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INDIAN LAW SYMPOSIUM

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Essays

LAWS FOUNDED IN JUSTICE AND HUMANITY: REFLECTIONS ON THE CONTENT AND CHARACTER OF FEDERAL INDIAN LAW	<i>Vine Deloria, Jr.</i> 203
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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

DOCUMENTS OF BARBARISM: THE CONTEMPORARY LEGACY OF EUROPEAN RACISM AND COLONIALISM IN THE NARRATIVE TRADITIONS OF FEDERAL INDIAN LAW	<i>Robert A. Williams, Jr.</i> 237
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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
 UNDER AMERICAN LAW: UNITED STATES
 AND TLINGIT SOVEREIGNTY, 1867-1900..... *Sidney L. Harring* 279

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
 ISSUES OF TRIBAL JURISDICTION *Frank Pommersheim* 329

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.

INDIAN CONSENT TO AMERICAN GOVERNMENT *Richard B. Collins* 365

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.

Notes

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