

| | |
|-------------------------|---|
| 1. Record Nr. | UNINA9910777362203321 |
| Autore | Wilkins David E |
| Titolo | American Indian Sovereignty and the U. S. Supreme Court : The Masking of Justice [[electronic resource]] |
| Pubbl/distr/stampa | Austin, TX, USA, : University of Texas Press, 19971101 University of Texas Press |
| ISBN | 0-292-79996-9 |
| Descrizione fisica | 1 online resource (421 p.) |
| Disciplina | 342.73/0872 |
| Soggetti | Indians of North America - Legal status, laws, etc Justice, Administration of - United States POLITICAL SCIENCE American Government / Judicial Branch |
| Lingua di pubblicazione | Inglese |
| Formato | Materiale a stampa |
| Livello bibliografico | Monografia |
| Nota di contenuto | Frontmatter -- Contents -- Preface -- Acknowledgments -- CHAPTER 1. Legal Masks, Legal Consciousness -- CHAPTER 2. The Era of Defining Tribes, Their Lands, and Their Sovereignty -- CHAPTER 3. The Era of Congressional Ascendancy over Tribes: 1886-1903 -- CHAPTER 4. The Era of "Myths": Citizenship, Nomadism, and Moral Progress -- CHAPTER 5. The Era of Judicial Backlash and Land Claims -- CHAPTER 6. The Era of the Imperial Judiciary -- CHAPTER 7. Removing the Masks -- APPENDIX A. Cases Cited -- APPENDIX B. Supreme Court Justices Authoring the Fifteen Opinions Analyzed -- Notes -- Glossary -- References -- Index |
| Sommario/riassunto | "Like the miner's canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith," wrote Felix S. Cohen, an early expert in Indian legal affairs. In this book, David Wilkins charts the "fall in our democratic faith" through fifteen landmark cases in which the Supreme Court significantly curtailed Indian rights. He offers compelling evidence that Supreme Court justices selectively used precedents and facts, both historical and contemporary, to arrive at decisions that have |

undermined tribal sovereignty, legitimated massive tribal land losses, sanctioned the diminishment of Indian religious rights, and curtailed other rights as well. These case studies—and their implications for all minority groups—make important and troubling reading at a time when the Supreme Court is at the vortex of political and moral developments that are redefining the nature of American government, transforming the relationship between the legal and political branches, and altering the very meaning of federalism.
