

# ARIZONA LAW REVIEW

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Professor Deloria traces the emergence of Indian law from the original Cohen *Handbook*. Although he does not blame the shortcomings of federal Indian law on the misguided attempts to formulate doctrines in areas where none can be formulated, he concludes by suggesting that lawyers rely less on doctrines and more on negotiations.

THE PROCESS OF DECISION MAKING IN TRIBAL COURTS .....	<i>Chief Justice Tom Tso</i> 225
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In an eye-opening look at the Navajo court system, Chief Justice Tso begins his Essay by explaining the Navajo's long tradition of organized government. He discusses the organization of the tribal court system and how it is protected from Navajo politics. In evaluating the importance of customary law to the Navajo people, he concludes by pointing out how it differs from Anglo law, offering examples based on different traditions of the two peoples.

### *Articles*

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Professor Williams discusses the themes of the Cherokee Nation's discourse of Indian tribal sovereignty during the nineteenth century. He next analyzes the Whites' Removal Era discourse opposing tribal sovereignty, which focused on the incompatibility between tribalism and European-derived practices. He argues that European-derived racism still dominates modern attitudes toward Indians.

THE INCORPORATION OF ALASKAN NATIVES  
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In an Article which focuses on the incorporation of the Tlingit into American law, Professor Harring begins by examining the development of a distinct legal status for Alaskan natives. He continues by exploring how the distinct legal status of Alaskan natives structured Tlingit and White relations in Alaska in the late nineteenth century. The Article then concludes by considering the impact of American law on Tlingit sovereignty.

THE CRUCIBLE OF SOVEREIGNTY: ANALYZING  
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In light of the recent Supreme Court rulings in *National Farmers Union Ins. Cos. v. Crow Tribe* and *Iowa Mutual Ins. Co. v. LaPlante*, Professor Pommersheim proposes a framework to analyze the jurisdictional issues that are likely to arise. In so doing, he addresses the two conflicting approaches which have been taken by the Court: the Cohen approach and the Oliphant approach. Next, he analyzes the application of both judicial and legislative jurisdiction and how the tribal courts should address these issues. Finally, he addresses several difficult issues, including the "no forum" issue, the "no law" issue, and the relationship between the tribal courts and the federal system.

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Professor Collins describes the connection between the principle of consent of the governed and federal Indian law. He argues that traditional treaty-based theories should not be extended to situations where treaties are not involved. He concludes by asserting that individual rights analysis is incorrectly applied to Indian tribes.

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