

Handout 3: The State of Georgia

1830

Representative Wilson Lumpkin of Georgia spoke in Congress in May of 1830 on the State of Georgia's right to enforce its laws over the Cherokee Nation.¹

“The inhumanity of Georgia, so much complained of, is nothing more or less than the extension of her laws and jurisdiction over this mingled and misguided population [the Cherokee and white friends] who are found within her acknowledged limits.”

1831

Thus far, the States held no jurisdiction on tribal lands, however the State of Georgia had been arresting Cherokees and their friends for actions it said were against Georgia State law. The following Supreme Court decision handed down by Chief Justice Marshall during the Court's January terms in 1832 attests that Worcester was unfairly tried by the State of Georgia, as his alleged crime occurred on Cherokee lands.²

“...the aforesaid treaties, which, according to the Constitution of the United States, compose a part of the supreme law of the land, and that these laws of Georgia are therefore unconstitutional, void, and of no effect; that the said laws of Georgia are also unconstitutional and void because they impair the obligation of the various contracts formed by and between the aforesaid Cherokee Nation and the said United States of America, as above recited; also that the said laws of Georgia are unconstitutional and void because they interfere with, and attempt to regulate and control, the intercourse with the said Cherokee Nation, which, by the said Constitution, belongs exclusively to the Congress of the United States; and because the said laws are repugnant to the statute of the United States, passed on ___ day of March 1802, entitled ‘an act to regulate trade and intercourse with the Indian tribes...’”

¹ Lumpkin, Wilson, *The Removal of the Cherokee Indians from Georgia, Vol. I* (New York: Dodd, Mead & Company Publishers, 1907)77. <http://dlg.galileo.usg.edu/georgiabooks/pdfs/gb0187a.pdf>

² Hazard, Samuel, ed., *Hazard's Register of Pennsylvania, Vol. IX – January – July, 1832* (Philadelphia: Wm. F. Geddes, Printers)226.