

## Congress and the Political Economy of the Indian Removal Act

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We provide a comprehensive analysis of the Indian Removal Act of 1830 from a political-economic perspective, covering both the determinants of the congressional voting on the Act as well as the downstream consequences – treaties and the physical removal of the tribes – of the Act’s passage. We find, first, that ideology was the primary determinant of vote choice on Indian Removal in the House. Other factors – like partisanship and sectionalism – were important on their own, but in “horserace” analyses House member ideology trumps all other factors. We also find that the vote on Indian Removal mattered electorally for House members, but in a somewhat nuanced way. First, vote choice on Removal was not significantly related to the choice to seek re-election. Second, members who supported Removal in Anti-Jackson districts won significantly less often than those who voted against removal. And, finally, members who supported Removal in Anti-Jackson districts saw their vote shares decline significantly. We also find, in a systematic analysis of all roll call votes in the 21st House leading up to election day, that Indian Removal was not only a consequential policy for members’ elections in 1830, but that it was *the most consequential policy* of the 21st Congress for electoral purposes.

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## Introduction

The Indian Removal Act of 1830 was the principal legislative achievement of President Andrew Jackson's first two years in office.<sup>1</sup> Thanks to his lobbying efforts, and the Jacksonian majorities in both the U.S. House and Senate, a bill to allow for the removal of the tribes east of the Mississippi River to land (as then unspecified) west of the river was enacted after months of debate during the 21st Congress (1829-31). Per the legislation, the president (and his agents) could negotiate treaties with the various tribes to exchange their land and provide for the emigration of thousands of people. The actual movement of tribal citizens was difficult, due to poor federal planning, lack of sufficient funds, and corruption. Thousands of native Americans died during their westward treks in the 1830s, best encapsulated by the Cherokee's "Trail of Tears" (Jahoda 1975; Ehle 1988).

The external politics of Indian removal leading up to the 1830 Act are reasonably well known (see, e.g., Satz 1975; Wallace 1993; Saunt 2020). Southern landowners and politicians, mostly in Georgia but also in Alabama, Mississippi, and Tennessee, sought to move natives residing in their states westward, in order to open up tribal lands to slavery and cotton growing. While the Act spoke generally of moving eastern tribes to land west of the Mississippi, the principal focus was on the "Five Civilized Tribes" – the Cherokees, Chickasaws, Choctaws,

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<sup>1</sup> Determining the principal achievement of a given Congress is always difficult. In this case, we sought help from experts. In his compilation of landmark legislation across congressional history, Stathis (2014) lists only five landmark laws or treaties for the 21st Congress. A reading of these five arguably results in the Indian Removal Act being viewed as the most important. The only competition would be the Preemption Act of 1830, which protected western settlers – squatters – from land speculators and claim jumpers by allowing them the right to claim and buy land before it was surveyed. In his book *The Laws That Shaped America*, Johnson (2009), when discussing the 21st Congress, mentions only the Indian Removal Act. Finally, in his case-study analysis of pivotal moments in U.S. History, Moss (2017) selects the struggle over Cherokee removal as one of the 19 topics of study.

Creeks, and Seminoles – who resided in the South. A smaller set of tribes located in the Great Lakes states was also targeted.

The politics within Congress, however, are not as well known.<sup>2</sup> While Indian removal may look inevitable in hindsight, the outcomes of congressional and treaty politics were not.<sup>3</sup> The Indian Removal Act of 1830, for example, succeeded thanks only to significant pressure – persistently applied – by President Jackson, a supportive Speaker of the House, and (ultimately) a narrow House majority. And a treaty to move the Cherokees required heavy-handed politics to divide tribal leaders and was adopted by virtue of a bare super-majority in the Senate. While the insatiable White slaveholder demand for native lands may have indeed driven the tribes westward in time, the form those efforts took in Congress and their timing was context specific.

We discuss those congressional efforts in this paper, examining the legislative proceedings and roll-call votes on key elements of Indian removal. In this way, we analyze the

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<sup>2</sup> Only one article – Carlson and Roberts (2006) – looks specifically at the Indian Removal Act from a distinctly congressional perspective. And among the best books on Indian removal, Wallace (1993: 68-70), Satz (1975: 20-31), and Saunt (2020: 70-76) spend just three, seven, and twelve pages, respectively, discussing the legislative proceedings on what would become the Indian Removal Act, including only cursory examinations of the votes themselves.

<sup>3</sup> Not all historians consider Indian removal to have been inevitable (see, e.g., Inskeep 2015; Garrison 2017; Saunt 2020). For example, Saunt (2020: xviii) argues: “It is not difficult to imagine an alternative scenario. Congressmen who were opposed to federal spending, against the expansion of slavery, dedicated to the Christianizing of native peoples, hostile to Andrew Jackson, or simply reluctant to overturn current policy might have found enough common ground to join together temporarily to block the expulsion of Native Americans. The vagaries of national politics might have delayed further action on the matter for a few years, until the Panic of 1837 slowed the gathering momentum to drive out the native peoples. Then the mounting sectional crisis might have brought it to a temporary halt. In the 1850s, indigenous peoples would have still lived on their homelands east of the Mississippi (as, indeed, several thousand did), with the Civil War looming on the horizon. This counter-scenario would not have reversed centuries of disease and dispossession, but it would have permitted indigenous peoples to weather the dark Antebellum years inside the Republic instead of beyond the line that separated full-fledged states from the subordinate and segregated region called Indian Territory.” We believe this argument – and those like it – would require a number of consecutive, low-probability events to occur. While not impossible, this was very unlikely.

degree to which such efforts could best be characterized as sectional, partisan, or ideological, as well as the effect presidential and constituency pressure had on individual House members. We also examine the degree to which votes cast on Indian removal had electoral consequences for House members who ran for reelection to the 22nd Congress (1831-33). In so doing, we provide the first systematic analysis of congressional politics – both legislative and electoral – surrounding Indian removal in the 1830s. Finally, we cover the downstream effects of the Indian Removal Act: shady and often corrupt treatymaking between the US and the tribes, weak opposition in the Senate to these practices and removal policy generally, and the human costs associated with expelling various peoples from their ancestral homelands.

### **A Short History of Indian Removal**

The idea of pushing various Indian tribes west, and thus removing them from their homelands, is older than the American republic itself. In the years prior to the break with Great Britain, the dividing line was the Appalachian Mountains. With independence, and the infant United States comprising the area east of the Mississippi River, ambitious citizens increasingly began moving beyond the Appalachians in search of new land and often a new beginning. This put them in conflict with Native tribes, which ultimately led to a number of bloody battles with US troops (see, e.g., Calloway 2015, 2018; Hogeland 2017; Cozzens 2020).

Violence, though, was not the only method for Indian removal. Throughout the first several decades of the new nation, American politicians working on behalf of the executive branch negotiated and the Senate approved approximately 150 treaties with dozens of Native tribes. Often these treaties represented the cession of land to the United States in exchange for

payment (in money, trade rights, etc.).<sup>4</sup> In this way, American statesmen typically treated the Native tribes as politically autonomous and respected their rights to land. Whether subsequent Americans respected the provisions of those treaties was another matter.

With the Louisiana Purchase in 1803, the United States obtained a huge tract of land west of the Mississippi River – and that encouraged advocates of Indian removal to think in grander terms. Pushing Native tribes to the furthest reaches of US territory in the Old Northwest and Southwest was no longer the optimal strategy; land west of the Mississippi River became the goal. This thinking was true even of American presidents. Thomas Jefferson had initially drafted a constitutional amendment – soon viewed as unnecessary and abandoned – that would have granted Congress the right to exchange land west of the Mississippi River for Native homelands in the east (Sauk 2020). Throughout his presidency, Jefferson tried to gently pressure Native tribes (especially the Cherokees) to consider exchanging their land and moving west. This policy – pressure, but not force – was adopted in subsequent years by Presidents James Monroe and John Quincy Adams (Prucha 1986). This general strategy of exchange and emigration was viewed by the presidents as a way to “protect native peoples until they could join the ranks of the civilized” (Sauk 2020: 7).

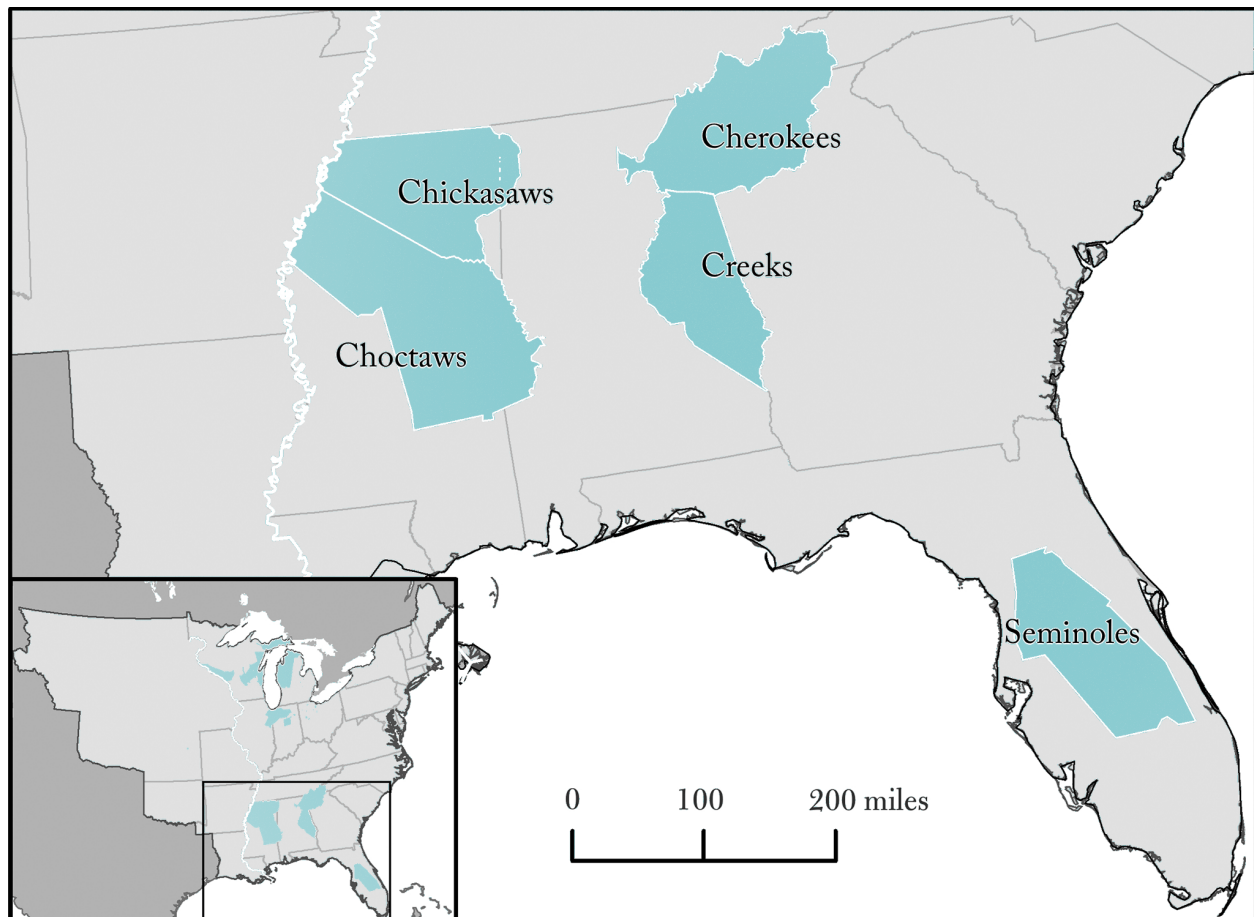
Most tribes resisted these entreaties to exchange land and move. As Banner (2005: 194) notes: “By the early 1820s, despite the emigration of several thousand Indians to the west, there were still tens of thousands of Indians living east of the Mississippi.” For these Indians, their homelands were sacred, and gentle pressure was not sufficient to make them surrender and emigrate. This was especially true of the tribes in the Old Southwest. Specifically, by the late-

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<sup>4</sup> Counts vary somewhat. For a discussion of ratified Indian treaties, the issues involved in counting, and a comprehensive list, see Prucha (1994, Appendix B).

1820s, large tracts of land in what would later be known as the “Deep South” were still Native-controlled. As Figure 1 indicates, the Chickasaws and Choctaws controlled land roughly equal to half of the state of Mississippi (as well as small portions of land in western Alabama), the Creeks controlled a sizeable portion of land in eastern Alabama, the Cherokees controlled land spanning northeast Georgia, northwest Alabama, southwest North Carolina, and southeast Tennessee, and the Seminoles controlled a large tract of land in the middle of Florida Territory.

**Figure 1: Native Nations in the US South (Circa 1830)**



Note: Reprinted from *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory* by Claudio Saunt. Copyright © 2020 by Claudio Saunt. Used with permission of the publisher, W.W. Norton & Company, Inc. All rights reserved. (Color added by authors.)

Much of the political pressure to expel the Native tribes was coming from those same Deep South states. Politicians in Georgia, for example, had been demanding federal intervention for years,<sup>5</sup> and in 1826 they successfully helped initiate a treaty with the Creeks, wherein the tribe agreed to cede their lands in the state. The Cherokees actively and successfully resisted such pressure, however. In response, Georgia politicians and their fellow Southerners devised more effective measures to hasten Indian removal. In the winter of 1826-27, a group of Southern Members of Congress met to hatch a plan and established a committee of three – Sen. John McKinley (J-AL), Sen. Thomas W. Cobb (J-GA), and Sen. Thomas Buck Reed (J-MS) – to lead the effort. The committee’s eventual plan was to extend state jurisdictions over the tribes, thus treating the Native peoples not as citizens of their own sovereign nations but as members of the states (with limited rights). As a result, as Sauk (2020: 39-40) notes, the tribes “would fall under the power of the ruling elite, who could do with them as they wished.” And the states could rely upon the federal government – per the US Constitution – to repress any uprisings or insurrections, should Native resistance arise.

The Georgia state legislature was the first to act, by adding Cherokee lands to existing counties in 1828 and extending state laws over these lands in 1829 (effective on June 1, 1830), after which all Cherokee customs and laws would be null and void.<sup>6</sup> The Alabama and Mississippi state legislatures followed Georgia’s lead, vis-à-vis the Creeks, Chickasaws, and Choctaws, in short order (Prucha 1994). Politicians in the Deep South were emboldened by the

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<sup>5</sup> Georgia officials insisted that the federal government enforce the Compact of 1802, wherein the United States paid \$1.25 million for its western lands (which would become the states of Alabama and Mississippi), and promised to extinguish Indian land titles in Georgia and turn that land over to the state to do with as it saw fit. But, as Wallace (1990: 63) states, “the latter promise was not quickly kept.”

<sup>6</sup> At the same time, two discoveries of gold were reported in Haversham County in August 1829, which led to Whites streaming onto Cherokee land in search of riches (Inskeep 2015).

presidential election of Andrew Jackson in November 1828. Jackson – unlike the more tepid positions held by previous presidents – was a firm advocate of Indian Removal. As Prucha (1986: 68) states: “He was convinced that the Indians could no longer exist as independent enclaves within the states. They must either move west or become subject to the state laws.”<sup>7</sup>

Jackson had a long history with the southern tribes. It is not hyperbole to say that fighting Indians made him a rising star in the nation. During the War of 1812, Jackson led a militia unit during the Creek War, when a Creek faction – the Red Sticks – joined with the British to fight the US. In early 1814, Jackson’s forces – which included Cherokees and Choctaws – defeated the Red Sticks in a series of battles in Alabama Territory (Cozzens 2023). His successes led to his appointment as a brigadier general in the US army. After the war, from 1816 to 1820, Jackson remained in control of troops in the South, and he used his influence to sign five treaties with the Southern tribes – wherein the Creeks, Choctaws, Cherokees, and Chickasaws ceded tens of millions of acres of land to the US. During the same period, between 1817 and 1818, he led American forces in the First Seminole War, in response to Native attacks on White settlers in Spanish Florida. Jackson would invade Florida and capture the city of Pensacola, which would ultimately lead Spain to sell Florida to the US in the Adams-Onis Treaty of 1819.<sup>8</sup>

As he settled into the White House, Jackson believed that Indian-White relations had reached a critical point. As Satz (1975: 11-12) argues, “the president believed that the

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<sup>7</sup> Jackson was a bit more ambiguous in his sole statement regarding the Native population in his first inaugural address (on March 4, 1829): “It will be my sincere and constant desire to observe toward the Indian tribes within our limits a just and liberal policy, and to give that humane and considerate attention to their rights and their wants which is consistent with the habits of our Government and the feelings of our people.” However, Remini (2001: 226) believes his intent was clear: “Anyone who knew him knew what that meant: removal of the remaining southern tribes beyond the Mississippi River.”

<sup>8</sup> For a summary of Jackson’s career as it related to the Native tribes, see Wallace (1993), Remini (2001), and Inskeep (2015).



uncompromising positions of the southern states and the Indians would end in bloody conflict if the federal government did not mediate the dispute.” He made this clear, and outlined his policy regarding removal, in his First Annual Message to Congress on December 8, 1829.<sup>9</sup> Jackson first noted that “Georgia and Alabama ... extended their laws over the Indians, which induced the latter to call upon the United States for protection.” In response, he stated that “their attempt to establish an independent government would not be countenanced by the executive of the United States.” As a result, he advised the Southern tribes “to emigrate beyond the Mississippi or submit to the laws of those states.” He then suggested to Congress “the propriety of setting apart an ample district west of the Mississippi... to be guaranteed to the Indian tribes.” As for the emigration itself, Jackson said it “should be voluntary,” but with the knowledge “that if [the tribes] remain within the limits of the states they must be subject to their laws.”

Jackson thus set out the broad contours of federal Indian removal policy. In doing so, as Cozzens (2023: 354) argues, “Jackson had articulated the issue that would define his presidency.” The portions of his message to Congress relating to Indian affairs were sent to the Committee on Indian Affairs in each chamber, for the purposes of creating legislation to carry out his wishes.<sup>10</sup> And the stage was set for that to happen, as the two committees were chaired by pro-removal members from Jackson’s home state: Rep. John Bell (J-TN) and Sen. Hugh Lawson White (J-TN). Nonetheless, as Satz (1975: 20) states: “[Jackson’s] recommendations immediately became the subject of intense partisan warfare.” Religious groups – often Quakers – throughout the North spoke out against the federal government’s breach of faith with the Indians,

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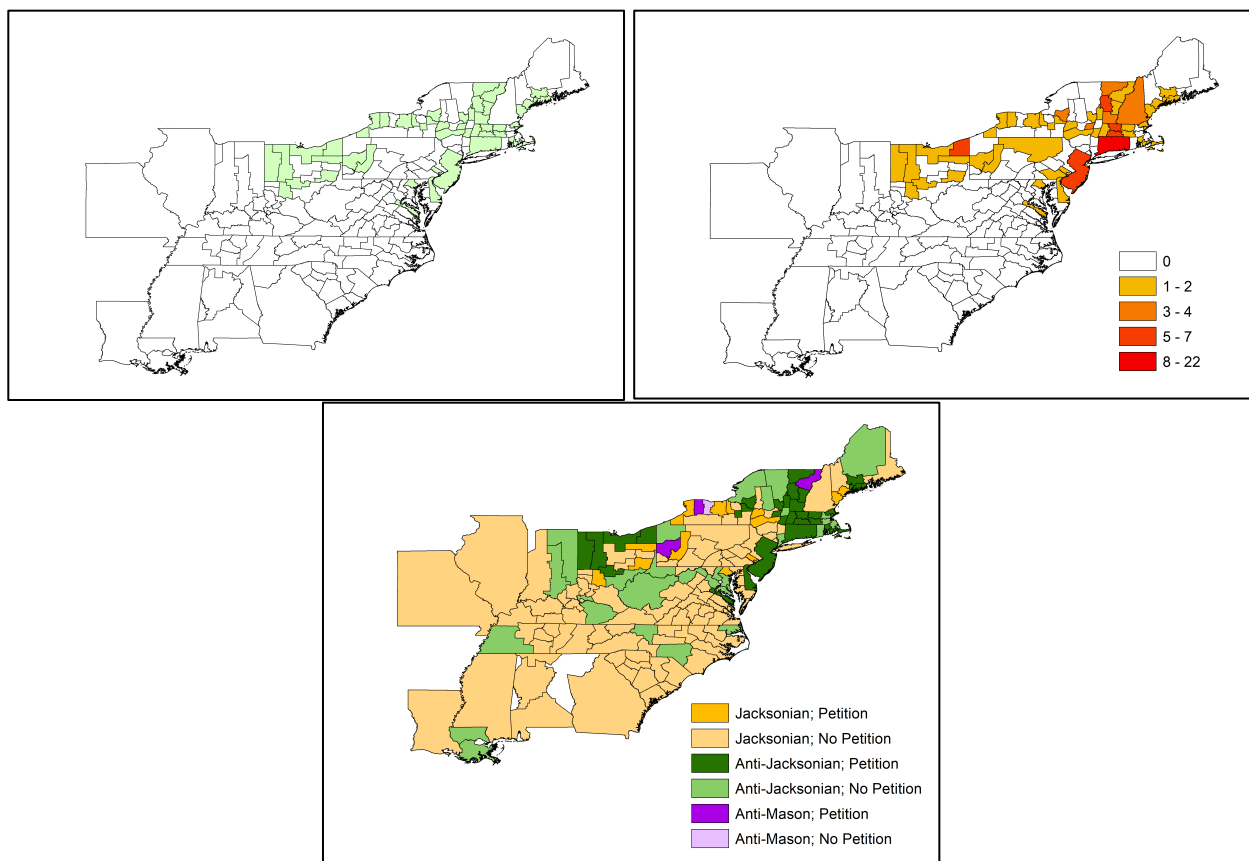
<sup>9</sup> The president’s full message appears in *House Journal*, 21st Congress, 1st Session (December 8, 1829): 11-28; *Senate Journal*, 21st Congress, 1st Session (December 8, 1829): 5-22.

<sup>10</sup> *House Journal*, 21st Congress, 1st Session (December 10, 1829): 31; *Senate Journal*, 21st Congress, 1st Session (December 10, 1829): 25.

and Jackson’s political opponents rallied around the issue.<sup>11</sup> As a result, petitions and memorials began flooding into Congress, with citizens of towns and religious faiths urging legislators to protect the Indians and prevent them from being removed from their ancestral homelands.<sup>12</sup>

Figure 2 presents the distribution of petitions and memorials by House district in the 21st Congress, prior to the voting on the Indian Removal Act.

**Figure 2: Anti-Removal Petitions and Memorials to the US House, 21st Congress**



Note: Petitions and memorials taken from those reported in the *House Journal* prior to the voting on the Indian Removal Act.

<sup>11</sup> Writing in his diary, on January 24, 1830, John Quincy Adams remarked that he believed “a new organization of parties with reference to the Presidency must take place,” and that one of the issues that would create such a division was “the Indians.” See Charles Francis Adams, ed., *Memoirs of John Quincy Adams* (Philadelphia: J. B. Lippincott & Co., 1876), volume 8: 180.

<sup>12</sup> Many of these petition and memorial drives were organized by women, who could not vote at the time. See, e.g., Hershberger (1999) and Theodore (2002).

Most petitions/memorials came from Northern (free) districts (upper left of Figure 2), with only single petitions coming from districts in the slave states of Delaware, Maryland, and Virginia. Several House members reported multiple petitions/memorials from their districts (upper right). Finally, while Anti-Jacksonians and Anti-Masons reported the majority of the anti-removal petitions/memorials, a non-trivial number of Jacksonians throughout the North also made similar reports (lower center).

All the ingredients were in place for a landmark congressional battle, one that would decide the fate of the Native peoples east of the Mississippi River. A new major issue – Indian Removal – would also be placed on the legislative and electoral agenda, which would linger for the next decade and help usher in the Second Party System, with the proto-Republican factions built around support or opposition to President Jackson solidifying by the mid-1830s into Democrats and Whigs (Russo 1972; Rolater 1993). But that was prospective and not fully knowable at the time. On the immediate issue of Indian removal, Jackson’s forces seemed to have the upper hand, controlling 63.9 percent of seats in the 21st House and 52.1 percent of seats in the 21st Senate (Martis 1989). And while these percentages suggested that the road would be easier in the House than the Senate, the reality turned out to be just the opposite.

### **Legislative Proceedings**

The Senate was the first to act on Indian Removal, on February 22, 1830, when Sen. White reported out of committee S. 102, a bill to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal West of the Mississippi

river.<sup>13</sup> In presenting the committee's report, White laid out the history of "occupancy" in the nation (after Independence), a brief chronology of important treaties, the provisions of the Compact of 1802, and the legal sovereignty of Georgia, Alabama, and Mississippi, before issuing their recommendation:

Your Committee are of the opinion, that ample means should be placed, by Congress, in the power of the President of the United States, to authorize and enable him to have the country West of the Mississippi, out of the limits of all of the States, with which the United States have treaties; to have those districts accurately described; and, also, to make exchanges and purchases with such tribes, or parts of them, as may choose to remove; to give aid and removal, and to contribute for a season, to their support, at their places of residences.<sup>14</sup>

The bill – which contained eight sections – was read, and 6,000 copies of the committee's report were ordered to be printed. On April 6, 1830, S. 102 was first considered in the Committee of the Whole,<sup>15</sup> and per Satz (1975: 21), "[it] was the main topic of discussion in the Senate ... until the final vote was taken eighteen days later."

Sen. Theodore Frelinghuysen (AJ-NJ) led the arguments against the removal bill. During a speech that lasted over three days (six hours total), he spoke of the tribes' right to stay in their ancestral homes, his dismay at the unwillingness of national figures to abide by previous treaties, and his respect for those Indians – like the Cherokees – who had successfully "civilized" themselves and assimilated into Christian White society.<sup>16</sup> Sen. Peleg Sprague (AJ-ME) warned of giving authority to the Jackson administration to negotiate any land swaps, as he did not trust

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<sup>13</sup> *Senate Journal*, 21st Congress, 1st Session (February 22, 1830): 147-48. The full bill can be read here: <https://memory.loc.gov/cgi-bin/ampage?collId=llsb&fileName=011/llsb011.db&recNum=223>

<sup>14</sup> *Register of Debates*, 21st Congress, 1st Session (February 22, 1830), Appendix: 97. The full report appears on pages 91-97.

<sup>15</sup> *Register of Debates*, 21st Congress, 1st Session (April 6, 1830): 305; *Senate Journal*, 21st Congress, 1st Session (April 6, 1830): 228.

<sup>16</sup> *Register of Debates*, 21st Congress, 1st Session (April 7, 1830): 307; (April 8, 1830): 309; (April 9, 1830): 309-20.

them to act in good faith.<sup>17</sup> Sen. Ascher Robbins (AJ-RI) noted the dangers being asked of the Indians – to leave their ancestral lands and travel countless miles into the unknown and settle there – without them being given any rights of citizenship.<sup>18</sup>

Sen. John Forsyth (J-GA) led the arguments in favor of the removal bill. He was especially blunt in his assessment: the lands currently held by the Indian tribes were needed for the progress of White American society. Forsyth considered the Indian tribes to be an inferior race – “useless and burthensome” – and their emigration beyond the Mississippi was necessary for White settlement. He also firmly held that the states had the right to legislate over anyone in their limits and would brook no arguments for tribal autonomy. Finally, despite his feelings for the Indians, he argued that they would be humanely taken care of in their resettlement – in keeping with Christian ideals – but that the time had come for their expulsion.<sup>19</sup> Sen. Robert Adams (J-MS) agreed with Forsyth about a state’s rights to legislate within its borders and chastised the bill’s opponents for demonizing the Jackson administration and casting doubt that any Indian removals would be anything but “free and voluntary.”<sup>20</sup>

On April 24, 1830, the Senate proceeded to vote on S. 102. Sens. Frelinghuysen and Sprague tried to amend the bill to provide the Indians with additional safeguards, before and

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<sup>17</sup> For Sprague’s entire speech, see *Register of Debates*, 21st Congress, 1st Session (April 17, 1830): 343-57.

<sup>18</sup> For Robbins’s entire speech, see *Register of Debates*, 21st Congress, 1st Session (April 21, 1830): 374-77.

<sup>19</sup> For Forsyth’s entire speech, see *Register of Debates*, 21st Congress, 1st Session (April 13, 1830): 324; (April 14, 1830): 325; (April 15, 1830): 325-39. In keeping with the “humane” argument Forsyth was making regarding the Indians’ resettlement, he said: “Without industry, and without incentives to improvement, with the mark of degradation upon a precarious, because ill-directed, agriculture, they are little better than the wandering gypsies of the old world, living by beggary or plunder.” *Ibid.* 328.

<sup>20</sup> For Adams’ entire speech, see *Register of Debates*, 21st Congress, 1st Session (April 20, 1830): 359-67.

during removal. But all of their amendment attempts failed.<sup>21</sup> Sen. McKinley then offered an amendment regarding the valuation of tribal property, which was agreed to without a vote. Finally, on the motion of Sen. White, the sum of \$500,000 was inserted into the blank in Section 8, to provide for removal.<sup>22</sup> And the bill, as amended, was then ordered to be engrossed for a third reading on a 28-19 vote.<sup>23</sup> All Jacksonians who voted (24 in all) supported removal; four Anti-Jacksonians joined them, while 19 voted in opposition.<sup>24</sup>

Unlike in the Senate, passage of an Indian removal bill in the House proved to be difficult. Indeed, at various points, success was very much in doubt. Progress only occurred by razor-thin margins, and on three different occasions the Speaker, Andrew Stevenson (J-VA), proved to be the difference. Stevenson, in his second term as Speaker, was a favorite of Vice President Martin Van Buren and had worked to make clear his support for President Andrew Jackson – and opposition to former-President John Quincy Adams and his supporters – as the “amalgam” Republican Party under former President James Monroe increasingly divided into rival coalitions (Wayland 1949).<sup>25</sup> Like nearly all members of his Virginia congressional delegation, Stevenson had voted for William Crawford in the House ballot for president in

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<sup>21</sup> There were four such votes, three offered by Frelinghuysen (which were defeated 20-27, 19-28, and 20-27, respectively) and one by Sprague (which was defeated 20-27). See *Senate Journal*, 21st Congress, 1st Session (April 24, 1830): 266-67.

<sup>22</sup> For the McKinley and White alterations, see *Register of Debates*, 21st Congress, 1st Session (April 24, 1830): 383.

<sup>23</sup> *Senate Journal*, 21st Congress, 1st Session (April 24, 1830): 268.

<sup>24</sup> Only one senator abstained: Samuel Smith (J-MD). The four Anti-Jacksonians who voted for removal were: William Hendricks (IN), Josiah Stoddard Johnston (LA), James Noble (IN), and Nathan Sanford (NY).

<sup>25</sup> By the 21st Congress (1829-31), the rival factions of Adams and Jackson Republicans during the 19th and 20th Congresses had begun to form clear political parties. Jackson Democrats faced off against Anti-Jackson Democrats, with the latter congealing (with Anti-Masons) into National Republicans before finally becoming Whigs in the 25th Congress (1837-39). Party labels were somewhat fluid during this period, leading sometimes to different publications offering different codings. See Martis (1989) for more details.

January 1825 – in the three-candidate contest with Jackson and Adams – but quickly backed Jacksonian policy against the Adams administration.<sup>26</sup> The House proceedings on the Indian Removal bill would give him a new opportunity to show his Jacksonian bona fides.

Before the House could advance its own bill, Jacksonian leadership decided to proceed to the consideration of S. 102; on April 26, 1830, S. 102 was twice read and referred by Rep. John Bell to the Committee of the Whole.<sup>27</sup> Debate in the House began on May 13 and stretched for more than a week and a half.<sup>28</sup>

The pro-removal side was led by Rep. Wilson Lumpkin (J-GA), who took a paternalistic approach in his arguments. Lumpkin contended that removal was the only way to save the Southern tribes; if they tried to remain within the confines of the Southern states, they would eventually be exterminated by the ever-growing populace of White American. In making his argument, he criticized the Christian groups – “fanatics” – who were bombarding the Congress with petitions and memorials, in pursuit of keeping the tribes on their ancestral homelands. He argued that such an effort – should it succeed – would only lead to dire consequences for the Indians. Supporting Lumpkin in the debate came from a variety of members, led by Reps. Dixon Lewis (J-AL), Richard H. Wilde (J-GA), and James M. Wayne (J-GA).

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<sup>26</sup> Twenty of the 22 members of the Virginia delegation supported Crawford; one member supported Adams and one supported Jackson (Martis 1989: 319).

<sup>27</sup> *Register of Debates*, 21st Congress, 1st Session (April 26, 1830): 819. Bell had reported his committee’s bill to the House on February 24, 1830 – two days after the White reported his committee’s bill to the Senate (*House Journal*, 21st Congress, 1st Session (February 24, 1830): 333-34). But no floor action had been taken on it by the time S. 102 was sent by the Senate for House concurrence. Rather than insist on action on his bill, Bell agreed to let S. 102 take precedence (Satz 1975; Wallace 1993).

<sup>28</sup> *Register of Debates*, 21st Congress, 1st Session (May 13, 1830): 988; (May 14, 1830): 993-94; (May 15, 1830): 994-1016; (May 17, 1830): 1016-37; (May 18, 1830): 1037-49; (May 19, 1830): 1049-1120; (May 24, 1830): 1122-33.

The anti-removal side was led by Rep. William L. Storrs (AJ-CT), who agreed with Lumpkin on some basic facts. Storrs thought the Southern tribes were indeed being threatened by White Americans, but he disagreed with Lumpkin that the purpose of the bill was to help them. In Storrs's estimation, the goal of the legislation was to clear out the Indians from the Southern states – there was no true intent from the Jacksonians to help the Indians, provide them refuge in the West, and see that they would prosper into the future. And he did not believe the legislation – if enacted – would be implemented to allow for their “voluntary removal.” While Storrs could not guarantee the Southern tribes' survival in their ancestral homelands, he would not back the unjust and draconian removal bill. Supporting Storrs in the debate were, among others, Reps. Samuel L. Vinton (AJ-OH), Edward Everett (AJ-MA), and Isaac C. Bates (AJ-MA).

On May 24, 1830, the House was finally ready to conclude debate on S. 102. Tensions were high in the chamber. As Inskeep (2015: 239-40) describes: “The fight grew desperate as time began to expire; many members of Jackson's new party were wavering under pressure from constituents who protested removal ... [as a result] party leaders made the vote an issue of loyalty.”<sup>29</sup> The bill's opponents feared a positive outcome and pursued various dilatory tactics – multiple calls of the House and a (failed) motion to adjourn – to stall proceedings.<sup>30</sup> A motion to table S. 102, offered by Rep. Daniel H. Miller (J-PA), was also tried but failed, 94-103.<sup>31</sup> At that point, the most serious challenge to S. 102 was raised by Rep. Joseph Hemphill (J-PA), who proposed a substitute amendment that would strike out the language of S.102 and replace it with:

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<sup>29</sup> On this point, see also *Niles' Weekly Register* (June 5, 1830): 268: “Those who were friends of the administration were privately and publicly entreated to support the bill, and others were scolded; indeed Mr. Lewis, of Alabama, in our hearing, went so far as to proclaim in the house, with extraordinary heat, those of the party to be ‘traitors’ who should not uphold this leading measure of the executive.”

<sup>30</sup> *House Journal*, 21st Congress, 1st Session (May 24, 1830): 699-703, 707-10.

<sup>31</sup> *House Journal*, 21st Congress, 1st Session (May 24, 1830): 708-09.



That the President of the United States be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, three disinterested Commissioners, to be taken from States having no interest or claim to any part of the lands hereinafter mentioned, whose duty it shall be to proceed to the Cherokee nation of Indians, and to the other nations and tribes living East of the Mississippi, and South of the Ohio river, and to ascertain from said nations and tribes, in their national capacity, as heretofore considered by the United States, whether they are willing to exchange their lands for lands West of the Mississippi river, upon liberal terms, and to remove to the same.<sup>32</sup>

If the commissioners found that the tribes were willing to exchange land and move, they were then to explore the area west of the Mississippi and determine its suitability for agriculture and hunting. They were then to prepare a report for submission to the President, before the next session of Congress, detailing how much it would cost to move each tribe and determine how much they would receive for the improvements – houses, orchards, and cultivation – they had made on their current land.<sup>33</sup>

Hemphill's substitute would provide a formal delay of up to a year. Hemphill argued that such a delay was necessary because "the people of this country are not prepared for this question; they have not as yet had an opportunity to reflect upon it." And while he acknowledged that President Jackson supported S. 102, Hemphill stated that "[the President] has not indicated the manner and mode of carrying it into effect." He believed his amendment, if adopted, was prudent in that it would allow Congress (and the nation) "to obtain information before we act."<sup>34</sup>

Rep. Wiley Thompson (J-GA) responded by demanding the previous question, which – if successful – would have set Hemphill's substitute amendment aside and moved the main question on the bill. The vote to second the previous question resulted in a 98-98 tie. Speaker

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<sup>32</sup> *House Journal*, 21st Congress, 1st Session (May 24, 1830): 706.

<sup>33</sup> These are paraphrases of Sections 2 and 3 of Hemphill's bill. Section 4 provided a \$30,000 appropriation to carry into effect the provisions of his act. See *House Journal*, 21st Congress, 1st Session (May 24, 1830): 706-07.

<sup>34</sup> All quotations from *Register of Debates*, 21st Congress, 1st Session (May 24, 1830): 1132.

Stevenson then injected himself into the proceedings for the first time by voting “yea,” thus breaking the tie in favor of sustaining the previous question motion.<sup>35</sup> Although Hemphill’s substitute failed, Satz (1975: 30) contends that “the close vote clearly indicates that many Democrats had second thoughts about the Removal Bill.”

The previous question was then put: “Shall the main question be now put?” The vote resulted in a 99-99 tie, with Speaker Stevenson once again casting a tiebreaking vote in favor.<sup>36</sup> Finally, the main question was put – “Shall the bill [S. 102 as amended] be engrossed and read a third time?” – and the House voted by roll call in the affirmative, 102-97.<sup>37</sup>

The following day, May 25, 1830, the bill was read for a third time when Hemphill gained the floor again. This time, he moved to recommit the S. 102 to the Committee of the Whole House to amend it in keeping with the manner he proposed (in his substitute amendment) the prior day.<sup>38</sup> Rep. John Bell (J-TN) moved the previous question, which would set aside the motion to recommit and take the question on the passage of the bill. Prior to his motion, however, Bell announced (per the recording clerks for the *Register of Debates*) that

He was decidedly opposed to the recommitment, and deprecated re-opening the general discussion of the bill, which must grow out of the motion. Full opportunity had been given for debating the measure, and every one must come to the conclusion that the adoption of the amendment would a rejection of the bill. He opposed the amendment on various grounds, asserting that no three living men could perform the duties proposed by the amendment in twenty-four months, much less six months, as was required.<sup>39</sup>

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<sup>35</sup> *House Journal*, 21st Congress, 1st Session (May 24, 1830): 707.

<sup>36</sup> *House Journal*, 21st Congress, 1st Session (May 24, 1830): 710-11.

<sup>37</sup> *House Journal*, 21st Congress, 1st Session (May 24, 1830): 711-12.

<sup>38</sup> *House Journal*, 21st Congress, 1st Session (May 25, 1830): 711-12; *Register of Debates*, 21st Congress, 1st Session (May 25, 1830): 1134-35.

<sup>39</sup> *Register of Debates*, 21st Congress, 1st Session (May 25, 1830): 1135.

More delay was attempted by opponents of the bill to no avail.<sup>40</sup> The vote to second the previous question resulted in a 96-96 tie. Speaker Stevenson then injected himself into the proceedings for the third and final time by breaking the tie in favor of sustaining the previous question motion.<sup>41</sup> Opponents of S. 102 were, by this time, annoyed with Stevenson's role in the proceedings, as captured by this exchange:

Rep. Joel Sutherland (J-PA) inquired of the Chair whether it was competent for the presiding officer to give a casting vote on a seconding motion; which the Speaker replied to in the affirmative.<sup>42</sup>

The previous question – “Shall the main question be now put?” – then failed, 98-99, which meant that the bill would not now be put and would be removed until the following day.<sup>43</sup>

For supporters of S. 102, this defeat was temporary, as they would finally break through on May 26, 1830. Rep. John Gilmore (J-PA) gained the floor and moved the previous question. More delay ensued, and the Sergeant-at-Arms was ordered to round up Reps. James Ford (J-PA) and William Ramsey (J-PA), who to that point had been absent. Business was suspended until Ford and Ramsey arrived in the chamber.<sup>44</sup> Finally, the vote to second the previous question succeeded, 98-96. The previous question – “Shall the main question be now put?” – was then decided by roll call in the affirmative, 101-97, after which the question – “Shall the bill [S. 102] pass?” – succeeded by roll call, 102-97.<sup>45</sup>

After a grueling legislative battle, the Jacksonians in the House had finally won. It required narrow (and sometimes bare) majorities on multiple occasions, along with the active

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<sup>40</sup> *House Journal*, 21st Congress, 1st Session (May 25, 1830): 717-20.

<sup>41</sup> *House Journal*, 21st Congress, 1st Session (May 25, 1830): 721.

<sup>42</sup> *Register of Debates*, 21st Congress, 1st Session (May 25, 1830): 1135.

<sup>43</sup> *House Journal*, 21st Congress, 1st Session (May 25, 1830): 721-22.

<sup>44</sup> *Register of Debates*, 21st Congress, 1st Session (May 26, 1830): 1135.

<sup>45</sup> *House Journal*, 21st Congress, 1st Session (May 26, 1830): 728-30.

assistance of the House Speaker. As Saunt (2020: 75) notes, “it is unlikely the bill would have survived without his intervention.”

S. 102, as amended by the House, was then sent to the Senate for concurrence. The Senate considered the measure that same day. Opponents tried to postpone consideration – presumably to consider a strategy to delay or defeat the measure – but were defeated on a 19-24 roll call.<sup>46</sup> Opponents then tried to amend S. 102 in a variety of ways – to protect the tribes against various encroachments, to maintain the provisions of established treaties until the tribes decided to move, and to limit the scope of the legislation – but all of these attempts were easily defeated.<sup>47</sup> The Senate then concurred in the House amendments, and the House was notified accordingly. On May 28, 1830, President Jackson signed S. 102 into law.<sup>48</sup> (See the Appendix for the full statute.)

### **Empirical Analyses**

Our empirical investigation into the Indian Removal Act focuses on the House. The Senate was more straightforward regarding determinants: the final-passage vote was almost a party-line vote (with only four Anti-Jacksonians defecting and voting with all the Jacksonians). The Senate vote was also less clear from an electoral-consequences perspective, since senators were elected by state legislatures at this time and only one-third came up for reelection to the 22nd Congress. The House, by comparison, was more heterogenous in membership, more targeted by anti-removal petitioners (especially outside of the South), and more electorally tied to constituents, as all seats were up for direct re-election to the 22nd Congress.

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<sup>46</sup> *Senate Journal*, 21st Congress, 1st Session (May 26, 1830): 327-28.

<sup>47</sup> *Senate Journal*, 21st Congress, 1st Session (May 26, 1830): 328-29. There were five such amendments in total, with roll calls of 18-25, 17-26, 18-24, 18-24, and 18-24.

<sup>48</sup> *Statutes at Large*, 21st Congress, 1st Session (May 28, 1830): 411-12.

## What Explains Members' Votes on Removal?

Our first empirical analysis is an investigation of the correlates of House members' votes on final passage of the Indian Removal Act in April 1830. Our unit of analysis is the Member of Congress, with votes on this single roll call (roll call 149 of the 21st Congress) representing the universe of cases. Our dependent variable is **Voted for Removal**, which takes the value "1" when the member voted in favor of Removal and the value "0" when they voted against. Any members not voting are treated as missing data.

There are several candidate variables that could plausibly explain voting on the bill, each related to a particular conception of Congressional decision-making. We seek to understand to what extent the plausible explanations are independently correlated with the members' vote choices. While we cannot show that one factor or another caused a particular member to vote one way, we do uncover very strong associations that give evidence as to what drove the result.

First, we consider a partisan approach. In a world where parties reach policy positions and then behave cohesively, partisanship is a powerful predictor of vote choice. Here, we condense the partisan landscape into a simple dichotomous variable, **Jacksonian**, which takes the value "1" for Democrats and "0" for all other parties.<sup>49</sup> Second, we consider one of the other great divides of the early 19th century: slavery. **Slave State** takes the value "1" if the state had a legal system of slavery in 1830 and "0" if it did not.

Third, we consider ideology as measured through roll-call voting in Congress, specifically in the form of First and Second Dimension Nokken-Poole NOMINATE scores (Nokken and Poole 2004), which we call **Nokken-Poole 1st** and **Nokken-Poole 2nd**.<sup>50</sup> Unlike

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<sup>49</sup> Party affiliations are taken from Martis (1989).

<sup>50</sup> The Nokken-Poole NOMINATE scores are otherwise known as One-Congress-at-a-Time DW-NOMINATE scores, as the scaling allows for the maximum amount of movement (in either a left

Jacksonian and Slave State, these two variables are based on individualized rather than collective behavior and allow for more granular variation. Across decades of Congressional research, ideology based on roll-call voting has had the most explanatory power for vote choice (Poole and Rosenthal 2007). In many respects, this is not surprising, given that the scores are derived from roll-call voting. However, the ability of often just a single dimension to reliably explain vote choice on most roll calls has been an enduring feature of the study of Congress.

With our final three variables, we consider evidence of a locally specific preference on Removal separate from more macro partisan and ideological considers. Members may have responded to the unique preferences of their constituents, which may have varied locally from what their party or ideological groupings otherwise wanted. On some bills, these local interests can be particular and acute and drive an individual member's vote choice. Our fourth variable is **Jackson's 1828 Vote** percentage in a member's district.<sup>51</sup> Because Jackson was the driving force for Removal, local support for Jackson was likely correlated with support for the policy.

Our fifth variable is a measure of the direct **Geographic Connection** of a member's district to the Removal plan, taking the value "1" if the district contained tribal groups set for relocation or (more frequently) if the district was in the physical pathway of relocation. Our final variable is a measure of the number of **Constituent Petitions** introduced by each member in opposition to Removal, which forms an alternate measure of local preferences, based specifically on constituent behavior regarding Removal rather than the proxy of voting for Jackson.

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or right dimension) from Congress to Congress. For more information, see <https://legacy.voteview.com/Nokken-Poole.htm>. On the NOMINAE scaling program, estimation, and scores in general, see Poole and Rosenthal (2007).

<sup>51</sup> We build district-level vote for Andrew Jackson in 1828, using the county-level presidential voting data in Dubin (2002). We map counties to districts in 1828, based on the breakdowns in Parsons, Beach, and Hermann (1978) and Martis (1983).

In Table 1, we present the results of eight logistic regression models, one model each for the variables described in the preceding paragraphs, and two final models that combine them together. In Model 7, we combine all variables but for the Nokken-Poole ideology measures, which are likely to already reflect information in the other variables. Finally, in Model 8, we combine all of the variables. In all models, standard errors are cluster-adjusted at the state level. For each model, in addition to the estimated coefficients and standard errors, we also present “pseudo” R<sup>2</sup> values as well as the Percent Correctly Predicted (PCP) by the models to allow for comparison of model fit with the inclusion of different variables.

**Table 1. Factors Associated with Vote Choice on the Passage of Indian Removal in the House, 21st Congress**

Variable	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Jacksonian	4.54** (0.83)						4.47** (1.05)	-0.48 (1.36)
Slave State		1.98** (0.47)					1.72^ (0.98)	1.64* (0.73)
Nokken-Poole 1st			-21.00** (3.42)					-23.46** (4.56)
Nokken-Poole 2nd			0.92 (0.80)					0.37 (1.13)
Jackson’s 1828 Vote				0.07** (0.02)			-0.01 (0.02)	-0.06^ (0.03)
Geographic Connection					1.81** (0.60)		0.11 (0.85)	0.73 (1.32)
Constituent Petitions						-1.03** (0.31)	0.05 (0.23)	-0.02 (0.55)
N	198	198	198	181	198	198	181	181
Pseudo R <sup>2</sup>	0.46	0.15	0.80	0.22	0.05	0.12	0.49	0.81
PCP	85.86%	72.22%	93.94%	73.48%	57.58%	68.69%	85.08%	93.37%

Note: Coefficients are logit estimates with the estimated standard errors (clustered by state) in parentheses. ^=p<0.10; \*=p<0.05; \*\*=p<0.05

Each of the proposed explanations for vote choice is individually associated with the vote on Removal, except for the 2nd Dimension Nokken-Poole score. Unsurprisingly, Jacksonians, those representing districts who voted for Jackson, those with a direct geographical connection to

Removal, and slave-state representatives (mainly Southerners) were all more supportive of Removal. Higher Nokken-Poole 1st Dimension scores (generally Anti-Jacksonians) were less supportive of Removal. And, not surprisingly, those who introduced more petitions opposed to Removal were less likely to vote for it. Finally, in Models 7 and 8, where we utilize all the variables simultaneously, only Jacksonian and Slave State remain significant in the party-based model (Model 7) and only Slave State and the Nokken-Poole 1st dimension remain significant in the ideology model (Model 8). Perhaps tellingly, adding all variables into the ideology model slightly reduces predictive accuracy over the simple model with just the Nokken-Poole scores. Given that Nokken-Poole scores likely accounts for information relevant to the other variables, this is not that surprising. But it does imply that very specific information orthogonal to the main dimension of politics in 1830 was not very significant. In the next section, we analyze whether the vote choice itself would be predictive of electoral results.

### Electoral Results After the Removal Vote

We test for potential consequences of the Removal Vote by analyzing the members' electoral results in the 1830 election that followed the vote in Congress.<sup>52</sup> We analyze three different outcomes of interest: first, whether the member ran for re-election; second, whether the member won re-election if they sought it; and third, the change in members' electoral success

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<sup>52</sup> Did an “electoral connection” (Mayhew 1974) operate in the Antebellum era? While members of Congress did not display the kind of strong ambition for a career in Congress as compared to the modern era, they were still highly ambitious and often sought a *career in the party* (Stewart 1989; Carson and Jenkins 2011). And several studies have found evidence that voters in the Antebellum era rewarded or punished congressional incumbents based on their performance in office (Bianco, Spence, and Wilkerson 1996; Carson and Engstrom 2005; Finocchiaro and Jenkins 2016). For a book-length analysis of representation, responsiveness, and accountability in Congress that includes the Antebellum era, see Carson and Sievert (2018).



between 1828 and 1830. We expect that those who voted contra the wishes of their constituents on Removal would suffer electorally for it, given the high salience of the issue at the time.

The first two outcomes of interest are simple dummy variables: **Sought Re-election** and **Won Re-Election**. The former takes the value “1” when the member contested the 1830 election and “0” when they did not, for any reason. This is necessarily imperfect as the precise reason for not seeking is not always known. In these early days, some states utilized a rotation system and thus, informally, a member would not be eligible to run again. However, it is possible that some members chose not to run again after they cast a vote contrary to the wishes of their constituents, or – more likely – decided to cast such a vote when they knew they were not running again. The second variable, Won Re-Election, takes the value “1” when the member sought and won re-election and “0” when the member sought re-election but lost. Those who did not seek re-election are treated as missing data.

Finally, in the third outcome of interest, we analyze the electoral results for each representative who contested the 1828 and 1830 House elections and for whom data are available. This, which we call **Vote Percentage Change**, is our dependent variable and is calculated by subtracting members’ 1828 vote percentage from their 1830 vote percentage, creating a difference which has a theoretical range of -100 percent to 100 percent but which, in fact, ranged from -61.99 percent to 47.28 percent with an average of -2.51 percent.<sup>53</sup> These data are missing in some cases for multiple possible reasons. Some members did not run for re-election and thus have no electoral change. For others, precise data on their vote totals in either or both of the 1828 and 1830 elections are unavailable, and thus this measure cannot be calculated.

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<sup>53</sup> Data on members’ electoral percentages in 1828 and 1830 are taken from Dubin (1998).

We seek to explain these electoral outcomes with two key independent variables as well as their interaction. First, we include Andrew Jackson's Presidential Vote in the member's district in 1828, carried over from the previous section. Second, we include Opposed Removal, the dependent variable in the previous section. We expect this decision drove electoral consequences in the subsequent 1830 election. Finally, we include an interaction of these two variables, **Jackson's Presidential Vote X Opposed Removal**, allowing for the consequences of the vote to vary depending on whether the district strongly supported or opposed Removal (as proxied by Jackson's Presidential Vote). We expect that opposing Removal was a positive in areas of low Jackson support, but became a negative in areas of high Jackson support.

In addition to these primary independent variables, we include a set of controls which may help explain electoral change from 1828 to 1830. First, we include Jacksonian, carried over from the previous section. This helps capture any systematic differences in electoral change by party. Second, we include the Nokken-Poole 1st and 2nd Dimension measures of ideology from the previous section. This captures whether different ideological groups systematically did better or worse in the 1830 elections than they had in 1828.

We recognize that there were more issues than just the relocation of Native American tribes in the 21st Congress. Hundreds of votes were cast. It is implausible that the entirety of electoral change could be owed to a single vote. Even more dangerous for inference, it is entirely possible that the Removal Vote was correlated with other votes in the 21st Congress and thus, when included alone in the model, may capture the electorate's response to many other salient votes, inflating our estimate of the relationship. Thus, we attempt to control for the other votes cast in the 21st Congress. To do this, we estimate single-Congress W-NOMINATE scores for the

21st Congress.<sup>54</sup> This yields First and Second Dimension estimates for each Member of Congress. Unsurprisingly, Jackson's Presidential Vote is strongly correlated with the First Dimension W-NOMINATE score (about 0.65). As there is approximately zero correlation between Jackson's Presidential Vote and the Second Dimension, we do not consider it further. We add to Jackson's Presidential Vote our Jacksonian party variable and use the two to generate a predicted W-NOMINATE First Dimension score. This is a blunt estimation of how a member might have voted if they acted in line with their constituents and party. We then take the residuals from this estimation – the difference between the observed and predicted scores – as a measure of misalignment with partisan and constituent preferences. Because members may suffer from being misaligned in either direction, we use the absolute value of this difference, and call it **District Misalignment**. The average member was about 0.25 points misaligned from the expected score based on their voting record in the 21st Congress.

Finally, one great predictor of future electoral pursuits (and success) is prior electoral success. Those who barely won in their prior re-election are often the least likely to seek re-election, the least likely to win re-election, and expected to obtain the lowest vote share in such a re-election. Additionally, for our third outcome variable, Vote Percentage Change, prior vote share may be mechanically predictive of change because the measure is theoretically bounded. For example, a person who received 50 percent of the vote in 1828 would have a possible range of Vote Percentage Change of -50 to 50 percent, while someone who received 90 percent would have a possible range of -90 to 10 percent. Thus, we include **Prior Vote Share**, which is the percentage of the vote the member received in their 1828 election to the House.

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<sup>54</sup> W-NOMINATE scores are estimated via static models for a single Congress (see Poole 2005; Lewis and Poole 2004).

In Table 2, we present six models, two for each of our outcomes of interest. Models 1 and 2 present logistic regressions on whether the member sought re-election. Models 3 and 4 present logistic regressions on whether the member won re-election. Finally, Models 5 and 6 present linear regressions (OLS) on vote percentage change from 1828 to 1830. The key difference between each model within the three groups is whether the model includes party or ideology scores as independent variables.

**Table 2. The Removal Vote was Associated with Electoral Change and Success, but not the Choice to Seek Re-Election**

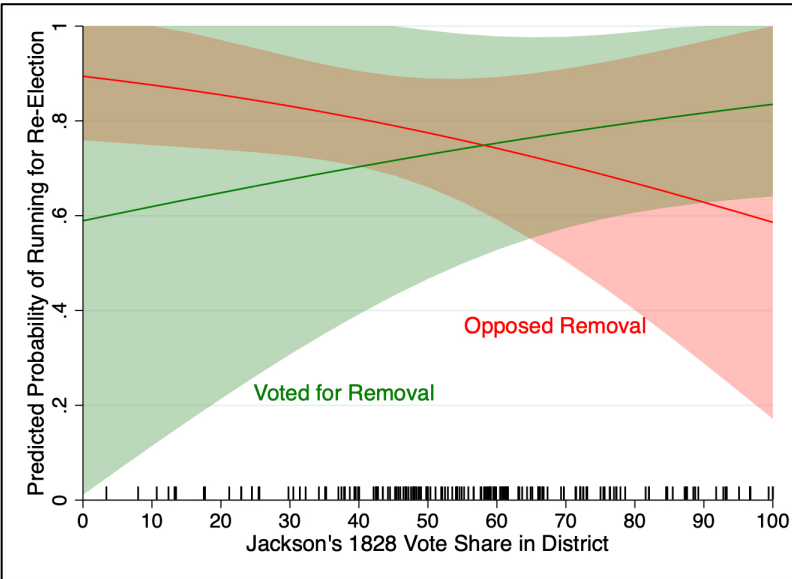
Model	(1)	(2)	(3)	(4)	(5)	(6)
Dependent Variable	Sought Re-Election		Won Re-Election		Vote Percentage Change	
Model Type	Logit		Logit		OLS	
Opposed Removal	1.69 (1.26)	0.47 (1.43)	4.17* (1.75)	5.39** (1.73)	47.99** (11.20)	47.41** (10.23)
Jackson's Presidential Vote	0.01 (0.02)	-0.00 (0.02)	0.03 (0.02)	0.03 (0.02)	0.44** (0.09)	0.46 (0.12)
Opposed Removal X Jackson's Presidential Vote	-0.03 (0.02)	-0.02 (0.02)	-0.07** (0.02)	-0.08** (0.03)	-0.65** (0.15)	-0.64** (0.15)
Prior Vote Share	0.00 (0.02)	-0.00 (0.02)	0.05* (0.02)	0.05* (0.02)	-0.67** (0.12)	-0.66** (0.11)
District Misalignment	1.39 (1.64)	1.74 (1.78)	-0.95 (1.19)	-1.41 (0.88)	-15.36^ (6.81)	-15.28* (7.03)
Jacksonian	0.44 (0.48)		0.78 (0.72)		6.77 (5.67)	
Nokken-Poole Dimension 1		-0.59 (0.89)		-2.11^ (1.13)		-6.99 (8.74)
Nokken-Poole Dimension 2		0.97^ (0.59)		-0.38 (0.46)		-1.59 (4.00)
Intercept	-0.51 (2.29)	1.05 (1.76)	-3.75** (1.44)	-4.05** (1.51)	4.83 (10.97)	7.41 (10.38)
N	170	170	131	131	124	124
Pseudo R <sup>2</sup> / R <sup>2</sup>	0.02	0.05	0.12	0.14	0.29	0.28

Note: Coefficients in columns 1 through 4 are logit estimates and coefficients in columns 5 and 6 are estimates from Ordinary Least Squares regressions, with the estimated standard errors (clustered by state) in parentheses. ^=p<0.10; \*=p<0.05; \*\*=p<0.05

Given that our main test concerns variables and their interactions, we first present the results graphically, taking that interaction into account, before interpreting. First, in Figure 3, we show the predicted probability of running for re-election based on Model 1. Second, in Figure 4, we show the predicted probability of winning re-election (conditional on running for re-election) based on Model 3. Finally, in Figure 5, we show the predicted changes in vote share (from 1828 to 1830) based on Model 5.

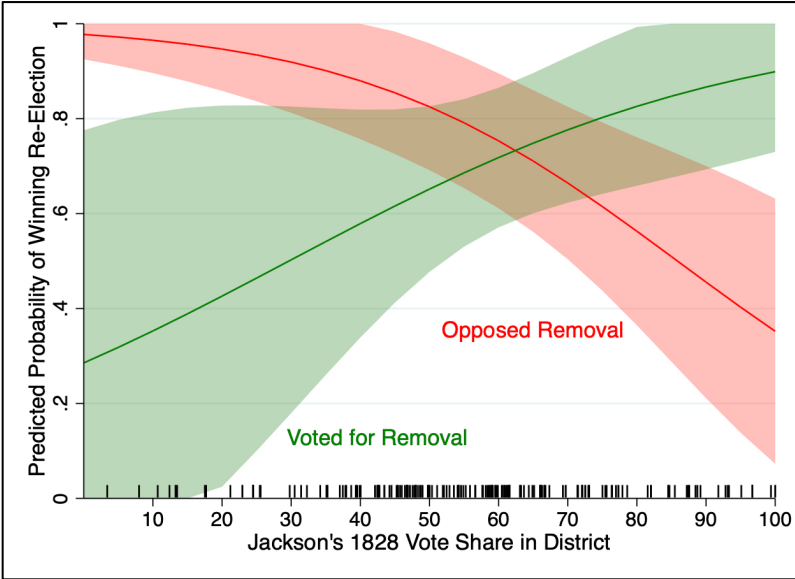
We find no statistically significant relationship between vote choice and the likelihood of a candidate running for re-election. While the slopes of the two lines in Figure 3 are visually different – one positive and one negative – the difference is not statistically significant and there is substantial overlap of the confidence intervals in each. Thus, the choice to seek re-election does not seem to be substantially related to the Removal vote choice. This is unsurprising, given that re-election norms were very different at the time, and highly structured by rotation systems and informal term limits (see Kernell 1977).

**Figure 3. Vote Choice on Removal Was Not Significantly Related to the Choice to Seek Re-Election**



In Figure 4, we find that there was a significant relationship between vote choice on Removal and the likelihood of winning re-election (conditional on running for re-election). The slopes of the two lines are significantly different and the individual estimates are significantly different between the two options at the extremes (high and low) of Jackson’s support in 1828. This implies that people in strong (weak) Jackson districts voting against (for) Removal, paid a penalty that in some cases may have cost them their re-election.

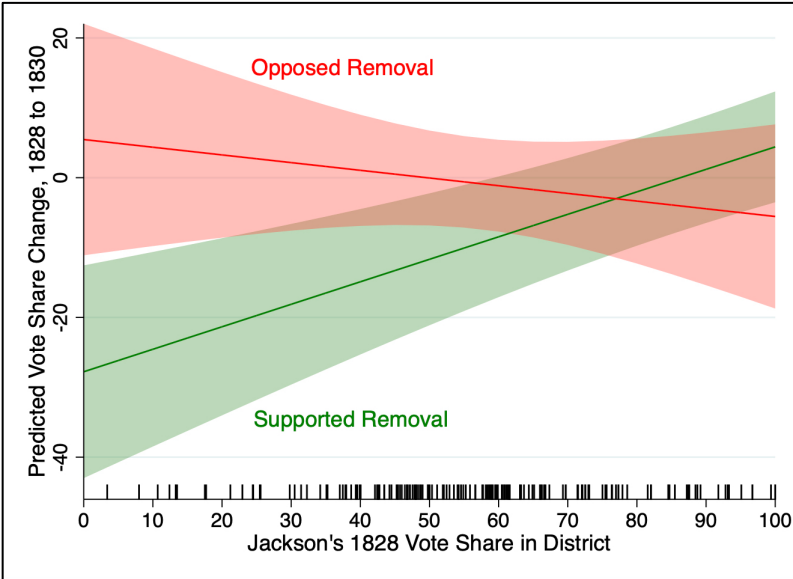
**Figure 4. Members Who Supported Removal in Anti-Jackson Districts Won Less Often Than Those Who Voted Against Removal**



Finally, we look more granularly at the change in vote share – which may be notable, even if it did not jeopardize a member’s re-election. In Figure 5, we find substantial reductions in vote share between 1828 and 1830 for members in districts that had not been strong Jackson supporters and who voted for Removal. For members in districts Jackson received about 55% or less of the vote in, a statistically significant reduction was observed. By comparison, we find no significant penalty for those in strong Jackson districts voting against Removal. We also find no significant vote-share increases for members voting in line with their district preferences.

Supporters of Removal in Jackson districts and opponents in anti-Jackson districts had no statistically significant change from 1828 to 1830. Thus, the significant changes that we observe in vote share are entirely driven by a penalty paid by representatives of Jackson opponents who nevertheless supported Removal.

**Figure 5. Members Who Supported Removal in Anti-Jackson Districts Saw Their Vote Shares Decline**



Comparison to Other Roll Calls

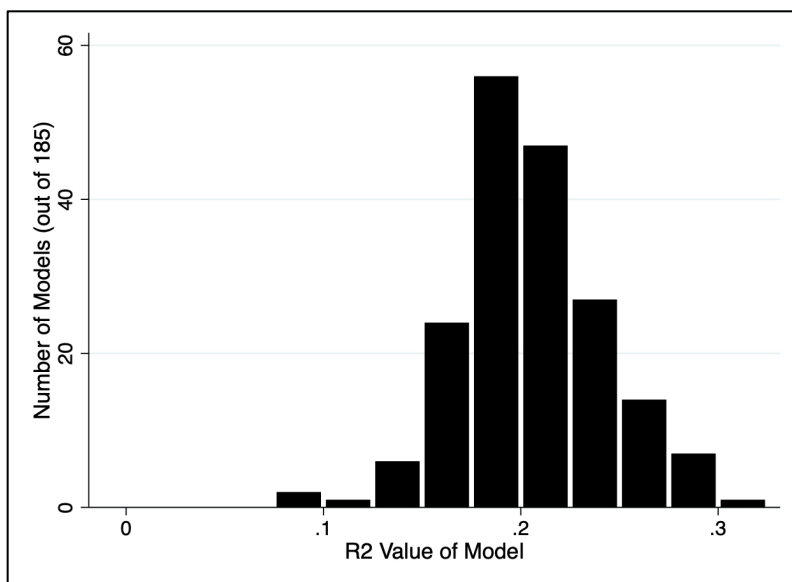
One weakness of this sort of single-vote analysis is that it is based on a vote coalition which may be very similar to coalitions on many other bills. The inclusion of a party variable, such as Jacksonian, neutralizes the potential for party-line votes to capture systematic party gains and losses, but it is still difficult to be certain that the relationship we observe is really about the bill in question – Indian removal – versus one of the many other bills the 21st Congress considered in the House of Representatives. To attempt to strengthen this certainty, we consider all the roll calls of the 21st Congress before Election Day in 1830, of which there were 185.

For each roll call, we estimate a version of our Model 5 in Table 2, except replacing Opposed Removal with a dichotomous indicator for the Member's vote on the given roll call in that model. This yields 185 regression models, of which one is identical to Model 5 in Table 2 and relates to the final passage vote on Removal. By comparing to other roll calls, we get a sense of whether we would find similar results using other bills for which we have little expectation that they drove electoral outcomes. If we are right, then Removal should not be easily interchangeable with many other roll calls and should have a strong place in explaining electoral outcomes compared to the rest of the Congressional agenda.

To assess this, we compare the  $R^2$  values of the Removal vote to those generated with models based on the other 184 votes. In Figure 6, we show a histogram of the number of bills yielding a given range of  $R^2$  values. Given that the models all include supporting variables such as party and Jackson's Presidential Vote, the base model without including a roll call explains between 15 and 20 percent of the variation. Because the specific identity of members changes from vote to vote, it is possible for the  $R^2$  for a specific roll call to be less than the base model with no vote data for all Members.

**Figure 6. Distribution of Roll Calls by  $R^2$**





We find that most roll calls add little or no extra explanatory power. However, a small set of roll calls meaningfully explain an additional 10 to 15 percentage points of the variation in electoral outcomes. We also find that our specific roll call of interest – 149, on final passage of the Removal policy – yields the fourth highest fit statistic for explaining the outcome.

Already, this is good evidence that we have not picked out one roll call of many with this level of explanatory power. And when we look at what other roll calls are at the top of the list, this relationship gets stronger. In Table 3, we show the top 10. All three of the votes above roll call 149 are other votes related to the Indian Removal Act. And fully half of the top ten are Indian Removal Act votes. The other votes are all bills which could have electoral implications – Revolutionary War pensions, salt duties, a messaging bill about fiscal responsibility, crime in the capital, and a particularistic infrastructure project. And, if we limit the list to only final passage bills, our roll call of interest ranks first. This provides strong evidence that what we report in this paper is a notable relationship, not one for which there were dozens of other similar bills in the 21st Congress. All of our empirical analyses point to Indian Removal not only being a

consequential policy for members' elections in 1830, but that it was *the most consequential policy* of the 21st Congress for electoral purposes.

**Table 3. Top Ten Roll Calls for Explanatory Fit**

Rank	Roll Call	R <sup>2</sup>	Voteview Description
1	28	0.311645	(Indian Removal Act) To call for the previous question on the resolution to print 10,000 copies of the report from the Committee on Indian Affairs on H.R. 287.
2	139	0.295016	(Indian Removal Act) To table S. 102.
3	142	0.285129	(Indian Removal Act) To order engrossment and third reading of S. 102.
4	149	0.285129	(Indian Removal Act) To pass S. 102.
5	178	0.283521	To concur, as in Committee of the Whole, in the amendment to Section Three of H.R. 304, which amendment appropriates \$40,000 for improvement of navigation of Back Creek, MD.
6	56	0.282096	To pass H.R. 311, a bill providing for the relief of certain person in services of the U.S. in the Revolution War.
7	126	0.279854	To table H.R. 339, a bill providing for the punishment of crimes in the District of Columbia.
8	21	0.278889	To table the resolution providing that public funds be used for the general good; that no appropriations be made favoring the property of any one section of the country; that payment of the public debt take precedence over internal improvements; that duties be reduced on all articles of general consumption.
9	153	0.273746	To adjourn, during debate on H.R. 474.
10	140	0.269996	(Indian Removal Act) To adjourn during consideration of S. 102.

We note one limitation of this analysis: it only tells us about the explanatory power of votes on which voter preferences correlated with Jacksonian support. If a policy's support was highly variable across districts but was unrelated to voters' opinions about Andrew Jackson, our models would not detect that as well, and would make those policies look less significant. Thus, our results are best understood as indicating that Removal was the most consequential policy that drew on the dominant Jackson v. Anti-Jackson political division of the era.

## The Aftermath: Treaties and Removal

The Indian Removal Act did not force the Southern tribes from their ancestral homelands. It simply initiated the process by providing the President with the authority to negotiate treaties for that purpose, subject to the desires of the tribes themselves. The Act's language gave the Indians the choice whether to exchange lands. The reality, however, was that commissioners working on behalf of Jackson, threatened, coerced, and strong-armed official or unofficial representatives of the tribes to sign treaties, whether they wanted to emigrate or not. And the actual process of removal was poorly conceived and underfunded, which ultimately led to thousands of deaths as the tribes travelled – often walking – hundreds of miles to the west.<sup>55</sup>

### Treaties

A summary table of the treaties that the five Southern tribes signed and their dates of signing, along with the Senate votes and dates, appears in Table 4.

**Table 4. Tribal Treaties and Senate Votes**

Tribe	Treaty (Date of Signing)	Senate vote	Date of Vote
Choctaws	Treaty of Dancing Rabbit Creek (9/27/1830)	33-12	2/21/1831
Creeks	Treaty of Washington (3/24/1832)	43-0	3/29/1832
Chickasaws	Treaty of Pontotoc Creek (10/20/1832)	23-4	2/28/1833
Seminoles	Treaty of Payne's Landing (May 9, 1832)	33-0	4/8/1834
	Treaty of Fort Gibson (March 28, 1833)	33-0	4/8/1834
Cherokees	Treaty of New Echota (December 29, 1835)	31-15	5/18/1836

The Choctaws were the first to sign a removal treaty. The tribe was divided over removal, with some chiefs in favor but many others, along with common tribal members, opposed.

Jackson's representatives, Secretary of War John Eaton and General John Coffee,

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<sup>55</sup> The material in this section relies heavily upon accounts by Satz (1975), Prucha (1986; 1994), Foreman (1972), Wallace (1993), Inskeep (2015), Ostler (2019), and Saunt (2020).

then got to work. As Wallace (1993: 78) describes: “Eaton and Coffee removed some of their objections by the liberal use of bribes, paying out money and providing over fifty influential men with private reservations in Mississippi” along with handing out “medals and gifts.” Eaton and Coffee’s efforts were successful, and the Choctaws signed the Treaty of Dancing Rabbit Creek on September 27, 1830. In exchange for ceding the entirety of their land east of the Mississippi River (11 million acres), the Choctaws were to receive a large tract of land stretching along what is now the southern half of the state of Oklahoma (15 million acres). Jackson pushed the Senate to ratify the treaty; they took nearly five months to consider it, but finally did so on February 21, 1831, on a 33-12 vote.<sup>56</sup> All Jacksonians voting – 23 in total – supported the treaty, while the Anti-Jacksonians were split 10-12.<sup>57</sup>

The Choctaw treaty was a test case for the Jacksonians: its successful negotiation and ratification smoothed the way for subsequent treaties. The Creeks were the next to sign a treaty. Tribal leaders had initially snubbed Jackson in 1830 when he sought their council; by early 1832, however, they had changed course. Whites squatters and speculators had been streaming onto Creek land in Alabama with impunity and often used liquor to cheat individual tribal members. Believing they would receive no federal or state court protection against the invading Whites, Creek chiefs sent a delegation to Washington, DC, to negotiate with Secretary of War Lewis Cass and sign a treaty.<sup>58</sup> This was accomplished on March 24, 1832, as the Creeks ceded all of their land east of the Mississippi River (nearly 2.2 million acres) for a similar amount of land in

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<sup>56</sup> *Senate Executive Journal*, 21st Congress, 2nd Session (February 21, 1831): 161-62.

<sup>57</sup> Two Jacksonians – Isaac Dutton Barnard (PA) and John Rowan (KY) – did not vote, along with one Anti-Jacksonian – Daniel Webster (MA).

<sup>58</sup> John Eaton resigned his position as Secretary of War on March 18, 1832, due to his role in the Petticoat Affair. Roger B. Taney served as acting Secretary of War, until Lewis Cass was installed in the position on August 1, 1831.

the West. Unlike the Choctaw cession, the new western land would be via fee-simple title, with 6,557 heads of families each receiving 320-acre reserves.<sup>59</sup> Within a week, on March 29, 1832, the Senate considered the Treaty of Washington and voted unanimously (43-0) to ratify.<sup>60</sup>

The Chickasaws had initially been receptive to treaty-making in 1830, and ultimately signed a treaty in Franklin, TN, after negotiating with John Eaton and John Coffee (and being regaled by Jackson himself). But the treaty stipulated that an exchange of lands was only operative if a Chickasaw delegation travelled west and found a suitable plot of land; a delegation subsequently made the trek and could not find an acceptable location, which made the treaty null and void. In the next two years, the Chickasaw position worsened, as the same events that befell the Creeks – the influx of squatters, speculators, and whiskey sellers streaming onto their land – happened to them. Eventually Coffee was able to negotiate a new treaty on October 20, 1832, which was very similar in makeup to the aborted Franklin treaty. Per the provisions of the Treaty of Pontotoc Creek, the Chickasaws agreed to sell the entirety of their land east of the Mississippi in exchange for the right to buy a portion of the new Choctaw land in the West (and become citizens of the Choctaw nation).<sup>61</sup> The Senate finally considered the treaty four months later, on February 28, 1833, and ratified it, 23-4.<sup>62</sup>

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<sup>59</sup> These fee-simple titles would lead to massive land frauds later in the decade (Young 1961).

<sup>60</sup> *Senate Executive Journal*, 22nd Congress, 1st Session (March 29, 1832): 234-35. Jacksonians voted 24-0, Anti-Jacksonians 17-0, and Nullifiers 2-0. Five Anti-Jacksonians abstained: Ezekiel Forman Chambers (MD), Theodore Frelinghuysen (NJ), Josiah Stoddard Johnston (LA), Arnold Naudain (D), and George Augustus Waggaman (LA). Prior to the ratification vote, Sen. Frelinghuysen moved to recommit the treaty to the Committee of the Whole, with instructions to determine if those who negotiated on behalf of the Creeks in Washington did so with the tribe's authorization. It failed, 9-33, with Anti-Jacksonians split (9-9). *Senate Executive Journal*, 22nd Congress, 2nd Session (March 29, 1832): 233.

<sup>61</sup> This sale of Choctaw land to the Chickasaws eventually occurred in 1837, for \$530,000.

<sup>62</sup> *Senate Executive Journal*, 22nd Congress, 2nd Session (February 28, 1833): 321. The four nay votes were: Thomas Ewing (AJ-OH), Samuel Augustus Foot (AJ-CT), John Tipton (J-IN), and George Augustus Waggaman (AJ-LA).

The Seminoles in Florida Territory signed an initial treaty on May 9, 1832. Like the Creeks and Chickasaws, White agitation was making their position in the area untenable. In addition, as Prucha (1994: 175) notes: “the [Seminoles] were destitute, and the promise of food and clothing in the treaty eased the negotiations.” But like the Chickasaws in 1830, they wanted to inspect their potential land in the West before agreeing to cede their existing land and emigrate. The Treaty of Payne’s Landing incorporated this provision. In November 1832, a Seminole delegation arrived at Fort Gibson, saw the land that would be theirs, and gave their approval. These elements were incorporated into a new treaty – the Treaty of Fort Gibson – which was signed on March 28, 1833. Both treaties were submitted to the Senate on December 24, 1833; they were considered more than three months later, on April 8, 1834, and were ratified by the same 33-0 vote.<sup>63</sup>

The Cherokees were the last of the five Southern tribes to sign a removal treaty, and they fought the process the hardest. They had sought to “civilize” themselves per White Americans’ demands: they had developed a written language; a written constitution in 1827, modeled on the American Constitution; and a tribal newspaper, the *Cherokee Phoenix*, in 1828. But none of these efforts ultimately mattered. Still, they fought to remain on their ancestral lands. They petitioned the Supreme Court for help, ignored Georgia’s efforts to carve up their lands (which Georgia officials did, through surveys and a state lottery in 1832), and rejected Andrew Jackson’s 1834 offer of \$3 million for all their eastern lands (except that in North Carolina). All of these pressures to move, however, were breeding factionalism within the tribe. One faction, led by John Ross, the Principal Chief of the Cherokee Nation, adamantly opposed removal, but

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<sup>63</sup> *Senate Executive Journal*, 23rd Congress, 1st Session (April 8, 1834): 386-87. For more on the two Seminole treaties, see Mahon (1962). The Seminoles eventually refused to acknowledge the treaties, which led to the Second Seminole War (1835-1842).

another faction, led by the prominent Ridge family (Major, the patriarch, and his son, John) and Elias Boudinot, editor of the *Cherokee Phoenix*, eventually came to support removal.

The Jackson administration took advantage of this schism to work out a deal with the Ridge faction. Rev. John F. Shermerhorn, working as a commissioner for the executive, met with John Ridge and his delegates and convinced them to sign a treaty on March 14, 1835, in which the Cherokee land east of the Mississippi was sold for \$4.5 million. The treaty required the Cherokee council to approve it, however, and in October 1835, they rejected it. Not to be deterred, the Jackson administration sought to negotiate another treaty, this time in New Echota, Georgia (the capital of the Cherokee nation). Ross and his anti-removal allies encouraged tribal members to boycott the December 1835 meeting, so when Shermerhorn arrived, he found only 300 to 500 Cherokees. This group included the Ridges and Boudinot, however, and was disproportionately pro-removal. Shermerhorn used this to his advantage to negotiate the Treaty of New Echota, signed on December 29, 1835, which provided the tribe with \$5 million for its eastern land, guaranteed them over 7 million acres in the West, and required emigration to be completed within two years.

Ross and his anti-removal allies cried foul, but momentum was now distinctly in favor of the pro-removal position. The Senate took up the Treaty of Echota in May 1836, and the two parties – Jacksonian and Anti-Jacksonians, but steadily moving toward Democrats and Whigs – took largely opposing positions. What is more, the Jacksonians were a far cry from having the two-thirds necessary to ratify the treaty: at the time of the vote, the 24th Senate was made up of 24 Jacksonians, 22 Anti-Jacksonians, and 2 Nullifiers (Martis 1989).<sup>64</sup> But when Sen. Henry

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<sup>64</sup> Later in the 24th Congress, Arkansas and Michigan would be admitted as states, and they would add four senators to the Jacksonian column.

Clay (AJ-KY) sought to stop the treaty from moving forward by offering a substitute, which stipulated that the Treaty of New Echota was not valid and advised the president to open new negotiations with the Cherokees, it failed, 15-29.<sup>65</sup> All 23 of the Jacksonians who voted opposed Clay's substitute, and they were joined by five Anti-Jacksonians and one Nullifier; whereas fourteen Anti-Jacksonians and one Nullifier backed Clay.<sup>66</sup> The vote to ratify the Treaty of New Echota, which followed immediately after Clay's substitute amendment failed, narrowly succeeded, 31-15 (needing a two-thirds majority). This was achieved, ultimately, with the support of seven Anti-Jacksonians and one Nullifier. With the ratification of the Treaty of New Echota, and the Cherokees' fate in the east was sealed.<sup>67</sup>

### Removal

With the completion of the treaty process, the US government had met the formal requirements for Indian removal. The remaining task was conducting the removal itself. Figure 7 provides a visual for the subsequent removal dynamics; the ancestral land associated with each of the five Southern tribes appears along with the year of their treaty signing and many of the routes that the emigrating peoples would take.

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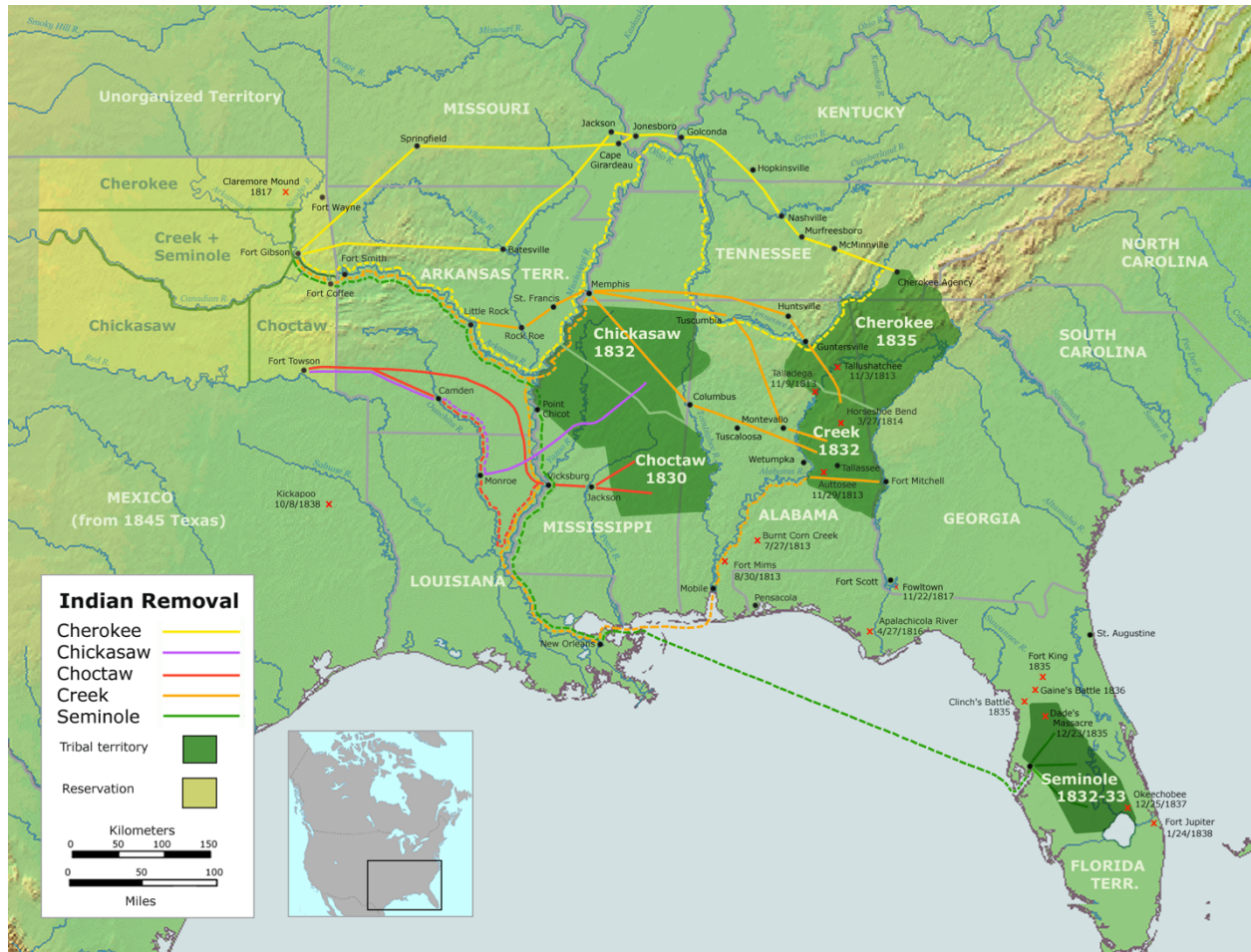
<sup>65</sup> *Senate Executive Journal*, 24th Congress, 1st Session (May 18, 1836): 546.

<sup>66</sup> The five Anti-Jacksonians who voted nay were: John Black (MS), Robert Henry Goldsborough (MD), William Hendricks (IN), Gabriel Moore (AL), and Hugh Lawson White (TN). (White had by this time broken with Jackson and took on the Anti-Jacksonian label.) William Preston Campbell (Null-SC) opposed Clay, while John Calhoun (Null-SC) supported him. Robert Carter Nicholas (J-LA), Joseph Kent (AJ-MD), Nehemiah Rice Kent (AJ-RI), and Willie Person Mangum (AJ-NC) abstained.

<sup>67</sup> The schism within the Cherokee tribe would follow removal to the West. On June 22, 1839, Major Ridge, John Ridge, and Elias Boudinot were all murdered in their homes. As Inskeep (2015: 343) notes: "The killers were never identified. No evidence linked John Ross to the crime, though it is reasonable to suppose that some part of the Cherokee leadership endorsed the coordinated assassination."



**Figure 7. Map of Indian Removal**



Note: Map is public domain: [https://commons.wikimedia.org/wiki/File:Trails\\_of\\_Tears\\_en.png](https://commons.wikimedia.org/wiki/File:Trails_of_Tears_en.png).

In 1830, there were approximately 75,000 Indians in the South. The US government intended to move them to the “West,” but what this meant was unclear for some time. Finally, in 1834, Congress explicitly defined “Indian territory” as the eastern portion of what is today the state of Oklahoma.<sup>68</sup> As to how to conduct the removal, and whether it would come in under budget, federal officials did not have a clear sense.

<sup>68</sup> This was done as part of the Indian Trade and Intercourse Act of 1834. For more on the Act, see Prucha (1986) and Stathis (2004).

The Choctaws, the first tribal treaty signers, were the first to move. The treaty called for removal of the roughly 20,000 tribal members to take place in stages over three years (1831-1833). Two different routes would be taken from Choctaw land in Mississippi – one over land (through Memphis and Little Rock to Fort Towson in southeast Indian Territory) and one largely via water (one down the Mississippi River at Vicksburg and up the Ouachita River on steamships to Fort Coffee in northeast Indian Territory).<sup>69</sup> Over the three years, the emigrating Choctaws faced a variety of challenges: lack of food, clothing, and shelter provided by the federal government, frigid weather, and diseases like cholera, malaria, typhoid fever, and yellow fever. And many Choctaws – mostly small children and the elderly and infirm – died along the way. Death figures vary, but 2,500 is the best estimate (Green 1996).

The Chickasaws began their move in early 1838, after completing the purchase of a portion of the Choctaw's western lands (as part of their treaty arrangement). The Chickasaw migration would follow two main routes: the same overland route through Memphis and Little Rock all the way to Fort Towson that one group of the Choctaws took years earlier, and one down the Mississippi River at Memphis and up the Arkansas River on steamships to Fort Coffee. The Chickasaws – 4,000 in total – completed their migration by the end of 1838. The Chickasaw's main enemy during their move West was smallpox. While many in the tribe had been vaccinated in advance of emigrating, immunity was far from perfect, and 500 to 600 died during removal (Ostler 2019).

A small number of Creeks voluntarily emigrated over three years (1834-1836). Most of the tribe – 24,000 in total – resisted removal, however, and only 500 to 600 chose to pick up and

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<sup>69</sup> Some Choctaws emigrated after 1833. And by the end of the decade, most Choctaws were in the West, aside from a few thousand who remained in their homelands (Green 1996; Ostler 2019).

move in each of these three years. They followed two main routes: an overland route through Memphis and Little Rock all the way to Fort Gibson (northwest of Fort Coffee), and an overland route to Memphis and then down the Mississippi River and up the Arkansas River on steamships to Fort Gibson. Lack of provisions and influenza produced around 150 deaths in these two years. By the middle of 1836, the remaining Creeks – under pressure to emigrate – decided to fight to stay on their lands. Secretary of War Cass ordered the army to force their removal, and over the remainder of the year soldiers (and government agents) rounded up almost 15,000 members of the tribe and moved them west mostly via a water route (down the Alabama River to Mobile, then to New Orleans via the Gulf of Mexico, and up the Mississippi and Arkansas Rivers to Fort Gibson). Lack of provisions and illness (“bilious fevers”) took their toll on these Creeks as well. By 1838, with removal effectively completed, “the Creek population had fallen to somewhere between 17,000 and 19,000, a decline of 20-30 percent over the course of a decade” (Ostler 2019: 263).

The Seminoles – 5,000 to 6,000 strong – actively resisted removal. Many chiefs held that they did not agree to the treaties signed in 1833 and 1834, and that those that did were coerced into doing so. President Jackson sent additional troops to Fort King in central Florida to threaten the tribe and force them to submit; Seminole leaders chose instead to fight. The Second Seminole War spanned parts of eight years (1835-1842), and jungle warfare made fighting difficult and slow going for the US troops (Mahon 1967). Yet, by 1842, the army’s superior numbers had ground down the Seminole warriors and left only a few hundred tribal members in the territory. Those Seminoles who were captured were sent to New Orleans by ship from Tampa Bay or overland via Pensacola, and then up the Mississippi and Arkansas Rivers to Fort Smith (in far

western Arkansas). In the end, between 900 and 2,000 Seminoles died between 1835 and 1842, or between 18 and 33 percent of the tribe (Ostler 2019).

The Cherokees, who had long struggled to resist removal, were forced west in May 1838, per the conditions of the Treaty of New Echota. US troops began rounding up the Cherokee nation – around 21,000 in total – house by house in Georgia, and did not permit them to take anything of substance with them. The initial removal route was by water – down the Tennessee River to the Ohio River, then to the Mississippi River and up the Arkansas River to Little Rock and on to Fort Gibson. Nearly 3,000 Cherokees started the exodus, and 500 to 700 perished along the way due to “measles and fever.” This resulted in a stay of removal – until the infectious time had passed – and the remaining 16,000 Cherokees were kept in internment camps in Tennessee. But disease ran rampant through the camps, and by the time removal resumed in October 1838, approximately 2,000 of the interned Cherokees had died. The remaining 14,000 – many of whom were ill and malnourished – were divided into fourteen parties and began a land emigration (as the rivers were too low for navigation by that time in the season). Most of the parties took a northern route through Tennessee, Kentucky, and southern Illinois to the Mississippi River, and then through Missouri and Arkansas to Fort Gibson.<sup>70</sup> Bad weather and ice on the Mississippi River slowed travel. The first parties completed their journeys in early January 1839, with the last arriving two months later. All told, around 5,000 Cherokees died along the way, a population decline of close to 20 percent (Ostler 2019). This Cherokee trauma would become known as the “Trail of Tears” (Jahoda 1975; Ehle 1988).

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<sup>70</sup> Two groups took different routes: one went through Memphis and Little Rock and up the Arkansas River to Fort Smith, while the other went through northeastern Alabama, Tennessee, and Kentucky to Cape Girardeau, Missouri, and west to Fort Gibson.

## Conclusion

Our goal in this paper was to provide a comprehensive analysis of the Indian Removal Act from a political-economic perspective, covering both the determinants of the congressional voting on the Act as well as the downstream consequences – treaties and the physical removal of the tribes – of the Act’s passage. In doing so, we have performed the first such analysis of its kind, as most accounts of the Indian Removal Act do not go beyond sweeping (and often anecdotal) historical coverage.

We found, first, that ideology was the primary determinant of vote choice on Indian Removal in the House. Other factors – like partisanship and sectionalism – were important on their own, but in “horserace” analyses House member ideology trumps all other factors. We also found that the vote on Indian Removal mattered electorally for House members, but in a somewhat nuanced way. First, vote choice on Removal was not significantly related to the choice to seek re-election. Second, members who supported Removal in Anti-Jackson districts won significantly less often than those who voted against removal. And, finally, members who supported Removal in Anti-Jackson districts saw their vote shares decline significantly. We also found, in a systematic analysis of all roll call votes in the 21st House leading up to election day, that Indian Removal was not only a consequential policy for members’ elections in 1830, but that it was *the most consequential policy* of the 21st Congress for electoral purposes.

We covered considerable ground in this paper. But there are aspects of Indian Removal that require further study. The chief one, in our minds, relates to the connection between Indian Removal and the emergence of the Second Party System. We noted that Indian Removal was thought by contemporaries (and some modern historians) as a key issue in transitioning the Jacksonian and Anti-Jacksonians coalitions of Republicans into distinct political parties

(ultimately Democrats and Whigs). Many of the public battles in Congress during the late 1830s involved considerable “partisan messaging” regarding the fate of the Southern tribes. We also see that Jackson’s floor leaders in the 21st Congress on Indian Removal – Sen. Hugh Lawson White (TN) and Rep. John Bell (TN) – would by mid-decade break from Jackson and join the Whig Party. White and Bell would also both do an about-face on the treatment of Indians and call attention to the abuses of the Indian Bureau.<sup>71</sup> More generally, the degree to which the “solidifying” of the Second Party System affected – and was affected by – the dynamics and direction of Indian Policy deserves greater attention.

We also think one downstream effect of the Indian Removal Act deserves greater attention: the weak opposition in the Senate to the often-corrupt treatymaking that was a necessary condition for Removal. Jackson never had anything close to the two-thirds partisan majorities he needed for treaty ratification in the Senate. Ultimately, on two of the key treaties, the Jacksonians voted as a bloc but the Anti-Jacksonians did not – a handful of them split off and backed the pro-Removal position. Why the Anti-Jacksonians could not present a united front is unclear and should be investigated more fully.

Finally, we believe the rise of “petition politics” around Indian Removal is interesting, and examining how it played out across the decade and into the 1840s would be a ripe area for study. We note that the battle in Congress over the “gag rule” – allowing the reading of anti-slavery petitions or tabling them upon receipt – that emerged in the late 1830s had its origins in Indian Removal petitions.<sup>72</sup> Rep. John Quincy Adams (AJ-MA), the lead instigator in the later gag-rule episode, first presented a petition on behalf of the Cherokees – and in opposition to the

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<sup>71</sup> See Parks (1942) and Saunt (2020).

<sup>72</sup> On anti-slavery petitions and the gag rule in Congress, see White (1996) and Jenkins and Stewart (2020).

state of Georgia – that contained a list of signatures that was 47 yards long (Parsons 1973). The Jacksonians tried to table Adams’s petition and thus prevent it from being read – as the Democrats would successfully do for a time on anti-slavery petitions later in the decade – but they failed by a bare majority, 91-92. That effort led to an extended debate about the right of petition in the House.<sup>73</sup> Tying those pro-Indian efforts in the early 1830s to anti-slavery efforts later in the decade would, in our view, be a fruitful endeavor.

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<sup>73</sup> For the vote and debate, see *Register of Debates*, 22nd Congress, 1st Session (March 5, 1832): 2010-36.

## Appendix: Indian Removal Act of 1830

CHAP. CXLVIII.—*An Act to provide for an exchange of lands with the Indians residing in any of the state or territories, and for their removal west of the river Mississippi.*

*Be it enacted by the Senate and the House of Representatives of the United States of America, in Congress assembled,* That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.

SEC. 2. *And be it further enacted,* That it shall and may be lawful for the President to exchange any of all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part of portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the state or territories, where the land claimed and occupied by the Indians, is owned by the United States, or the United States are bound to the state within which it lies to extinguish the Indian claim thereto.

SEC. 3. *And be it further enacted,* That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs and successors, the country so exchanged with them; and if they prefer it, that the United States will cause a patent or grant to be made and executive to them for the same: *Provided always,* That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.

SEC. 4. *And be it further enacted,* That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be improvements as add valued to the land claimed by an individual or individuals of tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or person rightfully claiming such improvements. And Upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

SEC. 5. *And be it further enacted,* That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

SEC. 6. *And be it further enacted,* That is shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other persons or persons whatever.



SEC. 7. *And be it further enacted*, That it shall and may be lawful for the President to have the same superintendence and care over the tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: *Provided*, That nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.

SEC. 8. *And be it further enacted*, That for the purpose of giving effect to the provision of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

**APPROVED, May 28, 1830**

Source: *Statutes at Large*, 21st Congress, 1st Session (May 28, 1830): 411-12.

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