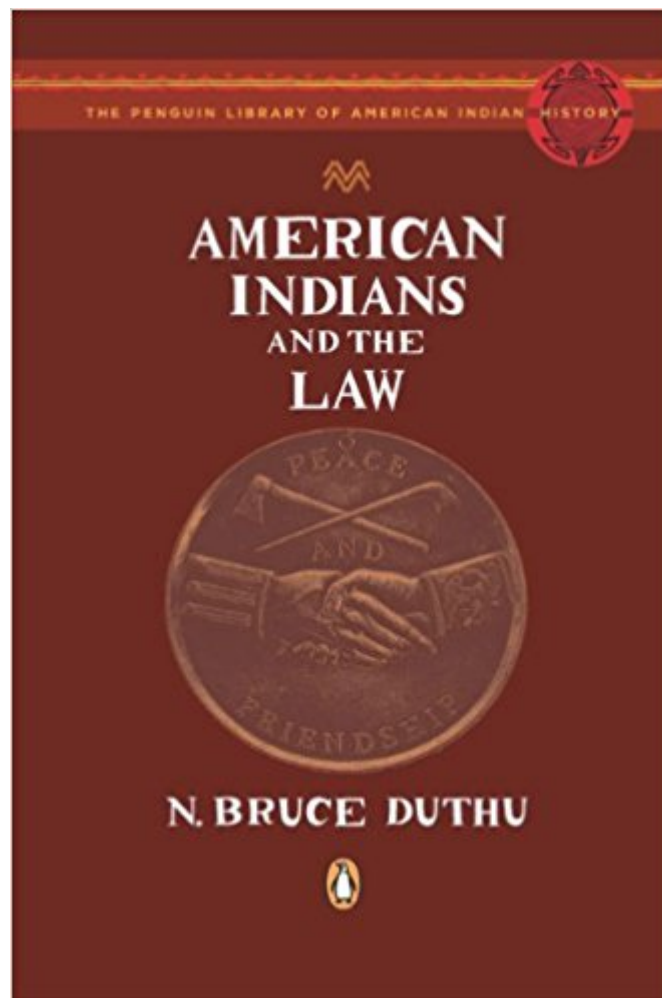




The book was found

American Indians And The Law (The Penguin Library Of American Indian History)



Synopsis

A perfect introduction to a vital subject very few Americans understand-the constitutional status of American Indians Few American s know that Indian tribes have a legal status unique among America's distinct racial and ethnic groups: they are sovereign governments who engage in relations with Congress. This peculiar arrangement has led to frequent legal and political disputes-indeed, the history of American Indians and American law has been one of clashing values and sometimes uneasy compromise. In this clear-sighted account, American Indian scholar N. Bruce Duthu explains the landmark cases in Indian law of the past two centuries. Exploring subjects as diverse as jurisdictional authority, control of environmental resources, and the regulations that allow the operation of gambling casinos, *American Indians and the Law* gives us an accessible entry point into a vital facet of Indian history.

Book Information

Series: The Penguin Library of American Indian History

Paperback: 304 pages

Publisher: Penguin Books; Reprint edition (January 27, 2009)

Language: English

ISBN-10: 0143114786

ISBN-13: 978-0143114789

Product Dimensions: 5 x 0.8 x 7.5 inches

Shipping Weight: 7.8 ounces (View shipping rates and policies)

Average Customer Review: 4.7 out of 5 stars 5 customer reviews

Best Sellers Rank: #570,131 in Books (See Top 100 in Books) #52 in [Books > Law >](#)

[Administrative Law > Indigenous Peoples](#) #333 in [Books > Politics & Social Sciences > Politics & Government > Political Science > Reference](#) #750 in [Books > Law > Legal History](#)

Customer Reviews

Hundreds of Native American tribes are classified as sovereign governments, a murky legal status that this study (part of the Penguin Library of American Indian History) struggles to clarify. Duthu, a law professor and member of the Houma tribe, reviews statute and case law on tribal sovereignty, especially recent Supreme Court decisions that are at odds with Congress's modern friendliness toward tribal self-determination. His dense, dry survey explores such topics as tribal jurisdiction over non-Indians living on reservations, tribal natural resources and environmental policy, adoption law for Indian children and the perennial wrangling between tribal and state governments over taxes,

regulation and gambling. Roiling these issues are two conflicts: the clash between tribal sovereignty and congressional power to legislate on Indian affairs, and the tension between tribal group rights and individual rights. Duthu's sympathies are clear: he dismisses critics of special tribal rights as ignorant and castigates infringements of tribal sovereignty as motivated by neocolonialist views of Indians as a dying race; but his focus on legal precedent and convention regarding tribal sovereignty rather than its concrete benefits fails to make a compelling case for the necessity of such sovereignty. Copyright © Reed Business Information, a division of Reed Elsevier Inc. All rights reserved. --This text refers to an out of print or unavailable edition of this title.

“A concise history of the law and a stout defense of tribal rights, useful to the practitioner and, ever rarer, accessible to the general reader.” --Kirkus Reviews “Using numerous legal cases, Duthu, a lawyer and Houma Indian Nation tribal member, demonstrates how Indian sovereignty has affected the way in which the rights of native peoples have been addressed by the legal systems in the United States”; This outstanding overview of the morass that is the legal relationship between Indian nations and the United States is highly recommended for public and academic libraries.” --Library Journal --This text refers to an out of print or unavailable edition of this title.

This book tells the story of how our government, its legislative bodies and Supreme Court, has dealt with the Indian population whose land we claimed by way of "The Discovery Doctrine." The story is not an easy read because it demonstrates our discomfort in living into American ideals, but the clarity with which Bruce Duthu writes invites the reader to stay with it and possibly finds ways to address in our own time the inconsistencies and the damages our government has wrought.

I chose "American Indians and the Law" as a follow-up for another in the Viking/Penguin series ("The Cherokee Nation and the Trail of Tears"). Both are well worth reading. They leave me with the question--is it a comfort or a sorrow to learn that politics have often twisted justice throughout the history of the United States?

The author has presented a very reasonable and well-documented view of the legal challenges faced by Native Americans when trying to maintain their tribal identities and sovereign rights within the restraints of state and federal laws as legislated and as interpreted by the courts, the U.S. Supreme Court in particular. This is a must read for anyone who has an interest in this aspect of our

history and concerns about the future direction this nation may take with regard to the legal status and rights of Native Americans in our democratic society.

I learned that tribal legal status began as sovereign [self-government] that differed from that of other cultural groups predating the establishment of the US. In *Johnson v McIntosh* (1823), the Supreme Court applied the 'discovery doctrine' meaning that American Indians became guests in their ancestral lands. Later in that century, Congress subsumed American Indian sovereignty into the scope of national power. *Johnson v McIntosh* is the most important Indian rights opinion ever issued by any court of law in the United States (73)." Although American Indians became citizens (1924), they remained subject to the authority of Congress. The persistence of racism appears in many Indian cases and policies.

Good

[Download to continue reading...](#)

American Indians and the Law: The Penguin Library of American Indian History (Penguin's Library of American Indian History) American Indians and the Law (The Penguin Library of American Indian History) American Indians and the Law (Penguin's Library of American Indian History) World History, Ancient History, Asian History, United States History, European History, Russian History, Indian History, African History. (world history) The Good, the Bad, and the Ugly Cleveland Indians: Heart-pounding, Jaw-dropping, and Gut-Wrenching Moments from Cleveland Indians History (The Good, ... and the Ugly) (The Good, the Bad, & the Ugly) The Good, the Bad, & the Ugly: Cleveland Indians: Heart-Pounding, Jaw-Dropping, and Gut-Wrenching Moments from Cleveland Indians History Easy Jamaican Cookbook: 50 Unique and Authentic Jamaican Recipes (Jamaican Cookbook, Jamaican Recipes, Jamaican Cooking, West Indian Cookbook, West Indian Recipes, West Indian Cooking Book 1) The Book of Indian Crafts and Indian Lore: The Perfect Guide to Creating Your Own Indian-Style Artifacts The Cherokee Nation and the Trail of Tears (Penguin Library of American Indian History) Cahokia: Ancient America's Great City on the Mississippi (Penguin Library of American Indian History) Cahokia: Ancient America's Great City on the Mississippi (Penguin's Library of American Indian History) Indian Blues: American Indians and the Politics of Music, 1879-1934 (New Directions in Native American Studies Series) Penguin English Library Howards End (The Penguin English Library) "Strange Lands and Different Peoples": Spaniards and Indians in Colonial Guatemala (The Civilization of the American Indian Series) Keeping the Circle: American Indian Identity in Eastern North Carolina, 1885-2004 (Indians of the

Southeast) World History: Ancient History, United States History, European, Native American, Russian, Chinese, Asian, Indian and Australian History, Wars Including World War 1 and 2 World History: Ancient History, United States History, European, Native American, Russian, Chinese, Asian, African, Indian and Australian History, Wars including World War 1 and 2 [3rd Edition] American Indian Jewelry I: 1200 Artist Biographies (American Indian Art Series) American Indian Tribal Governments (The Civilization of the American Indian Series) Indian Creek. Arawak site on Antigua, West Indians. 1973 excavation by Yale University and the Antigua Archeological Society

[Contact Us](#)

[DMCA](#)

[Privacy](#)

[FAQ & Help](#)