

Andrew Jackson to the United States Senate (Draft)

[May 6, 1830]

To the Senate of the United States

Propositions in the form of a Treaty have been recently sent to me, by a special messenger from the choctaw nation of Indians, proposing to cede their entire country to the United States east of the Mississippi river. This has been an act exclusively of the Indians themselves. The Government was not informed of it, and was unrepresented at the council that formed it—The Indians convened of their own accord, drafted & executed the propositions which are now presented, consenting to be bound by them if within three months, the president & senate should approve. It will be perceived that they declare, in the last article, that if those which are now offered, shall be rejected, none others will be assented to, or submitted by them.

It is certainly desirable, & of great importance on various accounts, that some agreement should be concluded, that would effect an object so important as removing the Indians beyond the Territorial limits of the States. In such arrangement I should be disposed to extend to them terms as liberal, as it might be inferred the senate would sanction. I could not however, on constitutional grounds, consent to adopt the provisions contained in the present proposed treaty, nor ~~yet~~ do I consider it advisable or proper to withhold it from the consideration of the senate

first, such is the request of the Indians

2nd. That the opinion of the Senate in relation to the terms proposed by the Indians, would have a salutary effect in further negotiations if this should be deemed advisable

3 That the propositions altho' objectionable in certain particulars, are believed to be susceptible of modification which might render them conformable to the humane and liberal policy, which it is desirable on the part of the Government to our red Brethern and be made at the same acceptable to the Indians—To these modifications, and to any suggestions of the Senate, The President in the exercise of Peculiar functions would give the most respectful consideration

4th. Such a course is abundantly justified by precedent in the earlier administration of ~~our~~ the Government and though not used for some years past, may it seems to me be now properly resorted to under the peculiar circumstances of our present relations with the Indian tribes from a consideration of the magnitude of the results which are contemplated, and

from a conviction that the measures, thus framed from their origin, by the united councils of the two branches of the treaty making power will be more satisfactory to the american people, who have taken a deep interest in this question, as well as the Indian tribes¹

5— This mode of communicating with the senate in relation to compacts which it is proposed to enter into with the Indian tribes, is believed not to be liable to the objection, which might, perhaps, be properly made to its application to our negotiations with civilized nations—The secrecy which it is indispensable to preserve in the latter case, is comparatively unimportant in the former—

With ~~these views of the subject~~ this view the President submits to the Senate, the ~~suggestions~~ alterations which have occurred to him as proper in relation to the propositions made by the choctaw nation, ~~and his view of the~~ They are such modifications ~~which might~~ as may render those proposals acceptable to the parties respectively—Such are the views which occur to the President ~~by his reflection on the proposal of the choctaw nation—willing to~~ He will cheerfully however yield ~~mine~~ his to the correction which may result from ~~the~~ a frank interchange of opinion with ~~his~~ constitutional advisers. He submits ~~for~~ therefore to the Senate the following ~~questions~~

☞ ~~Will the Senate advise and consent to the ratification of the Treaty with the Choctaws herewith presented—~~

☞ Will the Senate advise & consent to its ratification, with any and with what amendments—

AD draft with corrections by John H. Eaton, Jackson Papers, Library of Congress