

## **Being Forced to Move: The Indian Removal Act of 1830**

*Application Question:* Was the Indian Removal Act of 1830 just? How did the Marshall decisions impact future Native American life? How would America be different if Native Americans were not forced to move and assimilate?

*So What?:* Throughout the 1800s Native Americans across the United States were subject to changes in their way of life. These changes forced some of them to move across the country, forgo their parts of their culture, and ultimately changed the way Native Americans existed within the landscape of American history. This lesson will implore students to consider some of the actions taken by the American government and what their ultimate effects were on Native American populations.

**NCSS Thematic Strand:** People, Places, and environments & Individual Development and Identity

“Causes and impact of resource management, as reflected in land use, settlement patterns, and ecosystem changes.” (35)

“Factors that contribute to conflict among peoples of the nation and world, including language, religion, and political beliefs.” (35)

“That complex and varied interactions among individuals, groups, cultures, and nations contribute to the dynamic nature of personal identity.” (39)

**Content Standard:** To be determined based on state standards.

**Grade Level:** 11<sup>th</sup>-12<sup>th</sup> grade United States history

**Class Periods Required:** 1 (50 minute) class period

### **Purpose, Background, and Context:**

The purpose of this lesson is to introduce students to more Native American history in America. Often government actions toward Native Americans are not covered in depth within US history classes. This lesson attempts to highlight a few of the actions taken by the government toward Native Americans and asks students to reflect on how these decisions affected the various tribes.

The background of this lesson is the actions taken by the government prior to the 1830 Indian Removal Act and subsequent Marshall decisions. Students should already have learned about some of the changes being imposed onto Native Americans such as settler colonialism and the Jeffersonian Indian policy of civilization and assimilation.

The context of this lesson is within a greater unit of the 1800s in United States history. This should be placed within a unit about expanding the new country of America. While most classes will focus heavily on exploration and slavery during this time in America, it is important students understand the other groups impacted by expansion. This lesson should be brought to students as a way to educate them on the changes of a developing nation.

**Goals/Objectives/Student Outcomes/Performance Expectations:**

The goals of this lesson are for students to form an understanding of the government decisions toward Native American tribes. They will be able to analyze a government document and reflect on how they believe this would affect citizens. The lesson will not force students into a certain opinion about government decisions and Native American reactions but instead present a primary source for critical thinking.

Student will:

- “Analyze different interpretations of the causes and effects of migrations of people in various times and places on the globe.” (NCSS, 36)
- “Describe similarities and differences in individual development across cultures.” (NCSS, 40)
- Identify and evaluate decisions made by the United States government and Native American Tribes.

**Materials:** Indian Removal Act Handout for each student, writing utensils, and paper to write/take notes on

**Procedures:**

**Procedure 1 (5-10 minutes):** To begin the lesson the teacher will pose the following question to students: How would you feel if you were told you must move out of your home tomorrow? Invite students to think, pair, share and then open the room up for discussion. Allow students to ask questions about where they might be moving or what stipulations are involved with moving. Tell students they will have to walk to their new destination across the country and allow the to continue to think about how they would feel.

**Procedure 2 (5 minutes):** Once ample discussion has taken place regarding how students would feel, the teacher can introduce the Indian Removal Act of 1830. Begin by passing out the primary source from Congress and have students skim over the sections of it.

**Procedure 3 (15 minutes):** Depending upon the abilities of the students, the teacher can choose to either review the document as a class or have students read and review it in pairs. Students should highlight statements within the document discussing what the government is having Native Americans do. Once they are through reading and annotating the document students should write 5 sentence summaries of it in their own words.

**Procedure 4 (5 minutes):** Currently have some students share their summaries of the document and ensure the class all has formed an understanding of what the document details. If there is still confusion about the document this is when the teacher can answer any questions.

**Procedure 5 (5 minutes):** Now, through a projection on the board or writing, the teacher will outline who Justice John Marshall is and what his Supreme Court Decisions were. Students should take note of these decisions as they are introduced. (See Appendix for notes)

Procedure 6 (Remainder of class): To close out the class, the teacher should call back to the first question posed to students and discuss how they feel now. This is when students will be asked to reflect on the application questions for the lesson now possessing an understanding of the material. After verbal discussion takes place students will be asked to write a reflection answering the application questions at the beginning of class, this will then be turned in to the teacher.

Assessment of Outcomes: The assessment for this lesson will be seen in the reflection written by students at the end of class. Combined with students participation during the class the teacher will be able to see if students were able to comprehend and analyze the material given to them.

Students will:

- Understand the Indian Removal Act of 1830 and the decisions made by Justice John Marshall.
- Review how the actions of the US governments had an impact on various groups of Americans.
- Analyze a primary source document to gain an understanding of its contents.

Extensions and Adaptations: These should be handled on a case-by-case basis based on students' specific needs in tandem with their IEPs. Working with school support specialists, the students can be provided with the necessary adaptations such as additional information or a summary in advance for the primary source. ELL students can be given a copy of the document in their preferred language as well as an English copy to help them. All students should still be able to participate in discussions throughout the class period.

Resources:

National Council for the Social Studies. (2010). *National curriculum standards for social studies: A framework for teaching, learning, and assessment*. Maryland: National Council for Social Studies.

U.S. Congress. U.S. Statutes at Large, Volume 4 -1835, 19th through 23rd Congress. United States, - 1835, 1826. Periodical. <https://www.loc.gov/item/lsl-v4/>.

Appendices:

Marshall Decision Notes:

- Johnson v. McIntosh (1823)
  - Determined who can buy native land
  - Marshall creates the doctrine of discovery: discovery of territory gives absolute right to discovering national against all other European nations
  - Implications: Only the federal government can purchase land
- Cherokee Nation v Georgia (1831)
  - Georgia extends law their law over Cherokee nation
  - Laws take away their rights in Cherokee territory
  - Marshall: constitution holds Indian tribes as domestic dependent nation

Implications: Tribal nations are dependent upon government and must follow federal laws and impositions

- Worcester v. Georgia 1832
    - Doctrine of tribal sovereignty
    - Samuel Worcester – missionary, arrested under Georgia law for living in Indian land without a license
    - Ruling: Georgia law cannot prohibit non-Native Americans from being present on Native American lands without a license
- Implications: Federal government has sole authority over Indian affairs, not states

### 1830 Indian Removal Act per the Library of Congress

CHAP. CXLVIII.—*An Act 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 river Mississippi.*

*Be it enacted by the Senate and 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 the Indian title has been extinguished, as he may judge necessary, to be divided*

STATUTE I.

May 28, 1830.

Districts to be  
laid off.

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.

President to  
exchange, &c.

SEC. 2. *And be it further enacted*, That it shall and may be lawful for the President to exchange any or 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 or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the states 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.

Title secured  
to Indians.

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 or 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 executed 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.

Proviso.

Improvements  
to be appraised,  
and paid for.

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 such improvements as add value to the land claimed by any individual or individuals of such 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 persons 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.

Aid in moving,  
&c.

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.

Protection.

SEC. 6. *And be it further enacted*, That it 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 person 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 any 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.

500,000 dol-  
lars appropri-  
ated.

SEC. 8. *And be it further enacted*, That for the purpose of giving effect to the provisions 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.