

Fall 2008

American Indians and State Law: Sovereignty, Race, and Citizenship, 1790-1880

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Book Review.

Published in *Ethnohistory*, Vol. 55 No. 4 (Fall 2008) at doi: [10.1215/00141801-2008-019](https://doi.org/10.1215/00141801-2008-019)

Recommended Citation

Whaley, Gray H. "American Indians and State Law: Sovereignty, Race, and Citizenship, 1790-1880." (Fall 2008).

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American Indians and State Law: Sovereignty, Race, and Citizenship, 1790–1880. By Deborah A. Rosen. (Lincoln: University of Nebraska Press, 2007. \$55.00 cloth.)

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Deborah Rosen addresses a significant gap in the historiography of American Indian policy and law: the states. Historians routinely point out the importance of state and local laws, courts, and extralegal actions, yet the focus of study has remained largely on the federal government. The U.S. Constitution may have granted powers over Indian affairs to the federal government, but we know that, in practice, the situation was often quite different. Rosen has collected an impressive array of policy and legal actions that demonstrate the myriad ways Indian people, particularly those off reservation, more often experienced the impact of state legislators and judges than their federal counterparts. For western Indian people living on reservations, their lives similarly reflected the decisions of territorial governments, which often attempted to emulate the states' powers. This project is a welcome contribution to our general understanding of Indian-white relations in the nineteenth century.

Rosen divides her presentation into three parts, reflected in her subtitle: sovereignty (tribal versus state legal jurisdiction), race (classification, discrimination, and dominant discourse), and citizenship (i.e., voting, militia eligibility, and incorporation). The geographic coverage of *American Indians and State Law* demonstrates the breadth of nonfederal Indian relations, which existed coast to coast, but also points to a problem with Rosen's analysis.

For example, while a comparison between New York and New Mexico is revealing, Rosen does so with little regard for the fundamental differences between the Empire State and a western territory. In the preface, Rosen attempts to blur the lines between territories, which operated under the dominion of Congress, and states, which retained semiautonomy in the federalist system (xv). Territories, indeed, had courts and governments that, like those of states, reflected localism, but territories cannot simply be lumped into a historical discussion as *de facto* states because they resembled states in this regard. Similarly, there seems little attention to any possible changes over time when territories such as Michigan, Oregon, and Kansas achieved statehood.

Even when comparing states (that is, apples to apples), the framework seems underdeveloped at times. Rosen selected three excellent examples for early state-Indian sovereignty issues in New York, Georgia, and Massachusetts. The historical differences among the former colonies/founding states

greatly influenced their subsequent relations with Indian populations, but Rosen simplifies their histories as former English colonies. The fractious nature of New York politics clearly affected Indian policy, reflected in disputes over the infamous Ogden land claim near Buffalo. Rosen credits a normative policy shift under the Whigs rather than the active lobbying by the Seneca Nation and key allies, particularly politicians in Albany and Washington, DC (37). The larger issues of defining federalism in Jacksonian America are also undeveloped. John Marshall's Indian decisions were directly related to the National Bank and tariffs, which, while obviously outside the scope of Rosen's central topic, offer ways to expand the discussion of governmental relations and contextualize Indian affairs regarding state interests. Massachusetts largely carried their colonial policies forward into statehood, partly facilitated by the tiny minority of Indians in the population, many of whom had fled to New York and the Ohio Valley. The colonial and early state history of Georgia similarly created conditions very different from New York and, hence, different if related experiences for the Cherokees and Senecas, respectively. Rosen's narrative consistently emphasizes similarities among the states (and territories) and effectively obscures the very localism she labored to reveal.

Rosen offers an excellent catalog of state and territorial discourse and actions in the realm of Indian affairs but without developing an analytical framework that brings the pieces together into a comprehensive argument about Indian sovereignty and the state. Still, overall, Rosen has produced a commendable volume of scholarship in an area too long neglected.

DOI 10.1215/00141801-2008-019

White Man's Club: Schools, Race, and the Struggle of Indian Acculturation. By Jacqueline Fear-Segal. (Lincoln: University of Nebraska Press, 2007. xxvi + 398 pp., acknowledgments, introduction, illustrations, bibliography, index. \$55.00 cloth.)

C. Joseph Genetin-Pilawa, *Illinois College*

The "white man's club" of Jacqueline Fear-Segal's title invokes a dual image: a tool of domination wielded in an often violent manner and "a racial enclave, with . . . restricted access and privilege"(xi). Taken from a quote by Thomas Wildcat Alford, a Shawnee man and former Hampton Institute student, this duality frames Fear-Segal's study of the ways late-nineteenth-century white-run schools represented places in which non-