



Teacher Notes: *Worcester v. Georgia* (1832)



Part 1: Background (00:00-3:14)

The 1830s were a period of both rapid economic and geographic growth, but many Americans, including war hero **Andrew Jackson**, believed that **corruption in government** was a big problem. Jackson's nickname was **Old Hickory** because of his legendary toughness. In **1828** he became **President of the United States** and promised to reform government.

Part 2: Andrew Jackson and the Cherokee (3:15-11:30)

One of Andrew Jackson's most controversial policies was the **Indian Removal Act of 1830**. Jackson, like many other Americans, believed that the only way for Indian culture to be preserved was **to move them west**. Most Americans, including Jackson, believed that **Native American** culture was **inferior** to white culture.

The **Cherokees**, more than any other tribe, had made many of the changes demanded of them by whites. Jackson disliked the idea that Native Americans considered themselves to be sovereign **nations** within the states. The land occupied by Native Americans was also considered valuable land because it could be used for **agriculture**. Cherokee lands became even more desirable after the discovery of **gold**.

Removal to the west was supposed to be **voluntary**, but tribes that chose to stay had to follow **local and state laws**. Some native tribes, such as the Choctaw and Chickasaw, agreed to sell their lands and move to Indian Territory in what is now, **Oklahoma**. The **Cherokee** refused to move. The tribe had adopted many aspects of white culture. They had their own language, newspaper, and constitution. Surprisingly, some Cherokee actually owned **slaves**. Regardless, the state of **Georgia** passed a series of laws that allowed them to take Cherokee **lands** and abolished the Cherokee **constitution**. The Cherokee sued the state. They argued that because they had negotiated directly with the federal government, they were considered their own **nation**.

In the initial case, **Cherokee Nation v. Georgia**, the Supreme Court ruled that it did not have **jurisdiction**. (Hint: review word from Marbury vs. Madison) Chief Justice **John Marshall**, however hinted that the Court could hear a proper case with proper parties.

Part 3: The Case (11:31-End)

Samuel Worcester was a **missionary** who had been given permission from the state to live on Cherokee lands. Missionaries posed a problem for states because they advised tribes of their **legal rights** and helped Cherokees learn to **read**. In response, Georgia passed a law making it illegal for whites to live on Indian land without a **permit from the state**. When Worcester and other missionaries refused to leave, they were **arrested**. This became the test case the Cherokees needed.

The Question: Does the state of **Georgia** have the right to assert its own law over Cherokee territory? The Supreme Court's answer, speaking through **Chief Justice John Marshall**, was **no**.

Marshall ordered the two missionaries to be released, but the Governor of Georgia refused to follow the Court's ruling. President Andrew Jackson, a strong supporter of state's rights, did not do anything to change the state's mind. Jackson did eventually convince the state of Georgia to pardon Worcester and the other missionaries.

Despite the fact that the majority of Cherokees did not want to move west, a small group signed a treaty that required the Cherokee to give up all their lands east of the Mississippi River. As a result, the Cherokees were rounded up and forced into prison camps. Soon the Cherokee were forced on a brutal march west without proper supplies in what became known as the Trail of Tears. Ultimately, the Supreme Court was powerless to stop the removal of the Cherokees.

John Marshall is the longest serving chief justice in the history of the Supreme Court.

Discussion Questions:

1. Do you agree with the Supreme Court's ruling? Fully explain your answer.
2. Do you agree with the state of Georgia and Jackson's response? Fully explain your answer.
3. What might happen today if a state and/or the president refused to enforce a ruling of the Supreme Court?