



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 36 Answers

AW Rasmussen



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Contemporary Supreme Court Cases Donald E. Lively, D. Scott Broyles, 2016-02-22 With its blend of accessible writing and actual excerpts from Court opinions this book serves to explain the legal and cultural underpinnings of landmark U S Supreme Court decisions of the past 35 years and to illuminate how these decisions have shaped the trajectory and character of modern American society As the nation s law defines society society defines the law As the nation s fundamental law the U S Constitution is the overarching statement of the people s will Interpreting the Constitution however is no simple task This book examines more than 100 landmark Supreme Court cases from 1973 to the present providing readers with insights into decisions that have had a profound impact on American politics commerce culture and life Organized categorically this book serves readers either as a comprehensive review of modern constitutional law or as a ready reference source It includes entries on Supreme Court decision making regarding high interest issues such as abortion *Roe v Wade* 1973 *Gonzales v Carhart* 2007 climate change *Massachusetts v EPA* 2007 voting rights *Bush v Gore* 2000 free speech *Texas v Johnson* 1989 the death penalty *Roper v Simmons* 2005 immigration *Arizona v United States* 2012 campaign financing *Citizens United v FEC* 2010 gun control *District of Columbia v Heller* 2008 the Affordable Care Act *National Federation of Independent Business v Sebelius* 2012 and gay marriage *United States v Windsor* 2013 The book not only interprets key Court decisions but also provides critical context and perspective that makes the subject matter easier to understand and more meaningful especially for readers without an extensive background in Constitutional law Bibliographies are provided at the end of each case to direct those seeking to delve more deeply into specific topics Equal Employment Opportunity and Affirmative Action

Floyd D. Weatherspoon, 2018-11-21 First published in 1985 In this remarkable book the author has compiled a large collection of resource material that will be of benefit to the student as well as the practitioner of equal employment and affirmative action EEO AA This book includes a broad scope of information on EEO AA from its infancy and progresses through its rapidly changing and developing stages Indeed this book will be an invaluable asset in easily acquiring and supplementing one s basic knowledge as well as providing a general overview of the subject area **California. Supreme Court. Records and Briefs** California (State)., Court of Appeal Case s C007526 **Comparative Contract Law** Thomas Kadner Graziano, 2023-01-17 This significantly revised and expanded third edition of *Comparative Contract Law* brings together extracts from legislation and court practice in a way that enables students to experience comparative law in action

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Task Force on Assessment of Crime, United States. Task Force on Assessment, 1967 An overview of the urban crime problem containing the results of a number of research studies and consultant papers This volume makes use of the results of three major public surveys to examine the problem of unreported crime public attitudes toward crime and law enforcement the characteristics of victims and victim offender relationships and a variety of other crime problems Chapters are devoted to the special problems of the economic burden of crime white collar crime and an appraisal of the current national system of statistical accounting on crime and criminal justice matters There are three appendices prepared by consultants two methodological notes and a series of tables of crime rates for index offenses by city rank

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The Judicial System of China Xin He, 2024-11-06 Grounded in both English and Chinese language sources The Judicial System of China is a systematic study of Chinese courts after Xi Jinping took power and thoroughly reformed its judiciary It draws upon extensive empirical scholarship in both Chinese and English languages complementing it with fresh research based on court statistics public opinion polling and interviews with judges lawyers and litigants The book addresses a range of timely subjects including how Chinese courts have come to their present shape how decisions are made on civil criminal and administrative cases and what explains the behaviour of the judges It documents not only the institutional rules but also the behavioral patterns of the judges and other players revolving around the courts This book presents a governance model for understanding the operation of the Chinese court system The courts have two overarching characteristics under this model supporting the state's goals of policy implementation and legitimacy enhancement The various policies that the courts are tasked with implementing and the approaches the courts use for

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