Whose Law Applies?

Three governments and one constitutional conflict

8.C.8.3.B "Examine the Supreme Court's Decision in Worcester v. Georgia and analyze the constitutional conflict between federal authority, state governments, and Tribal Nations during the Jackson administration..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline Georgia's claim to govern Cherokee land, circle the two sources of federal authority named in the passage, and put a star beside a sentence that describes Cherokee self-government.

The Court, Georgia, and the Cherokee Nation

1. In 1831, the Cherokee Nation went to the U.S. Supreme Court to challenge Georgia laws that reached into Cherokee territory. Georgia claimed it could extend its laws over that land, even though the Cherokee governed their own people and had treaties with the United States. In Cherokee Nation v. Georgia, the Court did not decide whether Georgia's laws were valid. It ruled that the Cherokee Nation could not sue as a foreign nation under the Constitution. The justices called tribes "domestic dependent nations," not states or foreign nations.

2. The next case began with a person Georgia arrested. Samuel Worcester, a missionary living in Cherokee territory, had not obtained the state license Georgia required. He argued that Georgia could not regulate his presence there. In Worcester v. Georgia (1832), the Supreme Court agreed: Cherokee territory was a distinct community, and Georgia's laws had no force inside it. Federal treaties with the Cherokee and the Constitution's grant of power to Congress over trade with tribes supported federal authority, not state control. The decision protected Cherokee self-government against Georgia's attempt to rule there.

3. President Andrew Jackson had signed the Indian Removal Act in 1830, which allowed the federal government to negotiate land exchanges with tribes. His administration favored moving southeastern tribes west. Worcester's ruling set a legal limit on Georgia's reach, but it did not stop the removal policy. Georgia did not immediately obey the ruling, and the federal government did not force the state to do so. This created a sharp question: if a court recognized Cherokee authority and federal treaties, what happened when a state and a president refused to protect those limits?

2 ANSWER WITH EVIDENCE

Use the passage

1. Why did the Cherokee Nation case end without a ruling on whether Georgia's laws were valid?

2. How did the Worcester ruling draw a boundary between Georgia's power and Cherokee self-government?

3. What two sources of federal authority supported the Worcester ruling, and how did they challenge Georgia's claim of control?

4. How did events during Jackson's administration show a gap between the Worcester ruling and what happened in Cherokee territory?

3 YOUR TURN

Your own words

Write a three-sentence opinion for a fictional 1832 newspaper about Georgia requiring a new state permit for Cherokee teachers inside Cherokee territory. Explain what Worcester says about Georgia's authority, use Cherokee Nation v. Georgia to clarify the Cherokee Nation's status, and describe one obstacle to putting the Court's ruling into practice.

ANSWER KEY

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GRADE 8 · 8.C.8.3.B

PART 1 · READ AND MARK

Underline Georgia's claim to govern Cherokee land, circle the two sources of federal authority named in the passage, and put a star beside a sentence that describes Cherokee self-government. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Why did the Cherokee Nation case end without a ruling on whether Georgia's laws were valid?	**The Court ruled that the Cherokee Nation could not sue as a foreign nation under the Constitution, so it did not decide whether Georgia's laws were valid.**
2	How did the Worcester ruling draw a boundary between Georgia's power and Cherokee self-government?	**The Court recognized Cherokee territory as a distinct community where Georgia's laws had no force.**
3	What two sources of federal authority supported the Worcester ruling, and how did they challenge Georgia's claim of control?	**Federal treaties with the Cherokee and the Constitution's grant of power to Congress over trade with tribes supported federal authority rather than Georgia's control.**
4	How did events during Jackson's administration show a gap between the Worcester ruling and what happened in Cherokee territory?	**Although the ruling limited Georgia's reach, Georgia did not immediately obey it, and the federal government did not force the state to do so. The administration continued to favor removal.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Georgia should not require Cherokee teachers to get a state permit inside Cherokee territory, because Worcester held that Georgia's laws had no force there. Cherokee Nation v. Georgia called tribes "domestic dependent nations," not foreign nations that could sue under that part of the Constitution. Yet the ruling might be hard to put into practice because the federal government did not force Georgia to obey it.

Accept responses that distinguish the Cherokee Nation's status from a foreign nation without treating it as a state. For the opinion, look for an application of Worcester to the new permit, an accurate description of the earlier ruling, and an obstacle grounded in the passage.