

## 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 Studies Answer Key

**John J. Patrick, Robert S. Leming**

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*Supreme Court Case Studies* ,1997    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    Resources in Education ,1984    **S/G Americas Government**

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Leming,1991 Ideas and information that can enhance education about the constitutional rights of individuals in U S history and the current system of government in the United States are included in this book The resource guide contains nine distinct parts dealing with aspects of learning and teaching about the Bill of Rights in both elementary and secondary schools Part I Background Papers features four essays for teachers on the origins enactment and development of the federal Bill of Rights A fifth paper discusses the substance and strategies for teaching Bill of Rights topics and issues Part II A Bill of Rights Chronology is a timetable of key dates and events in the making of the federal Bill of Rights Part III Documents includes 11 primary sources about the origins enactment and substance of the federal Bill of Rights Part IV Lessons on the Bill of Rights consists of nine exemplary lessons The remaining five parts include Papers in ERIC on Constitutional Rights Select Annotated Bibliography of Curriculum Materials Periodical Literature on Teaching the Bill of Rights Bill of Rights Bookshelf for Teachers and Directory of Key Organizations and Persons DB

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In some sort of inundated with displays and the cacophony of instant communication, the profound energy and psychological resonance of verbal artistry frequently diminish into obscurity, eclipsed by the regular onslaught of sound and distractions. However, nestled within the musical pages of **Supreme Court Case Studies Answer Key**, a fascinating work of fictional brilliance that impels with natural feelings, lies an remarkable journey waiting to be embarked upon. Published by a virtuoso wordsmith, that enchanting opus manuals readers on an emotional odyssey, lightly revealing the latent potential and profound influence stuck within the intricate internet of language. Within the heart-wrenching expanse of the evocative analysis, we shall embark upon an introspective exploration of the book's main subjects, dissect its charming publishing style, and immerse ourselves in the indelible impression it leaves upon the depths of readers souls.

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