

Primary Source

John Marshall's Decision on Worcester v. Georgia, 1832

When the state of Georgia began forcibly removing Cherokees from their lands, the tribe appealed to the Supreme Court, asking it to enforce its treaty rights. In the 1832 case of Worcester v. Georgia the Court ruled in the Cherokees' favor, deciding that the tribe constituted a sovereign nation. Unfortunately, this victory was a hollow one, as President Jackson refused to enforce the verdict, arguing that the Cherokees were not an independent nation but were merely inhabitants of the state of Georgia. The following excerpt is taken from the Court's majority opinion, authored by Chief Justice John Marshall.

From the commencement of our government, congress has passed acts to regulate trade and intercourse with the Indians; which treat them as nations, respect their rights, and manifest a firm purpose to afford that protection which treaties stipulate. All these acts, and especially that of 1802, which is still in force, manifestly consider the several Indian nations as distinct political communities, having territorial boundaries, within which their authority is exclusive, and having a right to all the lands within those boundaries, which is not only acknowledged, but guaranteed by the United States

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The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of congress. The whole intercourse between the United States and this nation, is, by our constitution and laws, vested in the government of the United States.

Source: "Worcester v. The State of Georgia," *Reports of Cases Argued and Adjudged in the Supreme Court of the United States. January Term 1832. Vol. VI.* Richard Peters, ed. (Philadelphia: T. Desilver, Jr., 1832), 556-567, 561.