

## The Marshall Trilogy

- **Johnson v. McIntosh (1823)**. The Court established the **discovery doctrine** finding that European Americans had exclusive title to Indian land because they “discovered” it. Therefore, Indians did not have the right to dispose of the land that they rightfully occupied. Consequently the rights of Indians to complete sovereignty were limited.
- **Cherokee Nation v. Georgia (1831)**. The Court established the **trust relationship** by finding that Indian tribes were “domestic dependent nations” and that “their relation to the United States resembles that of a ward to his guardian.” Thereafter, when an Indian nation gave up land in a treaty, it entered into a trust relationship with the federal government in which the government promised to provide benefits and rights to the American Indian peoples in exchange for their land. Thus, these were not treaties made between a government and a specific ethnic group, but rather were political, government-to-government treaties.
- **Worcester v. Georgia (1832)**. The Court established that Congress had exclusive and overriding, or **plenary power**, over Indian tribes. The decision also found that tribes did not lose their sovereign powers by becoming subject to the power of the U.S. and that state laws did not apply in Indian Country. Consequently, Indian nations were semi-autonomous and were quasi-sovereign entities.

What had begun was what one professor of American Indian history calls “**Sovereignty - now you see it, now you don’t.**” Sometimes the federal government has recognized Indian nations as sovereign, and sometimes it has not. In short, Federal Indian Policy has shifted between sustaining and nurturing tribal sovereignty and eliminating that sovereignty.