

TRIBAL SOVEREIGNTY

AND THE U.S. CONSTITUTION



Cherokee Nation v. Georgia

Article 1, Section 8 of the U.S. Constitution reads:

The congress shall have Power to Lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

In the early 1800's the United States experienced rapid growth. As the U.S. began to pursue westward expansion, they began to seek lands that were already inhabited by native peoples. U.S. citizens began to pressure the federal government into taking forcible possession of these lands. In May of 1830, President Andrew Jackson played a role in passing the *Indian Removal Act*.

While President Jackson claimed with enthusiasm that the *Indian Removal Act* was a peaceful approach, which would only result in voluntary relocations, it ultimately resulted in the forced removal of many tribal nations from their native lands. The New Echota Treaty, signed in 1835, was a result of the *Indian Removal Act*. This treaty led to the forcible removal of the Cherokee Nation from their native lands. This forced removal resulted in over 4,000 deaths and would come to be known as the *Trail of Tears*.

Many tribes were promised control and the right to govern themselves should they relocate to designated reservations. Through these agreements and signed treaties, many tribal nations were promised sovereignty. While the U.S. Constitution recognizes tribal government as sovereign and many tribes were expressly offered sovereignty through the signing of treaties, many tribal nations have been forced to defend their sovereignty throughout history. As early as the 1800's, there are several notable cases where the U.S. Constitution's inclusion of tribal sovereignty played a role in decisions passed down by the Supreme Court.

STUDENT ACTIVITY

Read the following case then take a stance. Write a summary either for or against the Supreme Court ruling on Cherokee Nation v. Georgia (1831). Remember to support your argument by citing your sources!

Cherokee Nation v. Georgia (1831)

<http://www.cherokee.org/About-The-Nation/History/Trail-of-Tears/>
[Cherokee-Nation-v-State-of-Georgia](#) [Worcester v. Georgia \(1832\)](#)

