

# Indian Tribes Are Indeed Sovereign

## **Cherokee Nation v. the State of Georgia**

The Cherokee Nation resisted, however, challenging in court the Georgia laws that restricted their freedoms on tribal lands. In his 1831 ruling on Cherokee Nation v. the State of Georgia, Chief Justice John Marshall declared that “the Indian territory is admitted to compose a part of the United States,” and affirmed that the tribes were “domestic dependent nations” and “their relation to the United States resembles that of a ward to his guardian.”

However, the following year the Supreme Court reversed itself and ruled that Indian tribes were indeed sovereign and immune from Georgia laws. President Jackson nonetheless refused to heed the Court’s decision. He obtained the signature of a Cherokee chief agreeing to relocation in the Treaty of New Echota, which Congress ratified against the protests of Daniel Webster and Henry Clay in 1835. The Cherokee signing party represented only a fraction of the Cherokee, and the majority followed Principal Chief John Ross in a desperate attempt to hold onto their land. This attempt faltered in 1838, when, under the guns of federal troops and Georgia state militia, the Cherokee tribe were forced to the dry plains across the Mississippi. The best evidence indicates that between three and four thousand out of the fifteen to sixteen thousand Cherokees died en route from the brutal conditions of the “Trail of Tears.”

Through a combination of coerced treaties and the contravention of treaties and judicial determination, the United States Government succeeded in paving the way for the westward expansion and the incorporation of new territories as part of the United States.

However many Indians when into hiding, changed their name and their documents in order to stay in their homeland. Some others escaped from the “The Trail of Tears” and from concentration camps to return to their homeland, while it is even record of a relative still in their homeland traveled the many miles to reach Oklahoma and rescued their family member to bring them back to their homeland. There was a number that was also allowed to stay in their homeland and remained who they were, of which a number of the descendants still live and maintain their homeland, their culture, their traditions, their way of life, their tribes and their nations today. They continue to operate under their sovereignty, their natural laws, their inherent laws and their treaty laws, thus law of the law and international laws.

## **Worcester v. Georgia: 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. Worcester v. Georgia was decided on March 3rd of 1832 by the United States Supreme Court.

### Worcester v. Georgia: 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, through Marshall, also stated that the interactions between the Native American tribe and the state of Georgia must be considered and approached as **international talks**.

Today there are those Indian Nation that have chosen to become a dependent nation by becoming a Federally Recognized Native Nation, however there are a large number that are either Treaty or Non Treaty Native Nations and remain with full and complete sovereignty and is not a dependent nation, such as The Southern Cherokee and The Red Fire People.