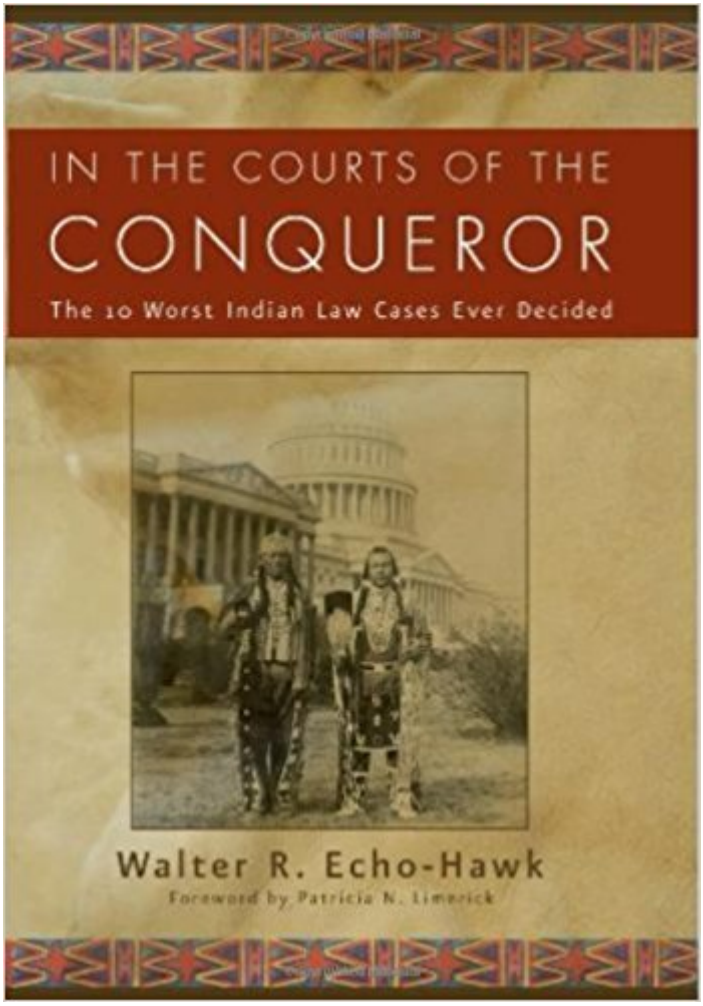
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In The Courts Of The Conqueror: The 10 Worst Indian Law Cases Ever Decided



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Synopsis

The fate of Native Americans has been dependent in large part upon the recognition and enforcement of their legal, political, property, and cultural rights as indigenous peoples by American courts. Most people think that the goal of the judiciary, and especially the US Supreme Court, is to achieve universal notions of truth and justice. In this in-depth examination, however, Walter Echo-Hawk reveals the troubling fact that American law has rendered legal the destruction of Native Americans and their culture.Echo-Hawk analyzes ten cases that embody or expose the roots of injustice and highlight the use of nefarious legal doctrines. He delves into the dark side of the courts, calling for a paradigm shift in American legal thinking. Each case study includes historical, contemporary, and political context from a Native American perspective, and the caseÃ¢â ¬â„¢s legacy on Native America. In the Courts of the Conqueror is a comprehensive history of Indian Country from a new and unique viewpoint. It is a vital contribution to American history.Walter Echo-Hawk (Pawnee) is of counsel to the Crowe & Dunlevy law firm of Oklahoma. As a staff attorney for the Native American Rights Fund for thirty-five years, he represented tribes and Native Americans on significant legal issues during the modern era of federal Indian law. In addition to litigation, he worked on major legislation, such as the Native American Graves Protection and Repatriation Act (NAGPRA), and federal religious freedom legislation. He is a prolific writer whose books include the award-winning Battlefields and Burial Grounds.

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Customer Reviews

"A no-holds barred account that deserves wide distribution." —Library Journal and School

Library Journal"This weighty text serves as a ’tour of the dark side of the law.’ Echo-Hawk, who spent more than three decades at the Native American Rights Fund, exhaustively deconstructs the racist and colonial foundations of federal Indian law. Written in a style that conveys a sense of outrage and passion, the cases highlighted are notable because they represent injustice as well as unfinished business." —CHOICE"Echo-Hawk is methodical and elegant in the way he leads us through the history and case law which has brought us to this point." —News From Indian Country“As evidenced by his book “In the Courts of the Conqueror,Ã¢â ¬Â• Mr. Echo-HawkÃ¢â ¬â„¢s experience, achievement, success and perhaps most importantly, his wisdom, not only serve as a touchstone for legal practitioners, but his work has left an indelible mark upon the lives of those who live and work in Indian Country and for every American who truly values the notion of justice.Ã¢â ¬Â• —Oklahoma City Examiner“Echo-HawkÃ¢â ¬â„¢s book ought to retire the entire debate about judicial activism. It has become a conservative article of faith that judges should narrowly follow the law when deciding cases. But Echo-Hawk methodically picks apart that fiction.Ã¢â ¬Â• Ã¢â ¬â •Mark Trahant, New West

Walter Echo-Hawk has worked as a lawyer for the Native American Rights Fund for more than 35 years. He was instrumental in securing passage of two federal laws that respect Indian and religious freedoms and also the repatriation of Native American remains to Indian tribes. A prolific writer, his publications include an award-winning book BATTLEFIELDS AND BURIAL GROUNDS (1994).

White Mans burden?By: Robert A. YingstIt is difficult to read In the Courts of the Conqueror; The 10 Worst Indian Law Cases Ever Decided, without being conflicted, especially if you are white. Nevertheless, whether you are Indian, black or white you will be challenged if you read this book. I promise. Having been a white civil rights lawyer in what the author calls the Courts of the Conqueror, I found myself looking at Indian Country in a way which was both enlightening and promising, in spite of being constantly reminded of what the author calls the "darker side of Indian Law."Attorney Walter R. Echo-Hawk gives lawyers especially, a challenging path as he asks the question - What if it is really true that the bundle of rights we have fought for through the 5th and 14th amendments in the U.S. Constitution were never intended by the "founders" to be applied to Native Americans?Of the 10 worst cases, Echo-Hawk cites one case in particular for repudiation and rejection from future influence in the law - Johnson v. M’Intosh. A case which continues to define the contours of Indian Law. In 1955 the Supreme Court relying on M’Intosh in Tee-Hit-Ton v. United States takes it as a given that "savage tribes of the continent" were deprived of their land for

"trinkets" by the "conqueror's will".Johnson v. M'Intosh will live on to cause repeated wrongs in Indian Law unless this case is overturned and prevented from carrying future influence argues the the author. It must be overruled in the same way that Plessy v. Ferguson met its demise in Brown v. Board of Education, when segregation was rejected by the Supreme Court, says Echo-Hawk.The author's approach in describing how we got to this point is artful and interesting to read. It may be that some will chafe as he takes us through some awful times and places to show us that phrases like, "water under the bridge" are not enough to put this past behind us in any responsible way without addressing in the court.The application of the First Amendment in Native American cases is one example he uses to argue that the Supreme Court does not really deal with Native American religion as religion. The Rehnquist Court was "not up to this task" he says and urges that Lyng v Northwest Indian Cemetery Association must be overturned. The high court failed to protect Indian holy places and produced a "cruelly surreal result" when it pronounced in the words of dissenting Justice Brennan: "Government action that will virtually destroy a religion is nevertheless deemed not to `burden' that religion." Lying is still the law of the land.Echo-Hawk offers 8 specific reforms as he calls for a new generation of "legal warriors" who have the courage to "..row against the tide of prejudice, racism, dispossession, and oppression of vulnerable minorities."Robert A. Yingst is a civil rights lawyer from Abrams, Wisconsin

I had the general idea that white people took the US from the Indians by deception and force, but I had no idea that our courts enabled all of that. These opinions are twisted out of all relation to the Constitution so that the white party can win. Well written, easy to read paperback format, heavily end-noted so you can check the author's claims, or just find more reading on the topic.

It amazes me that laws continue to be a governing part of our native American cultural heritage. Echo-Hawk has given us insight and understandings that can only be gleaned from an objective legal approach of existing court decisions. This may be more for a legal scholar review yet is written in less legal jargon for all of us to understand the peculiarities of why court decisions were handed down in the language that defames, deflates and undermines the very natural order of occupancy, title, ownership and residency of native Americans. Echo-Hawk gives a sense that we can change the future by changing the decisions that were made in the past.

I was familiar with many of these cases to begin with, since I am a political science instructor, but this book was an amazing read. Having these stories compiled together in one collection really

gives you the sense of how incredibly arrogant and myopic the American government has historically been when it comes to the native population. Very well written, and does not require any previous knowledge. Each chapter is self-supporting and the collection together creates a powerful image. Wonderful book and an excellent resource.

Excellent book and the contents are interesting to read. Will use the Go-Road information case for curriculum to be used by our local high school civics class on Indian court cases since this case involves the local Indians of our region in Northwest California.

This is a truly great book. A must-read for anyone interested in United States Federal Indian Law.Walter Echo-Hawk is a truly inspirational character. His writing style is academic but on a level that is accessible to non-academics. I highly recommend this book.

Great book!! Very shocking, stimulating, and a very important concept. Definitely recommend

Most Excellent!

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