



## Apologia of Worcester and Butler (1833)

*Samuel Worcester and Elizur Butler were white Congregationalists from New England who worked, with their wives, as missionaries on Cherokee land located within the state of Georgia. In 1829-30, the government of Georgia passed laws that placed Cherokee land under the jurisdiction of Georgia counties and declared acts of the Cherokee tribal government null and void. The state also declared it illegal for white men (but not white women) to live on Cherokee land unless the men swore an oath of allegiance to Georgia's laws; the intent of this oath was evidently to stop Worcester and other missionaries from helping Cherokees enlist public and federal support in resisting Georgia's encroachments. Worcester and Butler refused to swear the oath. State officials therefore arrested them, and they were sentenced to four years in prison with hard labor.*

*Lawyers hired by the Cherokee government appealed the missionaries' case, Worcester v. Georgia, to the US Supreme Court. In a landmark decision for indigenous rights, the Supreme Court ruled that state governments have no jurisdiction over tribal lands, making Georgia's treatment of the Cherokees and the missionaries unconstitutional. Georgia's government, however, defied the ruling and kept Worcester and Butler in prison for over a year. A combination of public pressure and face-saving political theater finally led Georgia's governor to free the two missionaries. Soon after their release, Worcester and Butler issued a statement, in the form of a letter to their sponsoring missionary society, explaining why they had committed this act of civil disobedience. The statement has come to be known as Worcester and Butler's "apologia" (meaning, defense).*

*Although Worcester v. Georgia provided, in the long run, an important legal foundation for tribal sovereignty, it did not stop the federal government from relocating the Cherokees and other indigenous nations west of the Mississippi River over the course of the 1830s—the forced migration known as the Trail of Tears. Worcester and his wife, Ann Orr, moved west as well to continue their missionary work among the Cherokees.*

It has seemed to us that it might not be amiss to address a letter to you, with leave to make it public if it be thought expedient, giving a summary view of the grounds on which we have acted from the beginning to the end of the late controversy between ourselves and the state of Georgia.

We were residing among the Cherokees for the purpose of communicating to them the knowledge of the way of salvation, in obedience to the command of our Redeemer to preach the gospel to every creature. This object we were aiming to accomplish by means of public preaching and exhortation, by the publication of the written word of God and other religious books in the native language, and through the medium of schools.

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 have taken an oath to support the constitution and the laws of the state [...], under penalty of four years confinement in the penitentiary. [...]

We had always considered the Cherokees as possessing both a natural and conventional right to govern themselves, subject only to such limitations of sovereignty as were expressed in existing treaties between them and the United States. [...] The extension of the jurisdiction of the state

over the Cherokees we regarded as unjust and oppressive, and we could not swear to uphold that injustice and oppression. [...] This utterly precluded the possibility of our taking the oath.

In these circumstances and with these views, our only alternative was either to be banished from our homes and from the field of our interesting and important labors, or to suffer temporary imprisonment and appeal to the justice of our country in defense of our constitutional rights; in defense of the cause of religion, as involved in the privilege of publishing to all men the gospel of our Lord Jesus Christ; and in defense of the rights of a much injured people.

We will next state the reasons by which we were induced to adopt the latter alternative.

We had no doubt of our *civil right* to refuse obedience to the law in question, appealing to the Supreme Court of the United States to sustain us in that refusal. We regarded the law as manifestly unconstitutional and therefore *no law* [...]

The rights of thousands were involved with our own. We have already said that we regarded the extension of the jurisdiction of the state over the Cherokees as most unjust and oppressive. We believed that the design of the extension was to force the Cherokees away from the soil which was their own and which, so long as they were disposed, they had a perfect right to retain. The effect upon the Cherokees, we believed, would be ruinous. And as their rights and ours were involved in the same question, we felt that in maintaining our own, we were maintaining theirs also. The constitutional question involved appeared to us so plain that we could not expect any other than a decision in our favor when our cause should come before the Supreme Court; and we could not but hope that when that court should have sustained by its decision the rights of the Cherokees, those rights would be defended by every department of the national government, and this unhappy people be saved from the oppression under which they groaned. We felt, therefore, that Christian philanthropy demanded a temporary sacrifice of our personal liberty in order to obtain a decision of so much importance to thousands of our fellowmen.

The faith and justice of our nation were at hazard. That faith and justice were pledged for the protection of the Cherokees in their rights; but that pledge was apparently about to be forfeited, that faith to be broken, and an act of flagrant robbery to be committed upon a defenseless people with the sanction of our national authorities. Whether this should be done was not a question of mere political expediency but of clear moral obligation—a question of right or wrong; of keeping or violating the commands of God; of obtaining, as a nation, divine favor or incurring divine vengeance. We hoped that a decision of the Supreme Court might be the occasion of arresting the hand of oppression—of averting from our beloved country the guilt of covenant-breaking and robbery and the vengeance of heaven. [...]

We do not repent of what we have done. [...] The nature of the proceedings by which the defenseless Indians are deprived of their possessions appears to us very plain. [...] And we feel unwilling to retire from the contest into which we have been led without giving our decided testimony against what it is impossible for us to regard in any other light than *injustice, oppression, and robbery*. Towards the state of Georgia or her authorities, we are conscious of no vindictive feelings. It is our unceasing prayer that her transgressions and the transgressions of our countrymen be forgiven, and those judgments of heaven averted which there is too much reason to fear.

**Source:** “Messrs. Worcester and Butler’s Reasons for Their Course in Relation to the Proceedings of the State of Georgia,” *Missionary Herald*, May 1833, 183-186, <https://hdl.handle.net/2027/uc1.b3079716>. Public domain in the United States, Google-digitized.

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