





## Homelands and Heritages

The New York Historical acknowledges the enduring relationships that existed and continue today between Indigenous peoples and their unceded lands, recognizes and respects Indigenous sovereignties, and supports Indigenous practitioners in the conservation of their traditional homelands and the preservation of their diverse cultures.

To learn about the land you are on, visit <https://native-land.ca/>



# Essential Questions

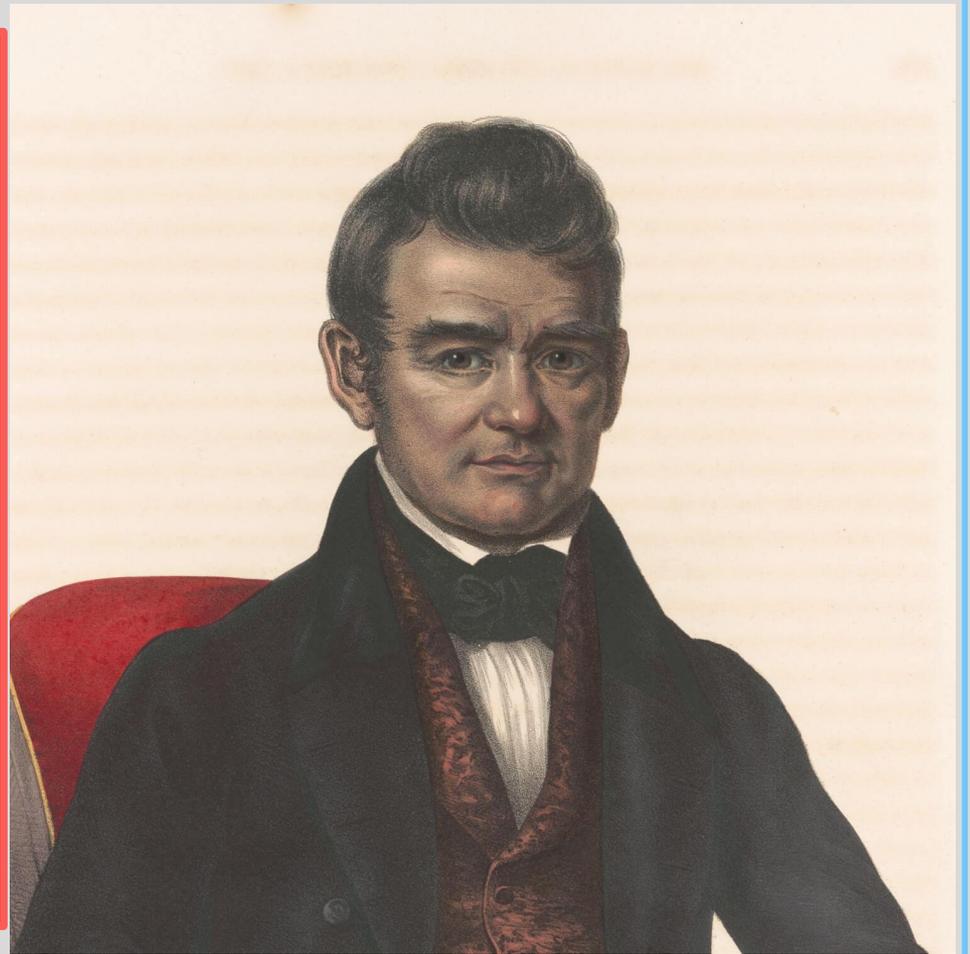
1. How did sectionalism and states' rights lead to the removal of Native Nations?
2. How can more narratives, including Native Nations, be woven into U.S. History?
3. How can historical examples contextualize current events?



**Observe**

**Identify**

**Infer**



# Historical Context

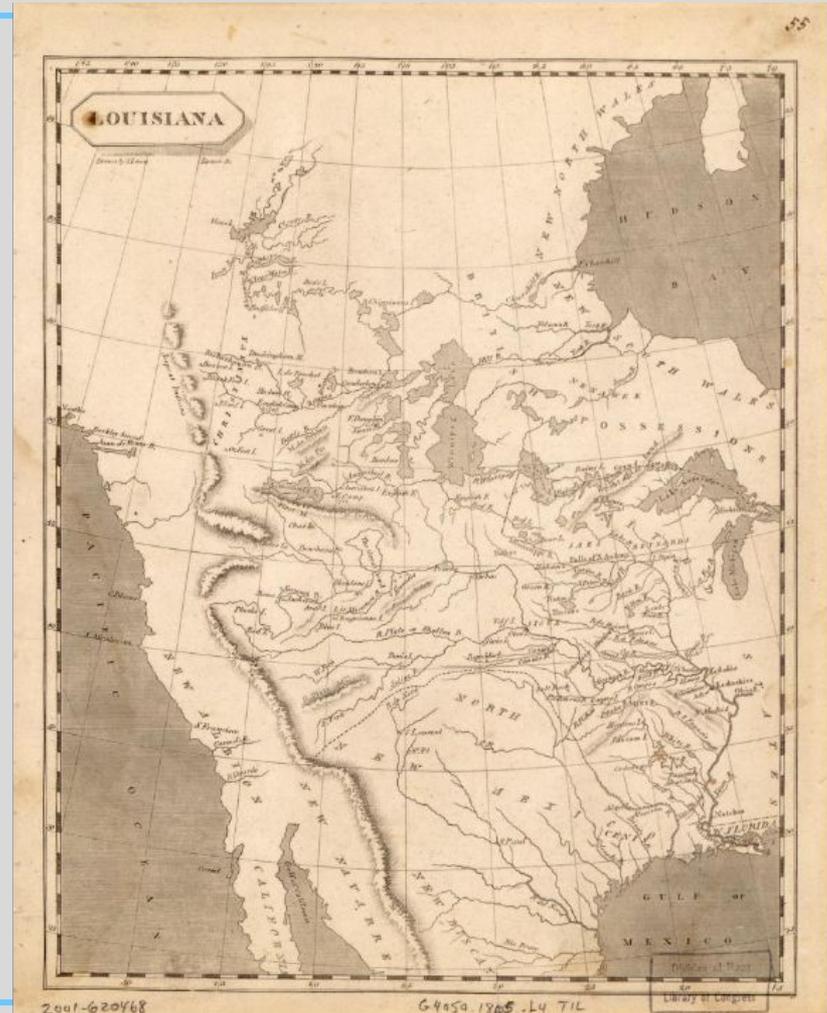
*Indian and States' Rights in the South*



# The Louisiana Purchase

The United States purchased the Louisiana Territory from France at a price of \$15 million, or approximately four cents an acre. The Louisiana Purchase Treaty was signed in Paris on April 30, 1803. The ratification of the treaty by the Senate on October 20, 1803, doubled the size of the United States and opened up the continent to its westward expansion.

New land seizures also contributed to an explosion of enslavement and ideologies of racial superiority grew.



# Path to Indian Removal

Presidents from Thomas Jefferson to Andrew Jackson encouraged Indian removal knowing it would create space to increase agricultural production and enslavement practices in the South.

Native People across the United States resisted peacefully and forcibly taking to both newspapers and battlefields to defend their territory and way of life. Some hid in the dense forests of the Appalachian Mountains. Thousands died of disease and starvation in deportation centers.



# Federal Government: North vs. South (Late 1700s-Early 1800s)

## North

- 20 Military posts in the Northwest (Michigan to Kentucky to New York)
- Thousands of Soldiers stationed throughout
- Significant federal infrastructure investment

**Industrialized and Protected**

## South

- 4 Military posts in the South along the Tennessee River
- Fewer than 200 soldiers stationed between Georgia, Kentucky, and Tennessee
- Little federal infrastructure investment

**Limited Footprint (Neglected)**



# Attempts to Assimilate

- In the South, Native Nations such as the Creek, Cherokee, and Choctaw built communities and governed large swaths of land within states such as Georgia.
- They made significant efforts to assimilate combining Euro-American practices with their own existing values:
  - Developed successful economies including trading with white business men
  - Educating their children in schools
  - Practiced religion (including Christianity)
  - Intermarried
  - Built farms and plantations worked by enslaved people
  - Abandoned female authority in favor of a more patriarchal system\*
- Native Leaders even adopted western clothing, learned English, and attended schools in New England.
- In spite of Native efforts to assimilate, their differences still threatened many white leaders.



# War of 1812 & General Jackson



The conflict with Great Britain escalated tensions between the Americans and Indigenous Nations despite the Cherokee aligning themselves with the United States.

The next year, Jackson's forces killed over a thousand Creek soldiers, women, and children during the Creek War.



# States' Rights v. Federal Authority

Andrew Jackson reflected a generation of Southern leaders critical of federal authority:

- Many Southern Americans believed in states' rights
- They viewed federal treaties with the Native Nations as attacks on their state sovereignty
- The presence of Native Nations within state boundaries were a constant reminder of federal authority and its intrusion into their state sovereignty



# Georgia Acts

*“The soil within her [Georgia] boundaries should be subject to her control, and...her police, organization, and government should be fixed and permanent.”*

- After the Creek War, Georgia passed laws to extend state jurisdiction over all lands “assigned to the Indians”
- They also extended criminal laws over Native lands which directly violated federal treaties made with the Native Nations
- The Creek Nation was the first to lose their land after Georgia forced them into a treaty that did not benefit the Tribe



**Your existence “*is incompatible with Georgia’s.*” It is now impossible “for you to remain...as a distinct society or nation, within the limits of Georgia.”**

**Secretary of War John C. Calhoun, 1824  
*The Rediscovering of America*, pp. 242**



# President Andrew Jackson

- Elected in 1828
- Disagreed with federal authority to negotiate treaties within sovereign state borders
- Campaigned on Indian Removal and made it central to his presidency
- Helped shape and signed the **Indian Removal Act of 1830**, which passed Congress by only 5 votes



# Key Constitutional Questions

1. Does Congress have the legislative authority to repeal federal treaties and commitments made by the federal government?
2. Do Native Nations have authority over their own lands?



# The Cherokee Nation Cases

*Cherokee Nation v. Georgia* (1831) & *Worcester v. Georgia* (1832)



# Quick Constitutional Check In

- **Article I, Section 2:** *Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.*
- **Article I, Section 8:** *To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes...*
- **Article II, Section 2:** *He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur*

**SCOTUS Precedent:** *Fletcher v. Peck* (1810)



# The Cherokee Nation & The Supreme Court

**Directions:** Review the resources provided:

- **SCHS Case Summary:** The Cherokee Nation Cases
- **WAMS Life Story:** Elizabeth Kahuga Shoeboots (1806 - Unknown)

Then, in your small group, discuss the questions provided in the Google Doc.



# Back to the Key Constitutional Questions

1. Does Congress have the legislative authority to repeal federal treaties and commitments made by the federal government?
2. Do Native Nations have authority over their own lands?

**In its *Worcester* opinion, the Court declared,**

*The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter but with the assent of the Cherokees themselves, or in conformity with treaties and with the acts of Congress. The whole intercourse between the United States and this nation is, by our Constitution and laws, vested in the Government of the United States.*

*The act of the State of Georgia under which the plaintiff in error was prosecuted is consequently void, and the judgment a nullity.*



# Despite the Supreme Court's Opinion...



# The Cherokee Nation

There are 39 federally recognized tribes in the state of Oklahoma alone and they are the largest economic driver in the state. The Cherokee Nation and the Navajo have the most tribal members of any tribe in the United States.



*How could you incorporate “The Cherokee Nation Cases” and “Life Story” resources into existing lessons?*

*How could you build a new lesson around it?*



# Building a Lesson & Extension Activities

## Additional SCHS Resources:

- Teaching *Precedent* with Case Summary: *Fletcher v. Peck* (1810)
- Life Story: John Marshall
- Era Context Essay



1801–1835

## AFFIRMING JUDICIAL INDEPENDENCE

Through a series of landmark decisions, the Justices of the Marshall Court affirmed the judicial independence of the federal courts, the authority of the Supreme Court, and ensured that the Judicial Branch was an equal branch of the federal government.

[OVERVIEW](#) 

[INDIVIDUAL RESOURCES](#)



# Essential Questions

1. How did sectionalism and states' rights ideology lead to the removal of Native Nations?
2. How can more narratives, including Native Nations, be woven into U.S. History?
3. **How can historical examples contextualize current events?**



# Recommended Additional Resource

