

The Marshall Trilogy

Johnson v. McIntosh (1823). The US Supreme Court decided that although Indians were the rightful occupants of the land, tribes had no power to sell lands to anyone without the approval of the federal government, as clearly stated in the **1790 Indian Trade and Intercourse Act**. The ruling claimed that because the federal government held title to all Indian lands which Europeans had “discovered,” the right of Indians to complete sovereignty over their land was limited.

Cherokee Nation v. Georgia (1831). The US Supreme Court decided that Indians were neither citizens of the United States, nor foreign nations; instead, they were “domestic dependent nations” whose relationship to the US “resembles that of a ward to his guardian.” This ruling set a legal precedent for the trust relationship in which the US has a duty to provide certain benefits and services for the Indian tribes and people.

Worcester v. Georgia (1832). The US Supreme Court decided that the state had no authority over persons and actions within the boundaries of the Cherokee Nation, and that state laws did not extend to Indian Country. The ruling clarified that Indian tribes were under the protection of the federal government and that Congress, and not the states, had plenary, or overriding power, regarding Indian tribes.