

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?

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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. *Comprehensive Dissertation Index*, 1984

Competition Law and Economics Jay P. Choi, Wonhyuk Lim, Sang-Hyop Lee, 2020-04-24 In this exciting new book, an international team of experts compare market structures in both global and Korean contexts, particularly focusing on the impact of foreign competition on market concentration and ways to improve market structure. It thoroughly investigates core competition problems, including international abuses of dominance, mergers and collusion, and vertical restraints. Contributions move beyond explaining the laws and practices of enforcement agencies, offering readers an insight into the trend of an ever-increasing interdependence among national economies, complemented by analyses of recent developments in the US and Canada.

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Journal of the American Medical Association American Medical Association, 1901 Includes proceedings of the Association, papers read at the annual sessions, and list of current medical literature.

Railroad Age Gazette, 1951-07 **Minerals and Waste** Mario Tribaudino, Daniel Vollprecht, Alessandro Pavese, 2023-03-15 In the field of waste disposal, recovery and recycling, industrial residues from ceramic and mining activities are just an assemblage of minerals. So is municipal waste after removing the organic part in incinerators or after long time disposal. In almost every case a natural counterpart is present. Applying what is known from natural systems on waste assemblages is the key to predicting their fate at a short and long time and suggesting the best for high temperature recycling. This book aims to bring the Earth Science community to the edge of waste management, offering background

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