

Primary Source

Henry Clay on Native Americans

In his December 8, 1829, annual message to Congress (what we today call the “State of the Union Address”), Jackson asked for legislation effecting the removal of Native Americans west of the Mississippi. Congress gave Jackson what he wanted, passing the Indian Removal Act in May of 1830, but the measure was not without its critics. Both politicians opposed to Jackson and concerned men and women at the grass-roots level raised their voice in opposition to Indian removal. Henry Clay, Jackson’s most prominent political rival, articulated his views on the matter in a December 17, 1829, public speech at Frankfort, Kentucky. Though frankly confessing his belief that Native Americans were inferior to whites, Clay in his speech spoke out in defense of their legal rights, and highlighted the federal government’s moral responsibility to treat them humanely. In the following excerpt, Clay quotes from an 1814 statement he and fellow diplomats authored while negotiating the Treaty of Ghent, which ended the War of 1812. Because that statement pledged that Native Americans enjoyed a legal title to their lands and were not subject to American law, Clay cites it as evidence that Jackson’s Indian removal proposal would mark a departure from long-standing government policy.

The United States stand charged with the fate of these poor children of the woods in the face of their common Maker, and in presence of the world. And, as certain as the guardian is answerable for the education of his infant ward, and the management of his estate, will they be responsible here and hereafter, for the manner in which they shall perform the duties of the high trust which is committed to their hands, by the force of circumstances. Hitherto, since the United States became an independent power among the nations of the earth, they have generally treated the Indians with justice, and performed towards them all the offices of humanity. Their policy, in this respect, was vindicated during the negotiations at Ghent, and the principles which guided them in their relations with the Indians, were then promulgated to all Christendom. On that occasion, their representatives, holding up their conduct in advantageous contrast with that of Great Britain, and the other powers of Europe, said: “. . . the Indians residing within the United States are *so far independent*, that they live under their *own customs and not*

under the laws of the United States; that their rights upon the lands where they inhabit or hunt, are secured to them by boundaries defined in amicable treaties between the United States and themselves; and that whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States ample compensation for every right they have to the land ceded by them That relation is neither asserted now for the first time, nor did it originate with the [1795] treaty of Greenville. These principles have been uniformly recognized by the Indians themselves, not only by that treaty, but in all the other previous as well as the subsequent treaties between them and the United States.” Such was the solemn annunciation to the whole world, of the principles and of the system, regulating our relations with the Indians, as admitted by us and recognized by them. There can be no violation of either, to the disadvantage of the weak party, which will not subject us, as a nation, to the just reproaches of all good men, and which may not bring down upon us the maledictions of a more exalted and powerful tribunal.

Source: Henry Clay, Address to the Colonization Society of Kentucky, [Washington, DC] *National Intelligencer*, January 12, 1830.