

# TRIBAL SOVEREIGNTY

## AND THE U.S. CONSTITUTION

### Popular Sovereignty

The U.S. Constitution was, in part, based on the concept of Popular Sovereignty, a political theory that suggests government is created by, and subject to, the will of the people. The authors of the Constitution believed that consent of the governed was vital to the success of any government. This belief led to the implementation of a democracy where the people would offer their consent by way of voting through formal elections. The idea of Popular Sovereignty was made popular by Stephen A. Douglas. Douglas held a strong belief that members of a population should be allowed to vote on issues that related to territorial development.

The concept of Popular Sovereignty played an important role in the American Civil War. On the surface, the Civil War was defined by two opposing beliefs: the citizens of the North fought as the Union Army to abolish slavery, while citizens of the South fought as the Confederate Army for their right to own slaves; but the war was about more than slavery. The South held fast to their belief that the federal government did not have the power to abolish slavery on their behalf, especially in territories that were not yet considered official states.

During the Civil War approximately 20,000 members of a variety of tribal nations served in various capacities for both the North and the South. They fought alongside the U.S. armies as a sign of good will; the tribes were hopeful that doing so would end discrimination and help gain the government's favor in an attempt to halt ongoing forced relocations. In 1862, the first, second and third regiments of the Indian Home Guard was formed. The Home Guard was made up of tribal members from the Chickasaw Nation, Choctaw Nation, Delaware Nation, Creek Nation, Seminole Nation, Kickapoo Nation, Seneca Nation, Osage Nation and the Shawnee Nation. These tribal refugees joined together to defend Indian Territory from the Confederates.

### CLASSROOM DISCUSSION

1. In what way did Popular Sovereignty play a significant role in the Civil War?
2. If citizens are given the right to vote for elected officials, should they also be allowed to implement ballot initiatives that would allow for the overturning of legislation implemented by those elected officials? Defend your answer.

