

# American Indian Sovereignty and the Supreme Court: Unraveling a Complex Relationship



## American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice by David E. Wilkins

★★★★☆ 4.2 out of 5

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## : The Historical Context

The relationship between American Indian tribes and the United States government has been marked by centuries of conflict, negotiation, and legal battles. The concept of American Indian sovereignty, or the inherent right of tribes to govern themselves, has been a central issue in this complex relationship. This article delves into the history of American Indian sovereignty and its interaction with the Supreme Court, exploring landmark cases, legal precedents, and the ongoing struggle for tribal self-determination.

## Landmark Cases and Legal Precedents

- **Johnson v. McIntosh (1823):** Established the doctrine of "discovery," which held that European nations had the exclusive right to acquire Native American lands.
- **Worcester v. Georgia (1832):** Affirmed tribal sovereignty and the inherent right of tribes to exercise self-governance within their territories.
- **Cherokee Nation v. Georgia (1831):** Denied the Cherokee Nation's claim to be a sovereign nation, reinforcing the doctrine of federal supremacy.
- **Lone Wolf v. Hitchcock (1903):** Upheld the federal government's authority to regulate tribal affairs, further limiting tribal sovereignty.

## **The Rise of Tribal Self-Determination and the Supreme Court**

In the mid-20th century, a movement for tribal self-determination emerged, seeking to restore tribal sovereignty and autonomy. This movement led to a series of Supreme Court cases that recognized the importance of tribal self-governance.

- **McClanahan v. Arizona Tax Commission (1973):** Recognized the right of tribes to impose taxes on non-Indians within their reservations.
- **Oliphant v. Suquamish Indian Tribe (1978):** Affirmed tribal jurisdiction over non-Indians who commit crimes within tribal territories.
- **White Mountain Apache Tribe v. Bracker (1982):** Upheld tribal authority to regulate liquor sales on reservations.

## **Contemporary Challenges to American Indian Sovereignty**

Despite these legal victories, American Indian sovereignty remains a contested issue. Several challenges continue to arise, including:

- **Federal Preemption:** The federal government's exercise of power over tribal affairs, often limiting tribal authority.
- **State Interference:** Some states have attempted to assert jurisdiction over tribal lands and resources, encroaching on tribal sovereignty.
- **Environmental Degradation:** Environmental pollution and resource extraction on or near tribal lands can threaten tribal health, culture, and sovereignty.

## The Future of American Indian Sovereignty

The relationship between American Indian tribes and the Supreme Court is continuously evolving. The ongoing struggle for tribal sovereignty and self-determination raises complex legal and political questions. Future Supreme Court decisions will undoubtedly shape the future of this relationship, impacting the rights and well-being of American Indian nations.

### : A Path Forward

The history of American Indian sovereignty and the Supreme Court is a complex one, characterized by both progress and setbacks. The ongoing struggle for tribal self-determination serves as a reminder of the need for ongoing dialogue, cooperation, and a commitment to respecting and upholding the inherent rights of American Indian nations.

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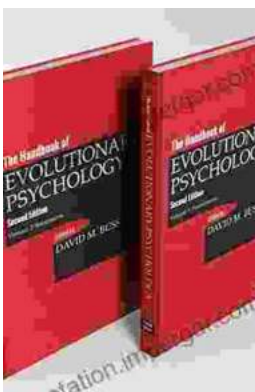
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