



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

Deborah A. Rosen

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American Indians and State Law examines the history of state and territorial policies, laws, and judicial decisions pertaining to Native Americans from 1790 to 1880. Belying the common assumption that Indian policy and regulation in the United States were exclusively within the federal government's domain, the book reveals how states and territories extended their legislative and judicial authority over American Indians during this period. Deborah A. Rosen uses discussions of nationwide patterns, complemented by case studies focusing on New York, Georgia, New Mexico, Michigan, Minnesota, Louisiana, and Massachusetts, to demonstrate the decentralized nature of much of early American Indian policy.

This study details how state and territorial governments regulated American Indians and brought them into local criminal courts, as well as how Indians contested the actions of states and asserted tribal sovereignty. Assessing the racial conditions of incorporation into the American civic community, Rosen examines the ways in which state legislatures treated Indians as a distinct racial group, explores racial issues arising in state courts, and analyzes shifts in the rhetoric of race, culture, and political status during state constitutional conventions. She also describes the politics of Indian citizenship rights in the states and territories. Rosen concludes that state and territorial governments played an important role in extending direct rule over Indians and in defining the limits and the meaning of citizenship.

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