

Statement of the National Council of the Cherokees, 1838

AQUOHEE CAMP, *August 1, 1838.*

Whereas, the title of the Cherokee people to their lands, is the most ancient, pure, and absolute known to man; its date is beyond the reach of human record; its validity confirmed and illustrated by possession and enjoyment antecedent to all pretence of claim by any other portion of the human race:

And whereas, the free consent of the Cherokee people is indispensable to a valid transfer of the Cherokee title; and whereas, the said Cherokee people have neither by themselves, nor their representatives, given such consent; it follows that the original title and ownership of said lands still vest in the Cherokee nation unimpaired and absolute:

Resolved, therefore, By the national committee and council, and people of the Cherokee nation, in general council assembled, That the whole Cherokee territory, as described in the first article of the treaty of 1819, between the United States and the Cherokee nation, still remains the rightful and undoubted property of the said Cherokee nation. And that all damages and losses, direct or incidental, resulting from the enforcement of the alleged stipulations of the pretended treaty of New Echota, are in justice and equity chargeable to the account of the United States.

And whereas, the Cherokee people have existed as a distinct national community, in the possession and exercise of the appropriate and essential

attributes of sovereignty, for a period extending into antiquity beyond the dates and records and memory of man:

And whereas, these attributes, with the rights and franchises which they involve, have never been relinquished by the Cherokee people, but are now in full force and virtue.

And whereas, the natural, political, and moral relations subsisting among the citizens of the Cherokee nation towards each other, and towards the body politic, cannot in reason and justice be dissolved by the expulsion of the nation from its own territory by the power of the United States' Government:

Resolved, therefore, By the national committee and council, and people of the Cherokee nation, in general council assembled, That the inherent sovereignty of the Cherokee nation, together with the constitution, laws, and usages of the same, is, and by the authority aforesaid, is hereby declared in full force and virtue, and shall continue so to be, in perpetuity, subject to such modifications as the general welfare may render expedient.

Resolved, further, That the Cherokee people, in consenting to an investigation of their individual claims, and receiving payment upon them, and for their improvements, do not intend that it shall be so construed as yielding or giving their sanction or approval to the pretended treaty of 1835: nor as compromising, in any manner, their just claim against the United States hereafter, for a full and satisfactory indemnification for their country, and for all individual losses and injuries.

And be it further Resolved, That the principal chief be, and he is hereby authorized to select and appoint such persons as he may deem necessary and suitable for the purpose of collecting and registering all individual claims against the United States, with the proofs, and to report to him their proceedings as they progress.

RICHARD TAYLOR,
President National Council.
GOING SNAKE,
Speaker of Council.

STEPHEN FOREMAN, *Clerk Nat. Committee.*

Capt. Brown,	Richard Foreman,	Samuel Christee,
Toonowee,	William,	Kotaquaskee,
Katelah,	Howestee,	Yoh-natsee,
Ooyah Kee,	Beaver Carrier,	Samuel Foreman.

Signed by a Committee in behalf of the people.