

Name: _____

US History

Westward Expansion

Remediation

2016

Worcester v. Georgia

The Background

Worcester v. Georgia deals with Georgia state laws that were passed in the middle of the 1800s. These laws were passed following an agreement reached between the Cherokee tribe and the state government of Georgia. The laws banned non-Indians from living in Indian territories. Only Non-Native Americans with special permission from the government were allowed to live on these lands.

The case begins when missionary Sam Worcester and his family refused to move from a land that was labeled an "Indian territory." In addition to refusing to move, the group refused to apply for the government license that would allow them to live on the lands. Because of this refusal, the army entered the Native American lands and arrested Worcester along with the other 6 people. Following his arrest, Worcester appealed his charges and took his case to the Supreme Court.

The Case Profile

Worcester v. Georgia began on February 20th of 1832. The case was filed by Worcester who claimed that his family's forced removal was a violation of his constitutional rights. He believed the state of Georgia over-stepped their boundaries, for they did not maintain jurisdiction to enforce the law within the Native land.

The Verdict

Chief Justice John Marshall (the judge who presided over the case) ruled in favor of Mr. Worcester in Worcester v. Georgia. Chief Justice Marshall believed that the state government of Georgia did not have the power to enforce a law within lands that were not within the jurisdiction of the state. The Supreme Court also stated that the interactions between the Native American tribe and the state of Georgia must be considered and approached as international talks.

The Supreme Court of the United States ruled in favor of Worcester because they found the state to have violated his 14th Amendment rights. The 14th Amendment does not allow any government in the United States from blocking a citizen's right to pursue "life, liberty and happiness." Furthermore, Worcester v. Georgia also dealt with the due process clause which refers to the government's obligation to maintain and respect these legal rights. The United States government is thus required to treat all American citizens in a respectful manner. Any attempt to over-step their boundaries will be deemed a violation of the constitution. The case of Worcester v. Georgia is an example of this.

Worcester v Georgia

Actions leading to the case and Georgia law violated



Who filed this suit?

On what grounds was this suit filed?



Who was the presiding judge? Which court?



Who won the case?

The Supreme Court's verdict was based on several lines

of reason. Which two do you agree LEAST with?

Which constitutional Amendment was violated? What might it mean for American citizens if this Amendment did not exist?

Document A: Andrew Jackson (Modified)

It gives me great pleasure to announce to Congress that the Government's benevolent policy of Indian removal has almost been achieved. We have wept over the fate of the natives of this country, as one by one many tribes have disappeared from the earth. However, we must accept this the way we accept when an older generation dies and makes room for the younger. We would not want to see this continent restored to the condition in which our forefathers found it. What good man would prefer a country covered with forests and occupied by a few thousand savages to our great Republic, studded with cities, towns, and prosperous farms, decorated with art and industry, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization, and religion? The United States will pay to send the natives to a land where they may live longer and possibly survive as a people. Can it be cruel when this Government offers to purchase the Indian's land, give him new and extensive territory, pay the expense of his removal, and support him for the first year in his new home? How many thousands of our own people would gladly embrace the opportunity of moving West under such conditions! The policy of the Government towards the red man is generous. The Indian is unwilling to follow the laws of the States and mingle with the population. To save him from utter annihilation, the Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

Document B: Letter by Elias Boudinot (Modified)

The letter below was written in 1837 by Elias Boudinot, a Cherokee who supported Indian Removal (and who signed the Treaty of New Echota that gave away Cherokee land). The letter is to Chief John Ross, leader of the Cherokees who opposed Indian Removal.

Look at our people! They are wretched! Look, my dear sir, around you, and see the progress that vice and immorality have already made! See the misery! If the darker picture which I have described here is a true one, can we see a brighter possibility ahead? In another country, and under other circumstances, there is a better prospect. Removal, then, is the only remedy, the only practical remedy. Our people may finally rise from their very ashes, to become prosperous and happy, and a credit to our race. I would say to my countrymen, fly from your life here that is destroying our nation. What is your (John Ross) plan of relief? It is dark and gloomy beyond description. You want the Cherokee to live according the laws of Georgia, no matter how unfair they are? Instead of fix the evil, you would tie our people down in the chains of slavery. The final destiny of our race, under such circumstances is too revolting to think of. Take my word, it is the sure end of our race if you succeed in preventing the removal of your people. There will come a time when there will be few of us left as reminders of this brave and noble race. May God protect us from such a destiny?

Vocabulary

- Benevolent—kind
- Annihilation—destruction
- wretched—miserable
- vice—sin
- prospect—possibility

Document A: Jackson

1. What do you already know about President Jackson's feelings about Indian Removal? What do you predict he will say in this speech?
2. (Contextualization) Why does Jackson think the United States was better in 1830 than in 1609?
3. (Contextualization) Why does Jackson think that the Cherokee will be better off in Indian Territory?
4. (Close reading) Why does Jackson think his policy is kind and generous?

Document B: Boudinot

1. Who is Elias Boudinot? What do you predict he will say about Indian Removal?
2. (Contextualization) What was life like for the Cherokee in Georgia, according to Boudinot?
3. (Contextualization) What does Boudinot hope will happen if the Cherokees move west?