggests two options for dealing with the Nation. What is Knox's first option?

11. Rather than reduce the Creeks to submission, what is Knox's second option for dealing with the Creeks and what would be the purpose of this option?

12. Which option does Knox see as the most "effectual" (able to produce an effect) for "reducing the Creeks to submit to the will of the United States"?

13. Describe the army Knox suggests would be required.

14. Would it be possible to reduce the army's size? Why or why not, according to Knox?

15. What is Knox implying by describing in such detail the army required and then stating that it would be foolish to make any smaller effort?

16. If the second option is chosen, how many commissioners would need to be appointed for the US?

17. Describe the power of the commissioners suggested by Knox.

18. What would be the effect of Knox's statement that the commissioners would "decide all boundaries between Georgia and the Creeks, regardless of previous treaties...?"

19. What will have to accompany any treaty results? Why?

20. Why will federal troops be necessary rather than those of Georgia?

21. How many troops will be necessary?

22. Where will the troops be located?

23. What will be the consequences of breaking treaty terms?

24. Why would Knox suggest the establishment of a special federal court to try those who broke treaty terms?

25. What does Knox hope will be the results of these troops deployed in Indian territory?

26. Summarize Knox's two options that he presents in sentences 30 and 31. Which option does Knox prefer?

27. Which branch of US government must approve the sending of troops?

28. The Treaty of Hopewell (1785) set a boundary line between the whites and the Cherokees, even though many settlers already west of the line formed the State of Franklin (which was not recognized by the US). What is Knox's opinion of the violation of this Treaty? Why?

29. Who were these "lawless whites"?

Excerpt 3

Knox suggests a number of general principles to be used when negotiating with the Southern tribes.

(36) The following observations, resulting from a general view of the Indian Department, are suggested with the hope that some of them might be considered as proper principles to be interwoven in a general system for the government of Indian affairs...

(37) Indian tribes possess the right of the soil of all lands within their limits respectively and that they are not to be divested thereof but in consequence of fair and bona fide purchases, made under the authority, or with the express approbation of the United States...

(38) No individual State could with propriety complain of invasion of its territorial rights. (39) The independent nations and tribes of Indians ought to be considered as foreign nations, not as the subjects of any particular state — each individual State indeed will retain the right of pre-emption of all lands within its limits, which will not be abridged. (40) But the general Sovereignty must possess the right of making all treaties on the execution or violation of which depend peace or war...

(41) Although the disposition of the people of the States to emigrate into the Indian country cannot be effectually prevented, it may be restrained and regulated.

(42) It may be restrained by postponing new purchases of Indian territory, and by prohibiting the Citizens from intruding on the Indian Lands.

(43) It may be regulated by forming Colonies under the direction of Government and by posting a body of troops to execute their orders.

30. Under what conditions does Knox believe Indians should surrender their lands?

31. What does Knox consider the rights of the states?

32. What diplomatic status does Knox recommend for the Indian tribes?

33. Consider your response for question 32. How does this contrast to how the tribes have been treated?

34. Which government would have the right to make major diplomatic treaties with the Tribes “on the execution or violation of which depend peace or war...”? Why?

35. In sentences 41 through 43 Knox addresses the issue of settlers moving into Indian country. Although he admits that the movement of settlers cannot be prevented, how does he propose that settlement be “restrained and regulated”?

Excerpt 4

Knox discusses the “civilization” of the Tribes.

(44) It is however painful to consider that all the Indian tribes once existing in those States, now the best cultivated and most populous, have become extinct. (45) If the same causes continue, the same effects will happen, and in a short period the Idea of an Indian on this side the Mississippi will only be found in the page of the historian.

(46) How different would be the sensation of a philosophic mind to reflect that instead of exterminating a part of the human race by our modes of population that we had persevered through all difficulties and at last had imparted our Knowledge of cultivation, and the arts, to the Aborigines of the Country by which the source of future life and happiness had been preserved and extended. (47) But it has been conceived to be impracticable to civilize the Indians of North America — (48) This opinion is probably more convenient than Just.

(49) That the civilization of the indians would be an operation of complicated difficulty. That it would require the highest knowledge of the human character, and a steady perseverance in a wise system for a series of years cannot be doubted — (50) But to deny that under a course of favorable circumstances it could not be accomplished is to suppose the human character under the influence of such stubborn habits as to be incapable of melioration or change [,] a supposition entirely contradicted by the progress of society from the barbarous ages to its present degree of perfection.

(51) While it is contended that the object is practicable under a proper system, it is admitted in the fullest force to be impracticable according to the ordinary course of things, and that it could not be effected in a short period.

(52) Were it possible to introduce among the Indian tribes a love for exclusive property it would be a happy commencement of the business.

(53) This might be brought about by making presents from time to time to the Chiefs or their Wives of sheep and other domestic animals, and if in the first instance persons were appointed to take charge and teach the use of them a considerable part of the difficulty would be surmounted.

36. In sentences 44 and 45, how does Knox see the past and the future of the Native Americans?

37. What does Knox suggest might have been an alternate to “exterminating a part of the human race”?

38. Why did the US not move to assimilate the Natives?

39. Consider sentences 47 and 48. To what is Knox referring when he says, “this opinion is probably more convenient than Just”? What does he mean?

40. What does Knox believe would be required to “civilize” the Indians?

41. How does Knox attempt to disprove the idea that the Indians could not be civilized?

42. In sentence 51 Knox says that civilization is “practicable under a proper system.” What two reasons does he offer to explain why he feels that it will not be done?

43. Explain what Knox believe would be a first step in “civilizing” the Indians.

44. How does Knox suggest beginning to implement this first step?

Excerpt 5

Knox explains his recommendation for next steps regarding the Native Americans.

(54) In the administration of the Indians every proper expedient that can be devised to gain their affections, and attach them to the interest of the Union should be adopted — (55) The British Government had the practice of making the Indians presents of silver medals and Gorgetts, uniform Clothing, and a sort of Military commission — (56) The possessors retained an exclusive property to these articles — and the Southern Indians are exceedingly desirous of receiving similar gifts from the United States for which they would willingly resign those received from the British Officers — (57) The policy of gratifying them cannot be doubted.

(58) Missionaries of excellent moral character should be appointed to reside in their nation, who should be well supplied with all the implements of husbandry and the necessary stock for a farm.

(59) These men should be made the instruments to work on the indians — presents should commonly pass through their hands or by their recommendations — (60) They should in no degree be concerned in trade, or the purchase of lands to rouse the Jealousy of the indians — (61) They should be their friends and fathers.

(62) Such a plan although it might not fully effect the civilization of the Indians would most probably be attended with the salutary effect of attaching them to the Interest of the United States.

(63) The expence of such a conciliatory system may be considered as a sufficient reason for rejecting it.

(64) But when this shall be compared with a system of coercion it would be found the highest economy to adopt it....

Activity: Review Knox’s Letter

Review the points Knox puts forth in his letter to Washington.



45. In the first paragraph of this excerpt, describe the British policy regarding the Indians that Knox suggests the US continue.

46. What would be the effect of the Natives surrendering the British gifts and accepting the American ones?

47. Describe the missionaries Knox suggests be sent into Indian territory.

48. Even though this system of negotiation and assimilation would be expensive, why does Knox feel it should be adopted?

Glossary

latent: hidden

remote: distant

impelling: urging

prudent: cautious

due: appropriate

in substance: essentially

to wit: namely

chastise: punish

treat: negotiate

expedient: suitable

amicable: friendly

repair: go to

effectual: able to produce an effect

objects: purposes

afford: yield

effectives: men fit for duty

contingencies: accidents

render: make

invested: empowered

reciprocally: mutually

nugatory: not effective

venerate: revere

avarice: greediness

effected: accomplished

impunity: no punishment

imbecile: feeble

interwoven: intermixed

divested: deprived

bona fide: authentic

approbation: support

propriety: accuracy

abridged: lessened

impracticable: impossible

melioration: improvement

commencement: beginning

gorgets: officer's ornament

husbandry: farming

salutary: beneficial

Text

- "To George Washington from Henry Knox, 7 July 1789," Founders Online, National Archives (<http://founders.archives.gov/documents/Washington/05-03-02-0067> [last update: 2015-02-20]). Source: *The Papers of George Washington*, Presidential Series, vol. 3, *15 June 1789–5 September 1789*, ed. Dorothy Twohig. Charlottesville: University Press of Virginia, 1989, pp. 134–141.

Images

- "Se-loc-ta, a Creek chief," drawn, printed & coloured at I.T. Bowen's lithographic establishment, No. 94 Walnut St. Bowen, John T. c.1836. Popular Graphic Arts Collection. Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA. <http://www.loc.gov/pictures/item/2001695449/> [accessed March 2015]
- "McIntosh. A Creek chief," 1838. lithograph. Miscellaneous Items in High Demand Collection. Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA. <http://www.loc.gov/pictures/item/2005685001/> [accessed March 2015]
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