**Cherokee Nation vs. Georgia**

**Facts:**

Georgia wanted to enforce its laws on Cherokee land. Cherokees filed suit under Supreme Courts original j/d claiming there was a controversy

Between a state and a foreign government. It asked that the Ga. legislation be declared unconstitutional because it conflicted with treaties

with the Cherokees.

**Procedural History:**

Original jurisdiction case filed in Supreme Court by Cherokees

Georgia did not appear in Supreme Court (note facts and procedural history overlap in this case)

**Arguments**

**Cherokee Nation** **Georgia**(did not appear

1.Cherokees are a foreign nation at Supreme Court so no arguments

No jurisdiction

2..No controversy of judicial nature

3. Appropriate remedy is an injunction

**Issue:**

Does the court have original jurisdiction in that is

Cherokee Nation a foreign state?

**Held** No;

**Judgment:** Case Dismissed

**Legal Reasoning** Justice Marshall

1. Expresses sympathy for Cherokees
2. Arguments for being a state
3. Treated that way in our history
4. U.S. made treaties with them
5. Acts of U.S. government recognize them as a state

3. Not treated as foreign nation but under protection of U.S.

A. Relations to other foreign nations, commerce from U.S.

B Their territory is part of the U.S. foreign attempt to get their land considered an invasion of U.S.

C. Managing some of their affairs,

4. Recognize right of possession of land but we assert an independent title to it.

5. Relation resembles ward to guardian

6. Therefore, not within Founder's view as being a foreign state.

**Other votes and opinions**

**Concurring**  Justice Johnson

"a people so low"

**Concurring**  Justice Baldwin

no plaintiff here

**Dissenting:** Justices Thompson and Story

1. Can't understand how you can call them a sovereign state but not a foreign state.

2. Have had a right to occupancy and Ga.trying to abrogate it.

**Relation to other Cases:**

Some similarities to Antelope and Chisholm cases.

**Source of law**

Article III and current practice