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American Indian Culture and Research Journal

Title

The Cherokee Cases: The Confrontation of Law and Politics. By Jill Norgren.

Permalink

<https://escholarship.org/uc/item/8qd9254k>

Journal

American Indian Culture and Research Journal , 20(4)

ISSN

0161-6463

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Publication Date

1996-09-01

DOI

10.17953

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total assimilation. By then, many former Tlingit assimilationists were advocating reservations as a way to protect their natural resources. Moreover, since the 1960s the urge to embrace American culture uncritically has given way among many Tlingit to a renewed commitment to preserve traditional ways.

Although Hinckley's study may not please all readers, it is the only published history of the Tlingit during the early stages of Euro-American contact. No one else has tried to write a synthesis of Tlingit/white relations that looks at economics, politics, and society. Hinckley should be praised for attempting such an ambitious project. *Canoe Rocks* contains a multitude of facts and stories that will satisfy any reader interested in Alaskan history and in Indian/white interaction on the Northwest Coast. Hinckley's bibliography must be consulted by any student of Alaska or the Tlingit during this time period. Scholars will still find value in Aurel Krause's *The Tlingit Indians* (1884), Frederica de Laguna's *Under Mount Saint Elias* (1972), and the works of Philip Drucker and, more recently, Serge Kan, but Hinckley's book must be consulted by those interested in Tlingit history and culture.

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The Cherokee Cases: The Confrontation of Law and Politics. By Jill Norgren. New York: McGraw-Hill, Inc., 1996. 212 pages. \$9.00 paper.

As Vine Deloria, Jr., states on the back cover of Jill Norgren's latest book, *The Cherokee Cases: The Confrontation of Law and Politics*, "Federal Indian law is largely the incidents of American history described in legal language." One of the most insightful ways to analyze and interpret the dynamic interplay between law and politics is to focus on a transformative era in history. This is the approach Norgren has taken in examining the historical context and ultimate consequences of three landmark Supreme Court opinions rendered by Chief Justice John Marshall: *State v. Tassels* (1830), *Cherokee Nation v. Georgia* (1831), and *Worcester v. Georgia* (1832). Her method of analysis provides a focus through which we can better understand the fundamental issues of Indian law and policy in American history. The author postulates that an examination of the Cherokee cases can provide the foundation for

understanding the interaction between the United States and the aboriginal indigenous nations of the North American continent.

All significant books on federal Indian law, such as *American Indians, Time, and the Law* by Charles Wilkinson and *American Indians, American Justice* by Vine Deloria, Jr., and Clifford Lytle, emphasize the importance of these cases. This is because, as Sidney Haring states in his book *Crow Dog's Case*, "Federal Indian law begins with the Cherokee cases." By extending the scope of her research into the Cherokee cases, Norgren makes a significant contribution to the field of federal Indian law. She provides the reader with a succinct, yet detailed, legal case study of these pivotal court decisions within the broad historical framework of early nineteenth-century America. This sophisticated synthesis should serve as a good model for further research in the field of federal Indian law. Norgren's approach could be utilized to produce much-needed, in-depth case studies of all the major Indian law decisions.

The author's central research question examines how legal doctrine is shaped by political developments. She surveys the parallel national development of the United States, the state of Georgia, and the Cherokee Nation. Her inquiry provides a multicultural context for critically examining the confrontation between law and politics over the two fundamental issues of Indian policy: tribal sovereignty and aboriginal land title. To accomplish this goal, the author reviews the legal history of the three cases, using a wide range of secondary and primary sources. The result of this inquiry, with its main focus on the Supreme Court, yields an excellent understanding of the legal doctrines that were derived from these decisions and how they "shaped . . . [and] helped define the future of United States-Native American relations" (p. 8).

Norgren's interpretation of the historic events surrounding the three Cherokee cases is perceptive and insightful. She starts with the timeless question, What is the status of Native American tribes within the framework of the United States Constitution? She then explores the three different legal perspectives of the parties involved in these legal disputes: the federal government, the state of Georgia, and the Cherokee.

The Cherokee sought to affirm their inherent, and treaty-recognized, sovereign status and to protect their tribal lands. They respected the rule of law and believed that their sovereign legal status and land title would be upheld by the U.S. Supreme

Court. However, their goals were in direct conflict with the expansionist desires of Georgia. Georgia's assertion of its state's rights was a direct constitutional challenge to the federal government over who would control the course of westward expansion in the United States. The legal doctrine resulting from these cases went well beyond the claims of the Cherokee. The author states that "the Marshall Court used the Cherokee cases to create a law of continental real estate" (p. 89).

The implications of the Cherokee cases for federal Indian law and policy and for the national development of the United States were far-ranging and complex. In the hands of a lesser scholar the convergence of these historical and legal conflicts would be difficult to discern. Norgren avoids these pitfalls and provides the reader with a lucid, concise, and well-researched book. She coherently blends early nineteenth-century American history, constitutional law, and political science that have both historic and contemporary relevance.

In addressing the fundamental issue of whether Indian sovereignty is an "inherent right" or a right "bestowed" by the United States, Norgren concludes that federal Indian law is "deeply flawed" due to the "equivocating language" used in the *Cherokee Nation* and *Worcester* decisions. As the author points out, since these cases were "political compromises" and not "clear statements of legal principles," they "left room for judicial interpretations" that have had inconsistent consequences for the legal status of Native Americans.

Even in the late twentieth century, there are still two "contradictory doctrines" and two "levels of legality" in federal Indian law. Claims of Indian sovereignty are still asserted in the face of the plenary (unlimited) power of Congress over Indian affairs and the deference of the Supreme Court to Congress on "political" questions. Norgren states that the "unique relationship" between the Indian tribes and the federal government, known as the trust doctrine, does not work because it "operates in an extraconstitutional framework" where the federal government has abused its trustee authority "to buttress the exceptional nature of federal power over Native Americans" (p. 152).

Within this extraconstitutional framework, the most fundamental decisions made by Congress and the executive branch concerning Indian affairs "have been exempt from external standards and immune from judicial review" (p. 152). The basic concept of our liberal constitutional system of limited govern-

ment has been violated. The power of government in Indian affairs "has been limited neither by a concept of the inherent rights of Indians nor by the imposition of constitutional standards or institutional restraints" (p. 152). In some ways, the Cherokee cases have been both a "lifeline and hollow hope." This contradiction arises out of the fact that these decisions were based on "a malleable text . . . easily interpreted to the advantage of the United States—and to the disadvantage of Indians' sovereignty and land title" (p. 153). Despite the ruling in *Worcester v. Georgia*, where the Supreme Court upheld Cherokee sovereignty against the claims of Georgia, President Andrew Jackson's refusal to enforce the decision demonstrated that legal doctrine by itself cannot be effective unless it is embraced by a majority of the political establishment. This outcome underscores the book's theme of the dynamic tension between law and politics. Norgren summarizes the history of the "confrontation" between these two entities and shows that the development of U.S. federal Indian law, and the policies derived from it, are shaped by the political issues of the day.

The Cherokee's faith in the rule of law was not sustained. Their homeland was trampled by the greed and racism of their Georgia neighbors, the external forces of a world market economic revolution, and the expediency of federally directed national development policy. The tragic result was that the Cherokee were "removed" by President Andrew Jackson—in defiance of Chief Justice Marshall's decision in *Worcester v. Georgia*—from their southeastern homeland, along the "Trail of Tears," to the trans-Mississippi River Indian Territory and replaced by the Southern plantation-slave "cotton belt."

Norgren accurately points out that although the Cherokee were caught in the political crossfire between the three branches of the federal government, between the federal government and the states, and between the different national political parties, they were not just pawns or victims of American politics. They actively asserted their claims before and after removal to the utmost of their considerable political abilities, and the favorable decision of *Worcester v. Georgia* remains the legal cornerstone for Indian sovereignty in American jurisprudence.

The struggle for Indian sovereignty and rights continues. Contemporary tribes have pursued the same course aggressively—for better or worse—and some legal victories have been won. Norgren correctly judges that the principled and persistent effort

of the Cherokee should be a shining example for all Indians (and non-Indians) to follow in the quest to maintain and expand fundamental human rights. The larger question that still faces Americans today is why the U.S. political system has been unable to find a way of incorporating cultural or national diversity within the constitutional framework of a federal republic, and why instead it has chosen to remove, marginalize, assimilate, or terminate Native Americans.

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Disease and Social Diversity: The European Impact on the Health of Non-Europeans. By Stephen J. Kunitz. New York: Oxford University Press, 1994. 209 pages. \$28.95 paper.

I always get excited when I learn that Stephen J. Kunitz has published a new book, because I believe his work will include pertinent, cogent, and engaging analyses of American Indian health conditions. I greatly anticipate his stimulating contributions to the literature. Frankly, there just are not enough publications about contemporary health circumstances among indigenous persons that examine epidemiological and ethnographic materials in a longitudinal fashion.

Disease and Social Diversity is an extremely worthy investigative exercise. Apparently aiming his views mainly toward epidemiologists and medical practitioners, Kunitz argues that the advents, causes, courses, and consequences of diseases must be assessed within particular social and political contexts. A number of historians (cf. Edward Castillo, Jack Forbes, Daniel T. Reff, and Robert Jackson) and a multitude of medical anthropologists and sociologists have made similar arguments. Indeed, chapters 5 and 6 are coauthored with Kunitz's long-time collaborator, anthropologist Jerrold Levy.

Targeting an audience trained in biomedicine, Kunitz declares that medical determinants of disease tend to value the universal culture of the organism rather than the local culture(s) of the patient. The author then requests his readers to reconsider the etiologies of health problems and behaviors. According to Kunitz, the way to comprehend the incidence, prevalence, distribution, prevention, and treatment of a health problem is to examine the