# Who Holds Power?

Read three Supreme Court decisions as a connected story.

**8.C.4.3.B** "Examine how early Supreme Court decisions, often referred to as the "Marshall Trilogy," defined Tribal Nations as "domestic dependent nations," recognizing limited sovereignty while placing Tribal governments under the authority and..."

NAME _____ DATE _____

## 1 READ AND MARK

Read it twice

**YOUR JOB** Underline words that show Tribal Nations' authority, and circle words that show limits on that authority. Use your marks to compare what each decision said Tribal Nations could control.

### Three Decisions, Two Kinds of Power

1. In 1823, a land dispute reached the Supreme Court. In Johnson v. M'Intosh, two groups claimed rights to the same land: one traced its claim to a purchase from Native people, the other to a U.S. land grant. The Court chose the claim based on the U.S. grant. It said Native peoples kept a right to live on their lands, but the United States alone could buy those lands from them. This rule sharply limited Tribal Nations' power to sell land, even though they had occupied it long before the United States existed.

2. In 1831, the Cherokee Nation asked the Supreme Court to stop Georgia from imposing state laws on Cherokee territory. In Cherokee Nation v. Georgia, the Court did not decide whether Georgia's laws were valid. Instead, it said it could not hear this case as a dispute between a state and a foreign nation. The Court called Tribal Nations "domestic dependent nations." They were political communities with their own governments, but their relationship with the United States was unlike that of fully independent foreign countries. The Court described the United States as a protector.

3. The next year, a missionary named Samuel Worcester challenged a Georgia law that required him to get state permission to live in Cherokee territory. In Worcester v. Georgia, the Court ruled that Georgia's law could not operate there. It recognized Cherokee territory as a distinct community where Cherokee self-government continued, while dealings with the Nation belonged to the United States rather than Georgia. Together, these three decisions recognized Tribal governments yet limited their independence: federal power over land purchases and relations with Tribal Nations existed alongside Tribal authority within their territories.

## 2 ANSWER WITH EVIDENCE

Use the passage

1. In Johnson v. M'Intosh, what land right did Native peoples keep, and what power did the ruling limit?

2. How did Cherokee Nation v. Georgia recognize Tribal governments while placing them in a dependent relationship?

3. How did Worcester v. Georgia draw a boundary between Georgia's authority and Cherokee self-government?

4. A visitor says these decisions made Tribal Nations fully independent. Use two decisions to explain why that claim is incomplete.

## 3 YOUR TURN

Your own words

Write a 70 to 90 word museum label for visitors who think a nation must have either complete power or no power. Use all three cases to explain what Tribal Nations could still control and what authority the United States claimed.

**ANSWER KEY**

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**GRADE 8 · 8.C.4.3.B**

## PART 1 · READ AND MARK

Underline words that show Tribal Nations' authority, and circle words that show limits on that authority. Use your marks to compare what each decision said Tribal Nations could control. Accept any marking that follows this job and points at the right text.

## PART 2 · ANSWERS

| # | QUESTION | ANSWER |
|---|---|---|
| 1 | In Johnson v. M'Intosh, what land right did Native peoples keep, and what power did the ruling limit? | **They kept the right to live on their lands, but they could sell those lands only to the United States.** |
| 2 | How did Cherokee Nation v. Georgia recognize Tribal governments while placing them in a dependent relationship? | **The Court recognized Tribal Nations as political communities with their own governments, but called them domestic dependent nations and described the United States as their protector.** |
| 3 | How did Worcester v. Georgia draw a boundary between Georgia's authority and Cherokee self-government? | **Georgia's law could not operate in Cherokee territory, where Cherokee self-government continued.** |
| 4 | A visitor says these decisions made Tribal Nations fully independent. Use two decisions to explain why that claim is incomplete. | **Johnson v. M'Intosh gave the United States the sole right to buy Tribal lands, and Cherokee Nation v. Georgia described Tribal Nations as dependent on U.S. protection.** |

## PART 3 · YOUR TURN (SAMPLE ANSWER)

These cases did not make Tribal Nations powerless or fully independent. Johnson v. M'Intosh left Native peoples with a right to live on their lands but gave the United States the sole right to buy those lands from them. Cherokee Nation v. Georgia called Tribal Nations domestic dependent nations and described the United States as their protector. Worcester v. Georgia said Georgia's law could not operate in Cherokee territory. Cherokee governments could exercise self-government there, while the United States controlled land purchases and handled relations with Tribal Nations.

Accept answers that distinguish continuing Tribal self-government from limits imposed by federal authority. Do not accept claims that Worcester gave Georgia authority over Cherokee territory.