



Figure 1. Samuel Worcester

THE TRIAL OF REVEREND SAMUEL A. WORCESTER

John Hutchins

Shortly after his release from the Georgia penitentiary, Samuel Worcester wrote his missionary board about the treatment he had received by the State of Georgia, where he served as a missionary among the Cherokee Indians:

"We were residing among the Cherokees for the purpose of communicating to them the knowledge of the way of salvation, in the obedience to the command of our Redeemer to preach the gospel to every creature. . . . While we were peaceably engaged in these labors, a law was enacted by the State of Georgia, asserting jurisdiction over the territory where we resided, and forbidding the residence of white men after a specified date, unless they should take an oath to support the constitution and laws of the state. . . . under penalty of four years confinement in the penitentiary."¹

Worcester considered the Georgia laws to be unconstitutional and appealed to the United States Supreme Court while he was serving his prison sentence. This case, *Worcester v. Georgia*, left not only a landmark decision in constitutional law but also a story of the sacrifices made by a young missionary for the people whom he served.

Born in 1798 into a New England family with a long tradition of service to the Congregationalist Church, Samuel Austin Worcester seemed destined to become a minister. His father, Leonard Worcester, abandoned his career as a printer in Peacham, Vermont, to become a minister when Samuel was a boy; his mother, Elizabeth Hopkins Worcester, was the daughter of a Doctor of Divinity.

During the time he was a student at Burlington College, Worcester made his decision to enter Andover Theological Seminary. Earlier he had studied at the Peacham Academy and Burlington College. At Andover, he received a strong background in foreign languages in addition to his other studies.

Upon graduating from the seminary in 1823, he applied to the American Board of Commissioners for Foreign Missions by contacting the Board secretary, who had been his teacher at Peacham Academy. Undoubtedly Jeremiah Evarts was pleased to have his former student. Worcester's background was exceptional: Dr. Samuel Worcester, his uncle, had helped to establish the Board; another uncle, Dr. Samuel Austin, was president of the University of Vermont; and Worcester himself could provide valuable practical assistance to the Board with his facility in languages and experience in printing (Figure 2).

Of the fifty mission stations operated by the Board, thirty-three were dedicated to the salvation and civilization of the North American Indians. The other stations were in India, China, the Mediterranean, and the Sandwich Islands (Hawaii). A report in the *Missionary Herald* described the extent of the Board's involvement in printing and translating:

"Valuable printing establishments have been set up in three of the missions widely remote from each other, and are in active operation. From them have issued more than 35,000,000 of pages, which, with the printing executed at the expense of the Board in other places, swells the number of pages to nearly 37,000,000. The number of copies of different works is not less than 900,000. These have been printed in eleven different languages, three of which had previously been reduced to writing by missionaries of the Board, and the several works were almost all composed, or translated by persons connected with that institution."²

Samuel Worcester was an obvious choice for an assignment to the Cherokee Nation, since the Board had decided to translate the Bible into the Cherokee language. But first he had to be ordained as a minister. The ordination took place in the Park Street Congregational Church in Boston, and his father, Leonard Worcester, preached the sermon. After the ordination service he and his bride — Ann Orr Worcester — loaded their personal

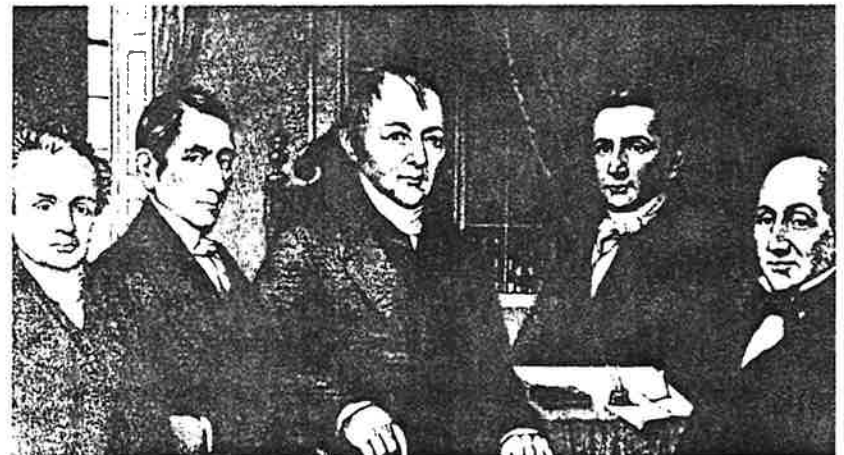


Figure 2. Jeremiah Evarts (second from left) and Dr. Samuel Worcester (center) Uncle of Samuel Austin Worcester, posed for this early group portrait of the secretaries of the American Board of Commissioners of Foreign Missions.

belongings and supplies and left Boston for their long trip to the Brainerd Mission Station near Lookout Mountain in Tennessee.

Making their way to the station, the young couple had ample time to consider their new lives. They must have wondered how to approach their new assignment, for a missionary's duties were far more complex than merely preaching. The missionary must first earn the respect of his new charge and possess the physical courage necessary to confront the dangers of his post. He must be a good administrator; a diplomat playing host to natives, government agents, traders, and all manner of people; and even a doctor, treating emergencies at the mission station. And his wife, in addition to serving as his assistant, must maintain their home.

On arriving at Brainerd in the fall of 1825 he visited his uncle's grave: Dr. Samuel Worcester had died earlier while visiting the Brainerd Mission and was buried there (Figure 3).

The task of translating the Bible into Cherokee awaited him. A few years earlier, Sequoyah had invented a method of writing based upon syllables rather than individual letters of the alphabet. This syllabary enabled the Cherokee themselves to learn to quickly read their language. Elias Boudinot, who had studied at the Foreign Mission School operated by the Board in Connecticut, served as the principal interpreter.

The problems of translating the Bible and other works were almost overwhelming. English and Cherokee have neither structural nor cultural links. Another problem was the terminology used in Christian theology and doctrinal considerations; however, working as a team, they effectively bridged their gap. Boudinot, a Cherokee who had studied English and Greek as well as theology, ably assisted Worcester in his study of Cherokee grammar and the native religion.

Printing was the next step. Late in 1827, the Worcester family (now including a baby daughter) moved to New Echota to assist in organizing the print shop and newspaper which had been approved by the Cherokee National Council. Two years earlier, New Echota had been selected as the capital of the Cherokee Nation, which included lands in Georgia, Alabama, Tennessee, and North Carolina (Figure 4).

Worcester's experience in printing was put to good use in setting up the shop. The type — which had to be specially cast — and the press were ordered from Boston. The Council chose Elias Boudinot to edit the *Cherokee Phoenix*. The newspaper would be printed in Cherokee and English with articles on education and religion, and news about the Cherokee Nation. The first issue appearing on February 21, 1828, carried the Nation's new constitution.

Financing the press was expensive: some money came out of the Cherokee annuity from the federal government, some from the American Board of Commissioners for Foreign Missions, and the rest from Boudinot's lecture tours. The newly opened gold mines near the Chatahoochee River were beginning to bring in some revenues.

Worcester's translation of hymns into Cherokee were printed in book form in 1829 by the press, and he and Boudinot diligently worked on a translation of the Bible, beginning their effort with the book of Matthew, which appeared first in various issues of the *Phoenix*.

In 1829, the Georgia legislature enacted a law "to add the Territory now in occupancy of the Cherokee Indians, to the counties of Carroll, DeKalb, Gwinnett, Hall and Habersham, and to annul all laws and ordinances made by the Cherokee Nation of Indians . . . to regulate the testimony of Indians." This act repealed a law passed during the previous year. Then, in 1830, Georgia passed another act obviously aimed at expelling the missionaries and stopping the press. The caption described it as an Act "to prevent white persons from residing within that part of the chartered limits of Georgia, occupied by the Cherokee



Figure 3.
Dr. Samuel Worcester's monument in Brainerd cemetery.



Figure 4. Map of Cherokee Nation

Indians, and to provide a guard for the protection of the gold mines, and to enforce the laws of the State within the aforesaid territory."

Political rumblings apparently did not disturb Samuel Worcester as he supervised the printing of the *Phoenix*, translated Biblical passages and hymns, and rejoiced over the birth of his second daughter Sarah. Soon, however, his work was interrupted. His subsequent arrest, trial, and imprisonment came about as the result of a broad range of events beginning years earlier. These events provided the background and arguments presented in his case before the United States Supreme Court.

Georgia defended its passage of these laws respecting jurisdiction in the Cherokee Nation by claiming the United States had defaulted on the contract known as the Cession of 1802. Since the colony of Georgia had been granted land westward to the Mississippi River, the state of Georgia considered as part of its territory land in present-day Alabama and Mississippi, and therefore entered into a contract with the U.S. government concerning the western lands. Georgia surrendered possession of land south of Tennessee and west of the Chattahoochee River to U.S. based upon these conditions:

"The United States will pay, at their treasury, one million two hundred and fifty thousand dollars to the state of Georgia, as a consideration for the expenses incurred by the said state in relation to the said territory . . . the U.S. shall, at their own expense, extinguish for the use of Georgia, as early as the same can be peaceably obtained on reasonable terms . . . the Indian title to all lands within the state of Georgia."

The Cherokees were forced to defend their claim to the land west of the Chattahoochee after the passage of Georgia's new laws. Both Britain and the United States had dealt with them as a sovereign nation, an independent foreign government, which required formal treaties. Through treaties with the British King George II, the Cherokees sold some lands to Britain, but the British, recognizing their sovereignty, made no efforts to impose British law on the remaining Cherokee lands. Because of their existing treaty commitments to the British king, the Cherokees honored their pledges and remained loyal to the king, even when the colonies were revolting against British rule. During the Revolutionary War, the Cherokees fought against the colonists, the enemies of their ally King George III.

After the U.S. and Great Britain had signed the peace agreement ending the Revolution, the Cherokees made a treaty at Hopewell with the U.S. government by which "the hatchet shall be forever buried" between the two peoples. The treaty contained many provisions, among which were the boundaries for Cherokee hunting grounds and the stipulation that no white settlers should be allowed within those boundaries. Subsequently the Cherokees made numerous treaties with the United States: the Treaty of Holston in 1791; Treaty at Philadelphia in 1794; Treaties at Tellico in 1790, 1804, and 1805; Treaties at Washington in 1806, 1807, and 1816; Treaty at the Cherokee Agency in 1807; and the Treaty at Washington in 1819 — all "duly ratified and confirmed by the Senate of the United States."³

When the United States again went to war with the British in the War of 1812, the Cherokees honored their commitment to their new allies, just as they had fulfilled their earlier obligation to the king, and fought with the U.S. government against the British. The Creeks, who occupied the middle and south regions of modern-day Georgia and Alabama, sided with the British king.

During the War of 1812, forts were established on the frontier of Georgia to serve as a refuge for white settlers who were caught in the middle of skirmishes between the Cherokees and the Creeks. Camp Gilmer,⁴ named for a young lieutenant and future governor of Georgia, was built at Standing Peachtree on the east bank of the Chattahoochee River. Years later, Worcester would be a prisoner here.

In 1819 Secretary of War John C. Calhoun, representing the President of the United States, and Chiefs and Head Men of the Cherokee Nation of Indians signed a treaty in Washington which ceded certain Cherokee lands, including those east of the Chestatee and the Chattahoochee Rivers to the Creek boundary, to the United States. This treaty meant that the land in present-day western Gwinnett and Hall counties no longer belonged to the Indians. Wilson Lumpkin of Georgia was sent out immediately to survey the lines of the newly ceded territory.

Until the 1819 treaty,⁵ the Cherokees had surrendered possession of lands voluntarily, but after the new cession they decided that their present territory was as small an area as they could reasonably live in and that therefore they would *cede no more* land to the United States.⁶

The desire for new territory led to the growing popularity of the Indian removal plan. In the 1824 election, Jackson, the military hero and famous Indian-fighter, received the most electoral votes; but, as no one had received a majority, the election went to the House of Representatives, where John Quincy Adams emerged victorious. Even though he was sympathetic to the Indians, Adams was helpless to stop the rising sentiment for removal and the increasing support for Jackson.

Worcester was at Brainerd at the time Georgia began efforts to acquire more Indian territory. In 1825, Governor George M. Troup negotiated the purchase of Creek land in the Treaty at Indian Springs. Many Creeks, however, believed their leaders had sold out to the state and took their protests to Washington, where the treaty was declared null and void. Troup took up the already popular cry of states' rights, and, defying the federal government, had the treaty land surveyed before seizing it. He vowed secession from the Union if Washington interfered. Although he had threatened to send federal troops to prevent the taking of the Creek lands, Adams decided to avoid a confrontation, since he lacked popular support on both the Indian and the states' rights issues.

The election of 1828 brought Jackson to the Presidency. A brilliant military strategist, Jackson had a strong personality. Honest and straightforward, he could also be arbitrary and quick-tempered. His friends found him extremely generous, but to his enemies he was an unrelenting foe. The public, however, gave him their whole-hearted support, especially in the South. In his inaugural address, Jackson gave a great deal of attention to the Georgia problem. Avowing that no independent government could be formed within the jurisdiction of an existing state, he countered the Cherokee's claim that the state of Georgia was infringing on their sovereign rights. President Jackson said that he had "advised them to emigrate beyond the Mississippi or submit to the laws of the states."

Wilson Lumpkin, the former surveyor and Indian commissioner, was elected to the U.S. House of Representatives from Georgia in 1826. A friend of Governor Troup and an ardent supporter of President Jackson, Lumpkin authored two versions of the *Indian Removal Act*, both of which were passed by Congress, the second in 1830. Potentially these bills were extremely forceful, since the Indian affairs were in the jurisdiction of the War Department, an arrangement which gave Indian agents the use of the military to aid in negotiations; much of the policy dealing with Indians, therefore, was of a military rather than a diplomatic nature. Not everyone supported Lumpkin's bills, however; he encountered strong resistance from the North, especially from Jeremiah Evarts of the American Board.

The man elected Governor of Georgia during this battle over Indian removal was George Gilmer, an ex-military man who had served in the wars with the Creeks and the War of 1812. Like Lumpkin, he supported Indian removal, and to aid in this plan he got the state legislature to pass an act extending the jurisdiction of the state to include the Cherokee

Nation. The act to break up the Cherokee Nation claimed that the Cherokee lands adjacent to Gwinnett, Hall, DeKalb, Carroll, and Habersham counties belonged to those counties and the State of Georgia. It also extended the laws of the state over the annexed territory, abolished the Cherokee laws, and authorized the use of the state militia to enforce the state laws and land claims.

To implement the Removal Act, Jackson, as commander-in-chief and chief executive, went personally to Tennessee. The War Department having jurisdiction over Indian affairs, Jackson depended on military force rather than diplomacy or constitutional law to execute the Removal Act, just as he had flaunted civil law and used force in his occupations of New Orleans and Florida. His first step was to stop the annuities paid to the Indians by the federal government as payment for ceded lands covered in various treaties. The following letter was sent to Col. Hugh Montgomery, a Cherokee agent in Tennessee, in June of 1830 by J. G. Randolph, the acting Secretary of War:

"The President directs that the practice of paying annuities to the Treasurer of the Cherokee nation shall from henceforth be discontinued, and with a view to secure to the mass of the nation, their proportion of such annuities, shall be hereafter paid, in every case, to the individuals respectively entitled, that is to say; to the Chiefs, Warriors and common Indians, and their families in the ratio in which these several classes are entitled; where there are Indians without families, the payments are to be made to them personally, and not to their chiefs. This mode of distribution is not under any circumstance to be departed from."⁷

Since the amount owed the Cherokee Nation was \$6,660.66 and the population of the Nation was approximately 16,000, Jackson's new distribution plan meant that the individuals must travel up to 180 miles to receive an annuity of forty cents. The plan was not designed actually to deprive the Cherokees of the money, but to prevent the Council from obtaining any substantial sums for their treasury and thereby to remove the financial support for the Cherokee press.⁸

Meanwhile, Governor Gilmer was executing the laws of Georgia in Cherokee territory. Using the act passed in 1829, he ordered several arrests of Cherokees for breaking Georgia criminal laws, even though the Cherokees claimed sovereignty from state jurisdiction.

President Jackson invited the Cherokee leaders to meet with him in Nashville to discuss the removal plans. At an extra session of the General Council, the Cherokees authorized John Ross, Principal Chief, to inform President Jackson that they declined to attend the meeting.⁹ The Principal Chief was also authorized to take "measures for defending the rights of the Nation before all courts of law and equity in the United States, against the acts of any individual state attempting to exercise jurisdiction within the Nation's limits, to the end that the question, touching the right of sovereignty, may be taken up before the Supreme Court of the United States."¹⁰

William Wirt, who had been Attorney General under Monroe and Adams, was employed to represent the Cherokee Nation in their constitutional battle. Wirt knew Chief Justice John Marshall well; their association began when young attorney William Wirt was selected as prosecutor for the Aaron Burr treason trial in Richmond, Virginia, to which Marshall had come to preside over the court sitting as a circuit court judge. Although Burr was acquitted, the trial thrust Wirt into national prominence. His first case before the Supreme Court came in 1816. He was Attorney General when several landmark constitutional cases were brought before the Supreme Court, including *M'Culloch v. Maryland*, *Dartmouth College v. Woodward*, and *Gibbons v. Ogden*. In the fight to retain their rights, the Cherokees published in the *Phoenix* Wirt's opinions on the battle between the state and the Cherokee Nation.¹¹

Wirt also wrote to Governor Gilmer, informing him that "the Cherokee Nation has

consulted me, professionally, as to their rights under their various treaties with the United States. Among other questions they have asked me whether, under the federal constitution, laws and treaties, the State of Georgia has the right to extend her laws, compulsively, into their nation; and whether this question can or cannot be carried for decision to the Supreme Court of the United States?" Leaving no doubt as to his answer, Wirt continued, "It is my misfortune to differ with the constituted authorities of the State of Georgia. . . . In this opinion I am not singular, but . . . I hold it in common with many of the most distinguished lawyers on our continent. . . . Fortunately there exists a tribunal before which this difference of opinion may be quietly and peaceably settled. . . . In the Supreme Court of the United States, we shall find a tribunal as impartial and as enlightened as can be expected on this earth."¹² The sovereign Cherokee Nation chose the United States Courts rather than a battleground to fight for their freedom.

Although gold was found along the Chestatee two years earlier, the discovery of large quantities of gold on Indian territory in 1830 brought about extensive mining and provided the Cherokee Nation with a new source of income. To prevent this wealth from hindering Jackson's removal plans, the acting Secretary of War informed the Cherokee agent in Tennessee on June 26, 1830, that "an order has been this day issued to the Officer Commanding the United States troops in the Cherokee Nation, directing him, until further orders, to prevent *all persons* from working the mines, or searching for, or carrying away gold or silver or either metal from the Cherokee Nation. In accordance with the above order, you will aid the Commanding Officer in the execution of the task assigned him, by any means which may appear advisable to promote the object desired."¹³ The Jackson administration intended to keep the wealth from fueling the Cherokee press.

On October 29, 1830, Governor Gilmer wrote a letter to Andrew Jackson to announce that the act of extending the state's jurisdiction over the Cherokee territory had gone into operation: "The acknowledgement of the President of the right of the State to pass such an act, renders it unnecessary to say anything in its justification. The object of this letter is to request the President that the troops may be withdrawn from the Indian territory with Georgia." He also told Jackson that the current session of the state legislature had one object — "the enforcement of the laws of the State within the Cherokee country, and the punishment of intrusion into it by persons searching for gold." In closing Gilmer assured the President that Georgia's measures would "accord with the policy which has been adopted by the present administration of the General Government."¹⁴ In effect Gilmer set up martial law in the Cherokee Nation.

In answer to the federal and state governments' stand on the rights of the Cherokees, twelve missionaries from all over the Cherokee Nation met at New Echota at the end of 1830. Those present included Worcester (who was elected secretary), Butler, and Thompson — three missionaries who would later be arrested — as well as six other missionaries from the American Board, two from the United Brethren's Church, and one from the Baptist missionary board. Unanimously they adopted eight resolutions and issued a statement declaring their opposition to the removal plans. To justify their intrusion into political affairs, they viewed the issue "as being not merely of a political, but of a moral nature." They denied charges of influencing the Cherokees, stating, "The frequent insinuations, which have been publicly made, that missionaries have used an influence in directing the political affairs of this nation, demand from us an explicit and public disavowal of the charge." But they did not hesitate to publish their opposition to both removal and Georgia's acts of extending jurisdiction. The resolutions state that the missionaries "view the removal of this people to the west of the Mississippi, as an event to be most earnestly deprecating; threatening . . . to arrest their progress in religion, civilization, learning, and

the useful arts." In addition, the missionaries resolved "that the establishment of the jurisdiction of Georgia and other states over the Cherokee people, against their will, would be an immense and irreparable injury." When the resolutions were published in the Cherokee *Phoenix*,¹⁵ Worcester and his colleagues had publicly sided with the Indians against both the state and federal governments.

Besides retaining Wirt to carry their cause to the federal courts, the General Council hired William H. Underwood, formerly a judge of Georgia's Western Judicial Circuit, and Thomas W. Harris to handle cases in the local courts, that is, in DeKalb, Gwinnett, Hall, and Habersham counties. The current judge of the Western Judicial Circuit, Judge Clayton, was told by the Governor that the attorneys had been hired to raise a question before the Supreme Court. Clayton vowed that no case from his court would test the constitutionality of the state's laws dealing with the Cherokee Nation. "I shall try all cases which may come under the law," he wrote, "and wholly disregard all interference from abroad. The punishments, if any shall be necessary, will be promptly inflicted."¹⁶

To prove he was a man of his word, Judge Clayton made an example of Corn Tassel, a Cherokee accused of murder. Under the new law, Corn Tassel was tried by the state even though he lived in the Cherokee Nation. He was brought to Gainesville before Judge Clayton, presiding as Judge of the Hall County Superior Court. After being convicted, Corn Tassel was sentenced to hang. Wirt immediately appealed the case to the United States Supreme Court on a writ of error, which was sanctioned by Chief Justice Marshall. Governor Gilmer was ordered to appear before the Supreme Court to defend the state's position. The State Senate and the House of Representatives resolved that the Supreme Court's interference violated Georgia's states' rights and that Gilmer should ignore the federal court's order. Corn Tassel was hanged.

Immediately after the execution of Corn Tassel, Wirt formally notified the Governor and Attorney General of Georgia that the Cherokee Nation would again go before the U.S. Supreme Court. On the 5th day of March, 1831, the Cherokee Nation made a motion for an injunction to restrain the State of Georgia from executing and enforcing the new laws within the Cherokee Nation. The bill set forth the proposition that the Cherokee Nation was a foreign state: "from time immemorial the Cherokee Nation has composed a sovereign and independent state, and in this character have been repeatedly recognized, and still recognized by the United States, in the various treaties subsisting between their nation and the United States."¹⁷

A detailed history of the Cherokee Nation was written into the instrument, describing events from the time the Cherokees were sole inhabitants of this territory to the Corn Tassel affair. The document proceeded to describe treaties with England and the United States, the advanced degree of Cherokee civilization, and a Cherokee Government with its constitution based upon laws and principles of the United States. The complainants claimed benefit of provisions of the United States Constitution, which declared that no state shall pass any law impairing the obligations of contracts (including treaties), and that Congress shall have power to regulate commerce with Indian tribes. Based upon these constitutional provisions, the bill averred that Georgia laws relative to the Cherokee Nation be declared null and void because they are "repugnant to the constitution" and contrary to the 1802 Act of Congress which regulated trade, defined their boundaries, and guaranteed peace.

In their arguments, the attorneys contended that the Supreme Court had jurisdiction, that the judicial nature of the case warranted interposition of the court, and that they were entitled to an injunction restraining the State of Georgia from enforcing the laws. Chief Justice John Marshall before delivering the legal opinion of the court described his personal feelings:

"If the courts were permitted to indulge their sympathies, a case better calculated to excite them can scarcely be imagined. A people once numerous, powerful, and truly independent, found by our ancestors in the quiet and uncontrolled possession of an ample domain, gradually sinking beneath our superior policy, our arts and our arms, have yielded their lands by successive treaties, each of which contains a solemn guarantee of the residue, until they retain no more of their formerly extensive territory than is deemed necessary to their comfortable subsistence. To preserve this remnant the present application is made."

Marshall stated the questions to be considered: "Do the Cherokees constitute a foreign state in the sense of the constitution? Has this court jurisdiction of the cause?" Then came the shocking answers:

"The court has bestowed its best attention on this question, and, after mature deliberation, the majority is of opinion that an Indian tribe is not a foreign state in the sense of the Constitution, and cannot maintain an action in the courts of the United States. . . . The bill requires us to control the Legislature of Georgia, and to restrain the extension of its physical force. The propriety of such an interposition by the court may be well questioned. It savors too much of the exercise of political power to be within the proper province of the judicial department."

The motion was denied.

With this favorable ruling by the court, the State of Georgia intensified its efforts to gain jurisdiction over the Cherokee territory. Missionaries in the territory claimed by Georgia were sent copies of a newspaper which published the new law. White men now residing within the Cherokee Nation must have a license or face four years imprisonment. The missionaries decided to stay, and arrests began.

The *Missionary Herald* carried this account of the first arrests:

"They continued unmolested until near night, on Saturday, the 12th of March, when a colonel and twenty-five men, all mounted and armed with guns and bayonets, reached Carmel, and paraded in front of the mission-house. Three men dismounted, entered the house, and inquired for Mr. Proctor, the teacher of the school, and secular superintendent of the station. When he came into the room, the soldiers immediately told him that he was their prisoner; and after ascertaining that Mr. Butrick, the missionary at the station, was absent on a preaching tour, they conducted Mr. Proctor to a public house, kept by a Cherokee, about half a mile distant, where he was kept under guard till the next morning. He was then permitted, accompanied by a guard, to visit his family for a short time; and then, it being the Sabbath, he was carried to New Echota, about forty miles; where they arrived just before sunset and arrested Mr. Worcester, a missionary of the Board, together with Mr. Wheeler, the printer of the *Cherokee Phoenix*, and Mr. Gann, another white man residing at that place, who were all taken to the place where the troops were quartered, and kept under strict guard. Mr. Worcester, however, was permitted to visit his family in the evening, and the next morning, attended by a guard. The party then proceeded with their prisoners to Hightower, thirty miles, where they arrested Mr. Thompson, missionary at the station, and another white man of the same name, residing near the station. After proceeding on a few miles, the party halted for the night, and the next day arrived at headquarters [Camp Gilmer].

All these arrests were made without a warrant from any magistrate, or any civil precept whatever. The proceedings were entirely of a military character. Upon their arrival at the headquarters, they were marched into camp with drum and fife, and a good deal of military pomp was displayed. The missionaries were all treated with as much civility as was consistent with their situation as prisoners.

After remaining at headquarters one day, Mr. Worcester, and Mr. Thompson, with Mr. Wheeler and Mr. Gann, were taken about thirty miles, to Lawrenceville, where the court for Gwinnett county was then in session. Their counsel, Messrs. Harris and Underwood, immediately applied for a writ of habeas corpus, and the case was argued before Judge Clayton. The grounds taken by the counsel was that the law was inconsistent with the constitution of the United States. The judge set this defense aside. He then declared Mr. Worcester an authorised agent of the government of the United States, by virtue of his office as postmaster. He next declared all the missionaries of the Board to be authorized agents of the government, because the government had made appropriations of money to aid them in instructing the Cherokees. This, the judge said, constituted them agents of the government for this purpose, and of course exempted them from the operation of the law. . . . Messrs. Worcester, Thompson, and Proctor, were therefore discharged without delay. The others who were arrested with them, were bound over to the next term of the court. . . . Special acknowledgements are due to the Rev. Mr. Wilson, and Dr. Alexander, of Lawrenceville, who kindly came forward and gave security for the missionaries who were carried to that place for trial and obtained their release from under guard; and also to general Edward Harden, a member of the bar, who spontaneously made an argument before the court in their behalf."¹⁸

Governor Gilmer had obviously received help from the Jackson administration in Washington before writing this letter to Samuel Worcester on the 16th of May:

Sir — It is part of my official duty to cause all white persons residing within the territory of the state, occupied by the Cherokees to be removed therefrom, who refuse to take the oath to support the constitution and laws of the state. Information has been received of your continued residence within that territory, without complying with the requisites of the law, and of your claim to be exempted from its operation on account of your holding the office of postmaster of New Echota.

You have no doubt been informed of your dismissal from that office. That you may be under no mistake as to this matter, you are also informed that the government of the United States does not recognize as its agents the missionaries acting under the direction of the American Board of Foreign Missions. Whatever may have been your conduct in opposing the humane policy of the general government, or exciting the Indians to oppose the jurisdiction of the state, I am still desirous of giving you and all others similarly situated, an opportunity of avoiding the punishment which will certainly follow your further residence within the state contrary to its laws. You are, therefore, advised to remove from the territory of Georgia, occupied by the Cherokees. Col. Sanford, the commander of the Guard, will be requested to have this letter delivered to you, and to delay your arrest until you have had an opportunity of leaving the state.

Very respectfully, yours, &c.
George R. Gilmer.¹⁹

Copies of the letter to Worcester were delivered to Butrick, Proctor, and Thompson by Col. Sanford. He added a note of his own giving them ten days notice to leave the territory.

Another account in the *Herald* described more arrests:

"The Georgia guard have arrested Dr. Butler (Figure 5), assistant missionary of the Board at Hawsis, and the Rev. Mr. Trott, a missionary of the Methodist church, and the Rev. Mr. Clauder, of the Moravian church. Dr. Butler and Mr. Clauder were temporarily released for special reasons; but Mr. Trott was very severely used, having been kept in chains one night, made to sleep in the open air, and to travel on foot, though he offered to furnish his own horse, and all the guards who seized him were mounted."²⁰

Georgia began harassing the missionaries by alternately arresting and releasing them. Dr. Butler, a physician from New Marlborough, Massachusetts, and an assistant missionary at the Hawsis station at Coosa, was released to take care of personal business after promising to surrender himself later at Camp Gilmer.

On June the 8th, Butler turned himself in. Thompson moved his family to the Brainerd station, but he continued to come back to preach in the territory from time to time. The following letter from Miss Fuller the teacher was published in the *Herald*:

"Rev. and Dear Sir — It falls to my lot to communicate to you notice of Mr. Thompson's second arrest, together with the circumstances which led to it, so far as they have come under my observation. Last evening, about 6 o'clock, Col. Nelson called on me, inquired for Mr. Thompson and also respecting my situation, and made a single remark respecting the loneliness of it. Mr. Thompson was absent — of course I told him so. He then told me that as he found me here situated as I am, he should not occupy this house the next night, but with much assurance added, "We shall occupy it to-morrow night." He further said, "You can go or stay as you please. If you stay you shall be protected." My reply was, "I must stay." "Very well," said he, and again repeated his promise of protection. He then remarked that they considered it their privilege to occupy these abandoned places; spoke of being somewhat troubled for forage for his horses, and intimated that what was growing on these places belonged to them; — that nothing of last year's growth would be required, but only the present; "for," said he, "we consider them as intrusions upon our state." — However much I might have felt disposed to remonstrate, I had not sufficient command of my feelings to permit me to do it. Supposing that it must be so, if Mr. Thompson did not return before the appointed time, and not being certain that he would, I asked Col. Nelson what part of the house he should occupy. "One room will be sufficient for us, there are only ten of us," was his answer. Providentially, however, Mr. Thompson arrived about an hour after Col. Nelson's call. He felt it his plain duty, not passively to yield the possession of his house into Col. Nelson's hands, and accordingly despatched a messenger to him, early this morning, with a letter, of which the following is a copy.

Hightower Mission, June 23, 1831.

Col. Charles H. Nelson,

Sir — I have been informed that you design to occupy the missionhouse this evening, with a detachment of the Georgia guard. In regard to this subject, we can only say, that we have not the accommodations desirable to entertain yourself and company, and for this, and other reasons, you will excuse me in saying, that if your design is effected, it will be without my consent.

Permit me to add, that if an interview with me on this or any other subject is desired, it may be obtained at this place at any time during the course of this day.

*I am, Sir, very respectfully
Your obedient servant
John Thompson.*

Both Mr. Thompson and myself expected that it would result in his arrest; and therefore we were prepared to see armed men, which we did, and to hear one of them say, "You may consider yourself a prisoner, Sir." Mr. Thompson was all ready, and did not detain them five minutes. They told him he would have no use for his horse, so, of course, he walked. They have spent the day at Major Dawson's, about two miles distant. The company is to leave for headquarters tomorrow.

Since Mr. Thompson is a prisoner, I suppose I may stay here without molestation as heretofore. Do you think, Sir, that it is improper for me to stay as I do? I know that in common cases it would not be proper, but I trust that in the present instance it is right. I am desirous to stay, for I think that as soon as it is known that the people

have left the house, some base intruder, if not the Georgia guard, will take possession of it. As yet I have no fears which would prevent my staying, though thus unprotected. My heavenly Protector is ever near for my defence. I trust that whatever may come, I may not be greatly moved.²¹

Since the missionaries had remained in the territory to continue their work, the State of Georgia began preparing for their trial. A series of new arrests began in July, 1831 (Figure 6). The Georgia Guard arrested a Cherokee named Proctor for allegedly digging gold. The next day they arrested the Methodist Missionary Trott and then added Worcester to the prisoners. This group was being taken to Camp Gilmer when the Reverend D. C. McLeod and Mr. Wells, who were from the Methodist missionary society, met them. In an emotional account of his experience with the Georgia Guard, McLeod reported in the *Federal Union* of September 15, 1831, that the prisoners, of which he was to become one, were mistreated.²² The Cherokee was "chained by the neck to the baggage wagon." After expressing his disapproval of the treatment and of the law leading to their arrest, McLeod was deprived of his horse and made a prisoner. "I was made to run on foot to get up with the other prisoners. . . . I was told that if I opened my mouth, I should be run through with a bayonet." His companion, even though he was not arrested, suffered mistreatment at the hands of the Guard. Wells and Rev. John Thompson, who had arrived on the scene, were following the prisoners when Colonel Nelson ordered them to stay out of sight. McLeod recounted, "Nelson then got down, cut a large club, remounted, rode up to Wells, and asked him why he did not obey his orders giving him a severe stroke on the head with the stick." Both McLeod and Worcester, in a letter to the *Missionary Herald*, told of the treatment of Dr. Butler subsequent to his arrest on the previous day: "A chain was fastened by a padlock around his neck, and at the other end to the neck of a horse, by the side of which he walked."²³ Beyond being arrested twice on the same charge, the missionaries were made to suffer indignities and even brutalities.

After being imprisoned at Camp Gilmer for a week, the missionaries — along with the Cherokee Proctor and Mr. Mayes, a white man with a Cherokee family — traveled to Lawrenceville to appear before the Justices of the Gwinnett County Inferior Court. Because the court could not be convened for two days, Dr. Butler and the Cherokee could not attend due to illness. Worcester described the results of the hearing: "We were ordered to give security for our appearance at the next term of the Superior Court, or be anew committed to jail. We all gave bail for our appearance except the Cherokee, who could not, at the time, find any one to be his surety."²⁴

On his return to New Echota, where his wife lay ill, Worcester made a difficult decision. If he were to remain within the territory claimed by Georgia, he would be subjected to harassment and repeated arrests. He thus moved to Brainerd in Tennessee, reluctantly leaving his family at New Echota. While Worcester carried on his work at Brainerd, his infant daughter, the third-born, died and was buried. He left for New Echota immediately upon receipt of the news, although he could not arrive for the funeral. Miss Fuller, a teacher from the American Board who was helping care for Worcester's family in his absence, wrote the *Missionary Herald* about the treatment Worcester received during his period of grief:

"On Wednesday night, when most of the family had retired to bed, one of the Georgia guard came to the house (Figure 7) in disguise, and seeing Mr. Worcester through a window, spoke to him in a low tone of voice, and requested him to come there. Mr. W. immediately went to the door, when this same disguised, unarmed soldier, said he had come as a friend, to give him notice that he must look out, for the

304
 Gwinnett County, Georgia, July 23rd 1831

Present their Honors Nathan McLeod Esq.
 Maxwell & Clifford Woodruff Esqrs.

The State
 by
 Samuel A. Worcester
 Elizer Butler
 Dickason McLeod
 James J. Trott
 Squelb May &
 James Proctor

} For residing in the
 Cherokee Nation with
 a license of digging
 gold

Ordere that the Sheriff in obedie
 nce to the several commitments accompan
 ying the return do forthwith under a
 competent guard convey the prisoners to
 the keeper of the Conspen jail of the coun
 ty of Walton them being not sufficient jail
 in the said county of Gwinnett
 or that each of the said prison
 ers give bond with good & sufficient
 security in the sum of five hundred
 dollars for their appearance at the
 next Session Court of said county of
 Gwinnett then and then to return
 to the several charges made against
 them in the papers submitted

Figure 5. Minutes of Inferior Court of Gwinnett County, Georgia, July 23, 1831.

guard would be here about to-morrow night. . . . By this time an armed soldier was seen advancing and Mr. W. was soon made prisoner."²⁵

Worcester explained his situation to Col. Nelson, who, although first refusing to listen to the circumstances, released the missionary. Worcester returned to Brainerd to avoid further arrests until he was to appear for the trial in September.

When the grand jury of Gwinnett County was called into session in September, Turner H. Trippe, the Solicitor General recited the charges and accusations against Samuel A. Worcester, Elizur Butler, James Trott, Samuel Mays, Surry Eaton, Austin Copeland, and Edward D. Lore which stated in substance, that they were "residing within the limits of the Cherokee Nation without a license."²⁶ Colonel John W. A. Sanford, commander of the Georgia Guard, was the prosecutor.

John S. Wilson, foreman of the grand jury, read the verdict: True Bill. After the grand jury presented its indictment to the Superior Court, Worcester entered a special plea in open court:

"And the said Samuel A. Worcester, in his own person, comes and says . . . that . . . he is a resident in the Cherokee Nation . . . out of the jurisdiction of this court. . . . And this defendant saith that he is a citizen of Vermont . . . a duly authorized missionary of the American Board of Commissioners for Foreign Missions . . . at the time of his arrest was engaged in preaching the Gospel to the Cherokee Indians and in translating the sacred scriptures into their language . . ."²⁷

Judge Clayton overruled the pleas to jurisdiction and the other matters. Worcester was arraigned, he pled not guilty, the trial began. Col. Sanford and Col. Nelson were among the eight witnesses. The trial took place in Lawrenceville on September 15, 1831.

In a letter to the Board, Worcester wrote:

"Our trial took place yesterday. There are eleven of us in all. One besides myself, Rev. Mr. Trott, of the Methodist church is a preacher of the gospel; and six, I believe, including us, are professors of religion. The jury soon brought in a verdict of guilty against us all. The judge has not yet pronounced sentence. We are waiting — Just after I had written the last word we were called upon to go to the



Figure 6. Samuel Worcester Home at New Echota, Georgia.

court-house, and have received the sentence of four years hard labor in the penitentiary. Many and grievous crimes had been laid to my charge by some of the counsel for the state, which I may safely say they could not prove. The solicitor general, however, paid a regard to our feelings, which entitles him to our esteem. The charges against us were repelled by our counsel; and when we were called upon to speak, if we had anything to say why sentence should not be pronounced agreeably to the verdict, I ventured, I know not whether wisely or not, to reply nearly in these words: — 'May it please your honor, if I am guilty of all or any of those crimes which have been laid to my charge, in the arguments before this court, but which are not preferred in the bill of indictment, then I have nothing to say why sentence should not be pronounced against me; but if I am not guilty of all or any of them, which I solemnly aver before this court and my God that I am not, — then I have to say what I have already said, that this court ought not to proceed to pronounce sentence against me, because the act charged in the bill of indictment was not committed within the rightful jurisdiction of this court.'"²⁸

The prisoners were to have left Lawrenceville Saturday for the penitentiary which was located at the State capitol in Milledgeville but the sheriff was detained and decided that he would leave on Sunday instead. They petitioned the sheriff to let them observe the Sabbath and to leave on Monday. In answer the sheriff wrote the following letter:

"Rev. S. A. Worcester, and other applicants. Yours of this morning is received; and in reply I have to state that your request is readily complied with. In taking this step you must be sensible that I incur considerable responsibility; for the expense of the guard, (to prevent the necessity of confining you in jail.) is considerable: But, believing that it is not the wish of the public authorities of the state, and knowing that it is not my desire, to offer the least disrespect to religion through harsh treatment of any of its professors, on account of conscientious scruples, much less to aggravate the sufferings of a condition already sufficiently painful, I take much pleasure, with a hope that it will be approved by my fellow-citizens, in affording you this evidence how much your feelings and misfortunes can be respected by a public officer. Yours very respectfully, Thomas Worthy, Sheriff."²⁹

Governor Gilmer was determined to see the prisoners recant. In return for an immediate pardon, all of the prisoners except Samuel Worcester and Elizur Butler abandoned their previous position and agreed to the governor's terms — take the oath to support Georgia's laws or quit their missionary labors and leave the Cherokee territory!

This letter from Samuel Worcester, written on the 6th of October from the State penitentiary in Milledgeville, was published in the *Journal of Humanity*:

"We have applied to the Supreme court of the United States, and expect a hearing next winter, but whether the decision will be in our favor, and whether it will be executed if it is, remains for futurity to disclose. You know how to appreciate the motives which have brought us here. We are happy. We enjoy I trust that light of God's countenance which can make man rejoice in affliction. Whatever the result may be as to earthly things, we hope to realize the fulfilment of that precious promise, all things shall work together for good to them that love God.

I preached Sabbath before last to about twenty-six prisoners confined in the same room with me, and last Sabbath in a room to which about sixty had access. I hope for similar opportunities hereafter. Dr. Butler and I sleep in different rooms, and have worship in each every night. Whether any good will follow remains with God. To human view, it is a discouraging task to preach to men who, as the inmates of a penitentiary may of course be expected to be, are corrupt and corrupting one another. But God can bless the effort if he will."³⁰

The *Missionary Herald* published this letter in which Dr. Butler stated his reasons for accepting prison life rather than compromise his religious beliefs:

"On the 15th of last month, as you have already learned, I was brought to trial, and the next day sentenced to four years imprisonment in this place, at hard labor. I arrived here on the 23rd. Since that time my health has generally been as good as I commonly enjoy. I have been able to labor every day, and hope I may continue to be, during my time of service. It would be a great trial to be afflicted with sickness here.

I have formerly been told, there was no need of my going to the penitentiary; that it was easy for me to avoid it, if I would; and some have even told me so since I have been here; others, I have been informed, have said the same, I would by no means compare myself with any of those mentioned below; but you will doubtless understand my meaning. Nehemiah might have gone into the temple, if he would. Shadrach and his companions might have worshipped the images of Babylon, if they would. Daniel might have ceased to pray for a season, if he would. — But not to pursue this train of thought farther — they could not conscientiously comply with these requirements. Others in similar circumstances could not conscientiously comply with other requirements. However easy it might appear to others, I could not conscientiously comply with requirements which would have kept me from this confinement. And now, dear Sir, I have to say that, through the goodness of God, I have yet had enough to support me; I have had even more than I anticipated. And I am led firmly to believe that any man contending for the rights of conscience and the liberty of spreading the gospel, will always find strength given him from above."³¹

According to a report in the *Missionary Herald* —

"A gentleman who visited the prison said that the yard of the penitentiary, enclosed by a high wall, contains about five acres; that the number of prisoners is now about one hundred; that Mr. Worcester and Dr. Butler are confined at night in separate rooms, each having twenty-eight or thirty others with him; that they are clad in a shirt and trousers of coarse cotton, having the initials of their names, and the term of imprisonment painted in large characters on the breast, and that when the cold season arrives, they will be provided with a jacket in addition; that a blanket is furnished them for a bed and covering at night; that their food is coarse, but sufficient in quantity and wholesome; that Mr. Worcester is employed principally in a shop as a mechanic, and Dr. Butler is turning a lathe wheel; that they receive as kind treatment from the keepers as could be expected; and that they are cheerful and happy."³²

Meanwhile, William Wirt had carefully prepared an appeal. He issued a writ of error commanding the judge of the Gwinnett County Superior Court to send the record and proceedings on Worcester's indictment to the United States Supreme Court. The judge did not sign it; however, according to law, this signature was not necessary.³³

Rather than considering the Cherokee Nation to be a foreign country, this time Wirt based his position upon the constitutional provision that the establishment and regulation of intercourse with the Indians belonged exclusively to the government of the United States; and by treaties and acts of Congress, now in force, and applying directly to the case of the Cherokees.

He argued that no state could interfere, without a manifest violation of such treaties and laws. In conclusion Wirt maintained that the indictment, conviction, and sentence being founded upon a Statute of Georgia which was unconstitutional and void were themselves also void and of no effect, and ought to be reversed.

Chief Justice Marshall delivered the opinion. Finally he read the court's verdict:

"It is the opinion of this court that the judgment of the Superior Court for the County of Gwinnett, in the State of Georgia, condemning Samuel A. Worcester to hard labor for four years, was pronounced by that court under color of a law which

is void, as being repugnant to the Constitution, treaties, and laws of the United States and ought, therefore, to be reversed and annulled."

They had won. But it soon became apparent that this was a hollow victory. President Andrew Jackson immediately refused to carry out the decision of the Supreme Court and reportedly said: "John Marshall has made his decision, now let him enforce it." Worcester and Butler remained in the state penitentiary.

Months passed. Finally, the missionaries decided that it was not expedient to push their case further. The attorneys were instructed to make no motions in their behalf.

The matter now rested with Governor Wilson Lumpkin, the former Congressman who had written the removal act and defeated Gilmer in the last election. Worcester and Butler wrote him this letter:

Penitentiary, Milledgeville, January 8, 1833
To his Excellency Wilson Lumpkin,
Governor of the State of Georgia.

Sir — In reference to a notice given to your excellency on the 23rd of November last, by our counsel in our behalf, of our intention to move the Supreme Court of the United States, on the second day of February next, for further process in the case between ourselves individually, as plaintiffs in error, and the state of Georgia, as defendant in error, we have now to inform your excellency, that we have this day forwarded instructions to our counsel to forbear the intended motion, and to prosecute the case no further. We beg leave respectfully to state to your excellency, that we have not been led to the adoption of this measure by any change of views in regard to the principles on which we have acted; or by any doubt of the justice of our cause, or of our perfect right to a legal discharge, in accordance with the decision of the Supreme Court in our favor already given; but by the apprehension that the further prosecution of the controversy, under existing circumstances, might be attended with consequences injurious to our beloved country.

We are respectfully yours,
S. A. Worcester,
Elizur Butler.³⁴

Worcester and Butler were informed by the keeper of the penitentiary that the governor was offended by this letter. He said that he met the governor in the street and found him very much displeased. He thought the communication was an insult to the authorities of the state.

Another letter was forwarded to the governor the following day:

Penitentiary, Milledgeville, Jan. 9, 1833
To his Excellency Wilson Lumpkin,
Governor of the State of Georgia,

Sir — We are sorry to be informed that some expressions in our communication of yesterday were regarded by your excellency as an indignity offered to the state or its authorities. Nothing could be further from our design. In the course we have now taken it has been our intention simply to forbear the prosecution of our case, and to leave the question of the continuance of our confinement to the magnanimity of the state.

We are respectfully yours,
S. A. Worcester,
Elizur Butler.³⁵

After five days had passed, the keeper of the penitentiary told them that he had received orders from Governor Lumpkin to release them. After serving one year and four months, they were free. The two returned to their labors among the Cherokees. *Worcester V. Georgia* had passed into the history of constitutional law, but Samuel Worcester's life as a missionary had only begun.



Figure 7. Dr. Elizur Butler photographed some years after his imprisonment with Samuel Worcester.

Footnotes

1. *Missionary Herald*, Volume XXIX, page 183.
2. *Ibid.*, Volume XXVII, page 9.
3. *The Cherokee Nation Vs. The State of Georgia*.
4. Camp Gilmer was located thirty miles southeast of Fort Daniel (at Hog Mountain in present-day Gwinnett County). Peachtree Road connected both forts which were constructed during the War of 1812. Camp Gilmer has been moved to New Echota and is located today near the Samuel Worcester home.
5. The complete text for the 1819 Treaty can be found in *Indian Treaties 1778-1883*, edited by Charles J. Kappler, Interlord Publishing Inc., N.Y. 1972, p. 177-180. The boundaries of the ceded land are illustrated in Charles Royce's "map of the Former Territorial Limits of the Cherokee Nation of Indians," 5th Annual Report of the Bureau of Ethnology, 1888. Reprinted by the Museum of the Cherokee Indian, 1977.
6. *The Cherokee Nation Vs. Georgia*.
7. *Cherokee Phoenix*, July 24, 1830.
8. *Ibid.*
9. *Ibid.*, October 16, 1830.
10. *Ibid.*
11. *Ibid.*, August 14, 1830.
12. *Ibid.*, September 5, 1830.
13. *Ibid.*, July 24, 1830.
14. *Ibid.*, Dec. 11, 1830.
15. *Missionary Herald*, Volume XXVII, Pages 80-84.
16. *Cherokee Phoenix*, October 1, 1830. Article reprinted from the *GEORGIA ATHENIAN*
17. *The Cherokee Nation Vs. The State of Georgia*.
18. *Missionary Herald*, Volume XXVII, page 166.
19. *Ibid.*, pages 248-255.
20. *Ibid.*, page 229.
21. *Ibid.*, page 253.
22. *Federal Union*, September 15, 1831.
23. *Missionary Herald*, Volume XXVII, page 300.
24. *Ibid.*, 302.
25. *Ibid.*, 333.
26. *Worcester Vs. The State of Georgia*.
27. *Ibid.*
28. *Missionary Herald*, Volume XXVII, page 363.
29. *Ibid.*, 364.
30. *Ibid.*, 395.
31. *Ibid.*
32. *Ibid.*, 396.
33. *Worcester Vs. The State of Georgia*.
34. *Missionary Herald*, Volume XXIX, page 112.
35. *Ibid.*

CHEROKEE RHETORIC: A FORCEFUL WEAPON

William Strickland

When James E. Oglethorpe brought his paupers and convicts from England in 1733 to establish the colony of Georgia, he was greeted with gifts from the Indians he met. When a Cherokee leader appeared, Oglethorpe said to him, "Fear nothing. Speak freely."

"I always speak freely," answered the Cherokee. "Why should I fear?"¹

Not only did the Cherokees "speak freely," but they also had a well deserved reputation for speaking well. Thomas Jefferson, himself a gifted speaker, once said of the great Ostenaco,² "His sounding voice, distinct articulation, animated action, and the solemn silence of his people at their several fires, filled me with awe and veneration, although I did not understand a word he uttered."³

One observer in the early 19th century described Cherokee orators as doing "honor to the best days and most gifted minds of Greece or Rome."⁴ Although it's possible that some contemporary accounts were exaggerated, there is much evidence to support the conclusion that the Cherokees were effective speakers. The development of speaking in the Cherokee Nation had some of the characteristics of the Greek experience. In order to understand the speaking of the Cherokees from 1828 to 1832, one must understand the historical role of speaking in the tribe.

The Cherokees before the invention of their alphabet were dependent on the spoken word for communication. One important aspect of this oral tradition, like the Greeks', was story telling. One summary of the oral tradition states that: "The Cherokees were great storytellers, and they had a vast store of engaging fireside tales to be drawn from their rich



Figure 1 Elias Boudinot