

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 53 Answers

A Loxley

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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 discuss 10 models of teaching and demonstrate how the models can incorporate state content standards and benchmarks as well as technology standards. This book provides students with a theoretical and practical understanding of how to use models of teaching to both meet and exceed the growing expectations for research-based instructional practices and student achievement. Key Features: Shows how each model looks and sounds in classrooms at all levels. Each model is illustrated with two detailed case studies: elementary and secondary, and post-lesson reflections. Offers detailed descriptions of the phases of each model. Each model is accompanied by a detailed chart and discussion of the steps of the model. Applies technology standards and performance indicators. Each chapter addresses how the particular model can be implemented to meet technology standards and performance indicators. Connects philosophies of curriculum and instruction. This book connects each model to a philosophy of curriculum and instruction that undergirds that model so teachers understand both how to teach and why. Promotes student interaction with the text. Exercises at the end of each chapter provide the opportunity for beginning teachers to work directly with core curricula from their own state and/or local school district curricula. Each model is illustrated with two detailed case studies: elementary and secondary, and post-lesson reflections. A

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The Central Law Journal ,1878 Vols 65 96 include Central law journal s international law list *Ideas and Debates in Family Law* Rob George,2012-08-08 Ideas and Debates in Family Law is written for family law students at undergraduate level and beyond who are looking for less orthodox ideas about family law The book s first section looks at themes in family law addressing challenges facing the family justice system rights and responsibilities and the internationalisation of the law regulating families The second section is focused on adult relationships it suggests new ways for the law to allocate legal consequences for families debates the consequences of the contractualisation of marriage and explores the value of fairness in family finances The third section is about children discussing the welfare principle parental responsibility and practical parenting Although these issues sound common enough in a family law book the discussions found here are far from common Useful by itself or alongside a textbook Ideas and Debates in Family Law offers new and thought provoking perspectives on family law issues Rob George is a new distinctive and powerful voice in family law scholarship In this book he subjects received and emerging opinions to incisive examination providing readers with the intellectual invigoration associated with first class seminars Above all he re claims family law as a significant branch of the idea and practice of justice John Eekelaar Pembroke College Oxford Building on a successful format for undergraduate seminars in Oxford this unique student text presents an exciting array of thought provoking debates and intellectually stimulating sometimes unorthodox ideas It will help students to situate their knowledge and to think more deeply and critically about family law and policy I applaud this book s focus and content and Rob George s vision in writing it Stephen Gilmore King s College London Whether you are a student looking for interesting points to make your work first class or an academic wanting an overview of family law theory this is the book for you Rob George has brilliantly captured the main issues facing family lawyers and policy makers at this

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