



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 1 Answers Key

Sarah Wilson



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designed for preparing to give the Limited Insolvency Examination The book also contains 10 practice exams at the end to reinforce the aspirant s knowledge and help crack the examination Based on the feedback received from aspirants the book also contains a tabular presentation of section wise reference of cases and vice versa Critical Thinking Now , Nancy Burkhalter,2016-12-08 Today s curricula can and should incorporate critical thinking methods because they are the means by which people best understand learn and retain higher level concepts Contrary to what many professional trainers assume teaching critical thinking is not achieved by shoveling facts at an audience through lecturing or multiple choice testing It requires sustained finely tuned teaching and assessment methods This book lays out a blueprint to do just that Specifically it outlines the necessary components of a critical thinking classroom and provides assessment techniques and ample exercises adaptable to any student s field age or level of education Often not considered are those learners schooled in a non Western culture and not proficient in the presenter s language These audiences can create invisible barriers to instruction Without understanding these pitfalls trainers invite frustration and failure and risk wasting everyone s time and money because they were unaware any problem existed The book addresses these linguistic cultural and cognitive obstacles and suggests several solutions whether you teach these students on your home turf or theirs Gender and Identity around the World Chuck Stewart,2020-11-09 This book provides an indispensable resource for high school and college students interested in the history and current status of gender identity formation and maintenance and how it impacts LGBTQ rights throughout the world Gender and Identity around the World explores a variety of gender and LGBTQ experiences and issues in countries from all the world s regions Guided by more than 50 recognized academic experts readers will examine how gender and LGBTQ identities are developed fought for perceived and policed in countries as diverse as France Brazil Russia Jordan Iraq and China Each chapter opens with a general introduction to a country or group of countries and flows into a discussion of gender and identity in terms of culture education family life health and wellness law work and activism in that region of the world A section on contemporary issues specific to the country or group of countries follows this discussion **Supreme Court Case Studies** ,1997 *AP U.S. Government and Politics Premium, 2024: 6 Practice Tests + Comprehensive Review + Online Practice* Curt Lader,2023-07-04 Provides extensive review of subjects on the test test taking strategies tips on essay writing and full length practice exams with answer explanations and automatic scoring **Free Speech and Campus Civility** Jeffrey L. Buller,Robert E. Cipriano,2021-06-01 Many colleges and universities are struggling to strike a balance between protecting free speech as a way of supporting their goal of academic freedom and promoting civility as a way of creating an environment where students can learn and faculty members can teach and conduct research There have been numerous recent incidents of audiences shouting down speakers burning books and demanding that specific students be expelled or faculty members be terminated In this highly fractious environment schools are wondering What works when seeking to attain the twin goals of permitting unrestricted speech but insisting on rules of decorum for debate and the

exchange of perspectives This book explores what schools have actually attempted in some cases successfully and in some cases not successfully to address these issues It concludes that there are three primary strategies that tend to be effective treating challenges to free speech and campus civility as teachable moments exploring hypothetical scenarios with students faculty members and administrators before there is a serious incident and approaching free speech and campus civility across the curriculum The book also surveys United States case law on the topics of free speech academic freedom the right to protest and similar subjects so as to provide faculty members and administrators with a concise resource filled with practical and accurate information

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