Jill Norgren. *The Cherokee Cases: Two Landmark Federal Decisions in the Fight for Sovereignty*. (Norman, Oklahoma: University of Oklahoma Press, 2003), pp.212. $21.95 ISBN 0-8061-3606-5

Some books transcend a discipline and make themselves available for use to several academic and even the general reading public. This work is of use to historians primarily, of some use to those engaged in legal history, and perhaps a little less use to political scientists.

The book is a fine chronological development of the background to Cherokee Nation v. Georgia and Worcester v. Georgia. These two cases set the pre-Civil War federal stance as to interactions between Native American tribes and the states, and even today cast a long shadow as to how tribes are considered in the governmental sense. The setting for each case, then, is crucial to the understanding of the outcomes in each case. The cases, however decided, would have various ramifications on such issues as states' rights and the slavery question. The growing issue of slavery as well as the issue of nullification as raised by John Calhoun during this time made the milieu surrounding the cases as important as the legal precedents involved in the decisions.

There is a fine description of the growth of the Cherokee Nation, its interaction with the colonial powers, and the United States through the Revolution, preparing for the main inquiry. More could have been made of the totally different view of ownership of land as between the Native Americans and the Euro-powers. There is a good description of the Cherokee's unfortunate alliance with the British during the Revolution and the consequences of that alliance. The description of the Compact

of 1802 between Georgia and the United States, wherein the Georgians ceded land claims in return for some assurance that the U.S. "as soon as possible" would oversee the extinguishment of Cherokee land claims is correctly isolated as a critical turning point against the Native Americans. Once the Louisiana Purchase was made, and there was a place further west for the tribes, the long term outcome was not in doubt, unless the law would provide differently.

The portions of the book which concern the method of the Georgians in acquiring the land are likewise succinct. Georgia claimed jurisdiction over the land as a prelude to ownership, hoping to run the natives off "legally" instead of buying them out, since the Cherokee themselves would not resort to the violence which would have triggered the raw exercise of military power.

The description of Andrew Jackson and his sway over the country and this particular problem is a little too heavy, and the treatment of Chief Justice Marshall is a little too light. Granted, Jackson was a huge figure in government, politics and even society, but without the surrounding consensus of whites, particularly in the South, his beliefs on these matters might not have held sway in spite of the law. Marshall, though in his twilight, is still treated too lightly. His motivations for his viewpoint are not given the depth accorded Jackson, and perhaps not enough to forestall the reader asking why Marshall acted and then re-acted as he did in the cases. The author pins Marshall's partial giving in to the Georgian case in *Cherokee* Nation, in agreeing that the rights of the "discoverers" of the New World flowed to the U.S., by saying that he needed to protect the Court. There is not enough development of the threats to the Court to fully help us understand this development.

While a historian will be satisfied with a description of the characters and the broad flow of events, a political scientist will of necessity be more interested in motivations, triggering events, and individual, as opposed to overall, causation. This is why we need to know more about Marshall, especially as he is as big a figure in American history as Jackson.

The description of the attorneys in the book, their attachment to payment for their work, and their ultimate defection after obtaining somewhat favorable judgments for their native clients might be a good book on its own. It is apparent from the book that the lawyers' main concern was payment for their services, and it is ironic that they were

mostly paid less than they wanted after defecting to the side of Jackson and the Georgians. Their defection is disturbing, leaving the reader with a question as to whether everyone in the drama was just sleepwalking, with the outcome never in doubt regardless of the law churned out by the Court.

There is not a thorough study of the cases from a lawyer's point of view, but that is not the purpose of the work. It would be of use to provide the setting for the cases, but in today's legal atmosphere with regard to Indian sovereignty, Marshall's black letter law will be much more important than the historical setting.

This is an excellent reference for those of various disciplines doing work in this area, most notable for its apparent lack of bias in telling the story, something not always available in works on this subject.

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