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Review of *Buying America from the Indians: "Johnson v. McIntosh" and the History of Native Land Rights* By Blake A. Watson.

Robert J. Miller

Lewis and Clark Law School

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BOOK REVIEWS

Buying America from the Indians: "Johnson v. McIntosh" and the History of Native Land Rights. By Blake A. Watson. Norman: University of Oklahoma Press, 2012. xvi + 494 pp. Photographs, illustrations, maps, notes, bibliography, index. \$45.00.

Johnson v. McIntosh is one of the most important cases ruled on by the United States Supreme Court. Decided in 1823, the Court adopted the international law of colonialism, called today the Doctrine of Discovery, to be the controlling legal precedent on whether American Indian nations owned the absolute title, or the fee simple title, to their lands and thereby possessed the property right to sell land to whomever they wished for whatever amount they could negotiate. The

Supreme Court held that under the Doctrine of Discovery, Indigenous nations had lost the full ownership of their lands and could only sell to the government that held the discovery preemption power, that is, the right to be the only purchaser. *Johnson* is still the law today, restricting the property rights of American Indian nations across the country and bearing upon tribal nations and their governing powers and economic rights.

As befits such an important case, numerous books and articles have been written on *Johnson*. Blake Watson's book is less a legal analysis of the case than a meticulous factual and historical look at the attempts of the Wabash and Illinois companies to get confirmation of their 1773 and 1775 purchases of lands from tribal governments located in what is now Illinois and Indiana. The companies and their shareholders knew they were taking big risks by buying directly from tribal leaders, and this book describes the tortuous path they followed in attempting to get approval of the purchases, first from the British Crown, then from colonial governments, state governments, and ultimately the federal government and the Supreme Court. They failed at every turn for fifty years, and instead the United States exercised its preemption right under discovery to be the only purchaser of tribal lands when it purchased most of the lands at issue in *Johnson* from the tribes in treaties in 1813.

Watson carefully leads the reader through a cast of hundreds and a fifty-year process of bribing, conniving, and planning by these companies to secure the fruits of their deals. He adds valuable information on the characters and events and on this most important case that still affects all American Indian nations. He helps the serious student of *Johnson v. McIntosh* come to a deeper understanding of the case, the times, and the participants. If you want to delve into the background story of the *Johnson* case, this is the book for you.

ROBERT J. MILLER
Lewis and Clark Law School
Portland, Oregon