Land and Law

How a court ruling, state pressure, and federal policy shaped Cherokee removal

8.C.8.3 "Analyze the impact of President Andrew Jackson's policies concerning American Indian Nations and their sovereignty during the early nineteenth century..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline two places where state or federal actions challenged Cherokee sovereignty. Circle one court ruling, then number two different Cherokee responses to removal.

A Ruling Without Protection

1 In the early 1800s, the Cherokee Nation governed its homeland in the Southeast through its own laws and elected leaders. Federal treaties promised to protect Tribal lands, yet Georgia wanted those lands under state control, especially after gold was found there. Georgia passed laws meant to weaken the Cherokee government. President Andrew Jackson favored removal and signed the Indian Removal Act in 1830. It authorized the president to negotiate land exchanges west of the Mississippi River, but pressure from states and federal officials left many Tribal Nations with little real choice.

2 The Cherokee Nation challenged Georgia in court. In Cherokee Nation v. Georgia (1831), the Supreme Court said the Cherokee Nation could not sue as a foreign nation. The justices called Tribes "domestic dependent Nations," rather than states or foreign nations under the Constitution. In Worcester v. Georgia (1832), the Court ruled that Georgia's laws had no force in Cherokee territory. Relations with Tribal Nations were a federal responsibility. Jackson did not use federal power to protect Cherokee sovereignty against Georgia. His support for state authority helped removal advance despite the ruling.

3 Cherokee leaders Ross and Ridge fought with U.S. forces in the Creek War, part of the War of 1812. Ross opposed removal through petitions and legal challenges. Ridge believed a removal treaty could protect some Cherokee rights; he joined a small group that signed the 1835 Treaty of New Echota without the Cherokee government's approval. Their choices divided Cherokee leaders. Congressman Davy Crockett and Christian missionaries also opposed removal. Other Nations faced forced removal too. Beginning in 1838, U.S. troops forced Cherokee people west to Indian Territory. Many died along the Trail of Tears.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did Georgia's actions and federal treaties come into conflict?

2. Why could the Cherokee Nation not sue as a foreign nation in the 1831 case, and what did the Court rule about Georgia's laws in 1832?

3. How did Jackson's response to Georgia help removal advance despite the Worcester ruling?

4. How did Ross and Ridge respond differently to removal pressure, and what did Ridge's choice mean for the Cherokee government?

3 YOUR TURN

Your own words

Write a five-sentence statement for a museum exhibit explaining why the Worcester ruling did not stop Cherokee removal. Include a conflict between state and federal authority, a treaty problem, and two different Cherokee responses.

ANSWER KEY

Land and Law

GRADE 8 · 8.C.8.3

PART 1 · READ AND MARK

Underline two places where state or federal actions challenged Cherokee sovereignty. Circle one court ruling, then number two different Cherokee responses to removal. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did Georgia's actions and federal treaties come into conflict?	**Federal treaties promised to protect Tribal lands, but Georgia sought control of Cherokee land and passed laws meant to weaken the Cherokee government.**
2	Why could the Cherokee Nation not sue as a foreign nation in the 1831 case, and what did the Court rule about Georgia's laws in 1832?	**The Court described Tribes as domestic dependent Nations, not foreign nations that could sue in that case. In Worcester, it ruled that Georgia's laws had no force in Cherokee territory.**
3	How did Jackson's response to Georgia help removal advance despite the Worcester ruling?	**Jackson favored state authority and did not use federal power to protect Cherokee sovereignty against Georgia's actions.**
4	How did Ross and Ridge respond differently to removal pressure, and what did Ridge's choice mean for the Cherokee government?	**Ross used petitions and legal challenges to oppose removal. Ridge joined a small group that signed a removal treaty without the Cherokee government's approval, dividing Cherokee leaders.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The Supreme Court's Worcester ruling did not stop removal because a court decision needed federal action to protect Cherokee rights. Georgia pushed to control Cherokee land even though federal treaties promised protection and the Court said Georgia's laws had no force there. Jackson favored state authority and did not use federal power to defend Cherokee sovereignty. John Ross resisted through petitions and the courts, while Major Ridge signed a removal treaty in hopes of protecting some Cherokee rights. Their disagreement divided Cherokee leaders, and federal troops later forced Cherokee people west.

Accept responses that explain the gap between the Worcester ruling and federal enforcement. Students should distinguish Ridge's belief that a treaty might protect some rights from approval by the Cherokee government.