

2. Everyone, regardless of their race/ethnicity, is born with natural rights including life, liberty and property.
3. The result in both decisions was to disempower the Cherokee in Georgia. Jackson did not take action against Georgia when that state ignored the ruling in *Worcester v. Georgia* (1831). In *Cherokee Nation v. Georgia* (1831), the Supreme Court held that the Cherokee could not sue in federal court to prevent being removed from their lands.
4. The Cherokee said the Treaty was a fraud and had been ratified without the consent of the majority of the tribe. Accept reasoned answers.
5. Jackson enforced the Indian Removal Act vigorously, and did not take actions to enforce a Supreme Court decision that may have impeded removal. Jackson believed that every branch of government had the power to interpret the Constitution. Although the decision in *Worcester v. Georgia* (1831) sided with the national government over a state government, he did not take action to enforce that ruling against Georgia. Students may say that he did not enforce that ruling because the state regulation involved was probably intended to hasten removal; they may also say that he did not enforce the decision because he personally supported what the state was doing. Accept reasoned answers.

DWIGHT D. EISENHOWER

Handout A: Eisenhower and the Little Rock Crisis

1. The Plessy case upheld mandated segregation in public rail cars. The Brown decision overturned that ruling, holding that separate facilities were inherently unequal.
2. The Little Rock Crisis took place when the Governor of Arkansas refused to intervene when a mob prevented nine African American students from attending their school. A federal court had approved their desegregation plan as consistent with the Brown ruling and ordered integration to begin.
3. Eisenhower ordered the mob to disperse and when it did not, sent the 101st Airborne Division to keep the peace. He also federalized the Arkansas National Guard, removing those men from the Arkansas governor's command.
4. Eisenhower described his constitutional duty to take care that the laws were faithfully executed as "inescapable."
5. Students may say that the Constitution says the states and the people keep all the powers not given to the federal government and that therefore states are rightfully in charge of matters such as public education. They may also say that Article II says the President is Commander in Chief of the militia of the several states when called into actual service of the states, but that it does not say who can call them into service. Since Congress can declare war and provide for calling forth the militia, perhaps it is also Congress's power to call the militia into service.

Handout B: Document-Based Question

DOCUMENT A:

1. The President has the power to carry out the laws. He is in charge of the armed forces, and he is responsible for making sure the laws are enforced.
2. The militia could refer to the National Guard.

DOCUMENT B: the states or the people

DOCUMENT C: States cannot make laws that do not apply to everyone equally.

DOCUMENT D:

1. September 4, 1957;
2. The Guard members do not seem to be taking any action with respect to Roberts. They are standing in front of the direction Roberts is facing, implying they are blocking him. Additional guard members seem to also be blocking the crowd.

DOCUMENT E:

1. the evening of September 23, 1957;
2. There is a well-organized mob in front of Central High School. If the President wants to enforce the Court's order, the city police will help them;
3. political allies of the Governor

DOCUMENT F:

1. to disperse;
2. the need to enforce the laws; the need to enforce equal protection of the laws

DOCUMENT G:

1. the morning of September 24, 1957. This message sounds much more urgent and begs the President for help. This message does not contain a note that the request will remain private, unlike the telegram in Document E. Accept reasoned answers.

DOCUMENT H:

1. an executive order;
2. to show that he has attempted to resolve the situation without force but that the obstruction of the laws continues;
3. calling the US military into service, including the National Guard in Arkansas;
4. steps to disperse the mob and enforce desegregation in Little Rock.

DOCUMENT I:

1. September 25, 1957;
2. escorting and protecting them;
3. These servicemen are not in combat with anyone, as usually happens when troops are "deployed."

DOCUMENT J:

1. They are forcing the protestors to leave at gunpoint.
2. This is a more forceful kind of crowd control than depicted in Document D.

DOCUMENT K:

1. Violent obstruction of the law is not an acceptable way to express disagreement;
2. the assurance that the Executive Branch will enforce the laws faithfully;
3. in cases with extraordinary circumstances and when the state requests help.