



Supreme Court Case Study 5 (continued)

Marshall declared the Cherokee Nation to be "a distinct community occupying its own territory . . . in which the laws of Georgia can have no force." Discussing the Treaty of Hopewell, Marshall wrote, "Protection does not imply the destruction of the protected. . . . To construe the expression 'managing all their affairs' into a surrender of self-government would be, we think, a perversion of their necessary meaning." The act under which Worcester was imprisoned was thus declared unconstitutional.

President Andrew Jackson's administration refused to enforce the Court's decision. In 1835, the government signed a removal treaty with a small number of Cherokee. The U.S. Army resettled many Cherokee through a brutal, forced march to present-day Oklahoma. The Cherokee called this resettlement march the "Trail of Tears." Later, the Worcester decision was revived and became a legal weapon against encroachments on Native American rights.

***** Dissenting Opinion *****

Justice Henry Baldwin dissented. He referred back to his opinion in *Cherokee Nation v. Georgia* (1831). In this matter, Justice Baldwin claimed that by accepting the Treaty of Hopewell, "The Indians . . . do acknowledge all the Cherokees to be under the protection of the United States." Baldwin reasoned that this acceptance of United States protection waived all claims of Cherokee sovereignty. Furthermore, if the Court agreed to hear one such case, the federal courts would be overwhelmed with cases.



Questions *****

DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. Why did Samuel Worcester challenge the constitutionality of the Georgia act?
2. How did the Court's opinion in the *Cherokee Nation* case differ from Worcester?
3. Do you agree more with Justice Marshall's opinion or with Justice Baldwin's dissent? Give reasons for your answer.
4. Suppose you were a Cherokee living at the time of the Worcester decision. How would the Court's ruling have affected you?
5. Why was the Worcester decision important in terms of Native American rights?

Supreme Court Case Study Answers

**Susan Lynn Ehrlich, Diana Eades, Janet
Ainsworth**

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Supreme Court Case Studies, 1997 *Supreme Court*, A Treatise on the Discovery of Evidence in the High Court of Justice: Being a Second Edition of a Treatise on the Discovery of Evidence, ... by T. H., ... Adapted to the Supreme Court of Judicature Acts and Rules, 1873&1875, by S. Hare, Etc Thomas HARE (Barrister-at-Law), 1876 **Case Studies in American Government** Inter-university Case Program, 1962 In searching for a Mother's Day present that will be just right for his mother Alaric Chicken demonstrates that he is just as cautious and particular as she is **Selected Case Studies in American History** William E. Gardner, Robert W. Beery, James R. Olson, 1969 **Discursive Constructions of Consent in the Legal Process** Susan Lynn Ehrlich, Diana Eades, Janet Ainsworth, 2016 Experts in linguistics and law use diverse theoretical and analytical approaches to demonstrate the complex ways in which language is used to seek, steer, give or withhold consent in a range of legal contexts The book illuminates problematic issues in legal practices and procedures that may otherwise be uncritically accepted **ECEL 2016 - Proceedings of the 15th European Conference on e-Learning**, Proceedings of the 15th European Conference on e-Learning ECEL 2016 **The Yale Law Journal**, 1899 *Reports of Cases Argued and Determined in the Supreme Court of Louisiana and in the Superior Court of the Territory of Louisiana. [1809-1896]* Louisiana. Supreme Court, Thomas Courtland Manning, François-Xavier Martin, Merritt M. Robinson, 1907 **Oke's Magisterial Synopsis** George Colwell Oke, 1876 Reports of Cases Argued and Determined in the Supreme Court of Ohio Ohio. Supreme Court, 1898 *Reports of Cases Argued and Determined in the Supreme Court of the State of Ohio, in Bank* Ohio. Supreme Court, 1898 The Compulsory Sale of Real Estate Under the Powers of the Partition Act, 1868, as Amended by the Partition Act, 1876 Philip Henry Lawrence, 1877 **Bulletin - National Council for the Social Studies** National Council for the Social Studies, 1930 The Law of Criminal Conspiracies and Agreements Robert Samuel Wright, 1873 **California. Court of Appeal (2nd Appellate District). Records and Briefs** California (State)., Received document entitled APPENDIX CITED IN RESPONDENTS OPENING BRIEF Models of Teaching Jeanine M. Dell'Olio, Tony Donk, 2007-02-26 Models of Teaching is a great asset for beginning teachers as they integrate their pre-service training with the standards-based curricula in schools Amany Saleh Arkansas State University Rarely have I read a text from cover to cover however your text provided an abundance of effective teaching strategies in ways that better informed my own teaching I was compelled to read through the entire text Great job Carolyn Andrews Student at University of Nevada Reno This is a practical text that focuses on current practices in education and demonstrates how various models of teaching can address national standards Marsha Zenanko Jacksonville State University Models of Teaching provides excellent case studies that will enable students to see models of teaching in practice in the classroom Margaret M Ferrara University of Nevada Reno Models of Teaching Connecting Student Learning With Standards features classic and contemporary models of teaching appropriate to elementary and secondary settings Authors Jeanine M Dell'Olio and Tony Donk use detailed case studies to

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