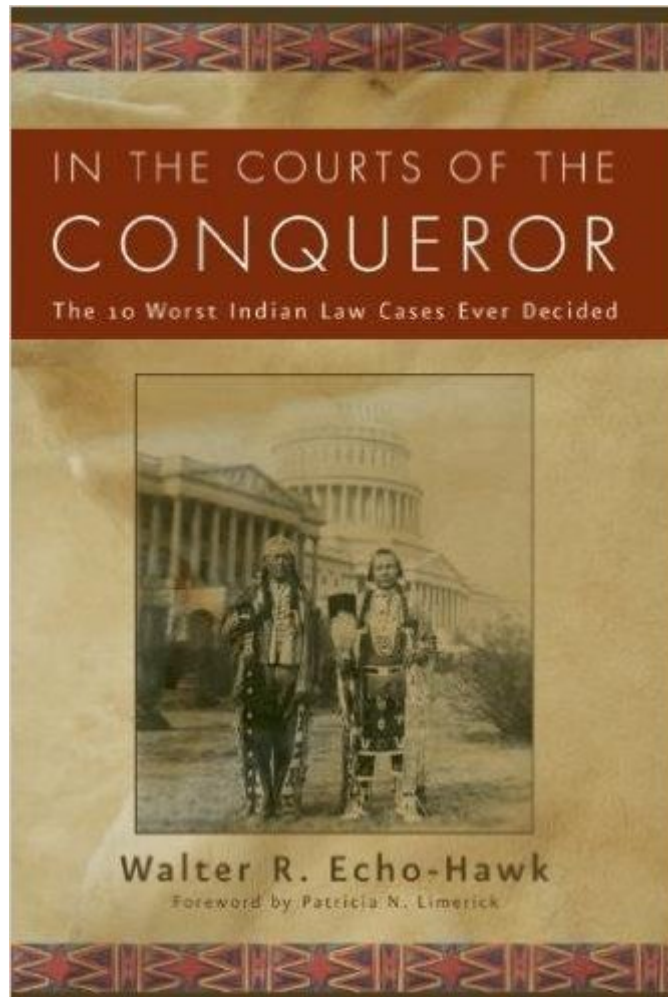


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# In The Courts Of The Conqueror: The 10 Worst Indian Law Cases Ever Decided



## Synopsis

Now in paperback, an important account of ten Supreme Court cases that changed the fate of Native Americans, providing the contemporary historical/political context of each case, and explaining how the decisions have adversely affected the cultural survival of Native people to this day.

## Book Information

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## Customer Reviews

THE 10 WORST INDIAN CASES EVER By James Botsford Finally someone has written a book that shines a light into the dark corners of the Supreme Court's thievery of the rights of Native America. Did you ever wonder by what quiet sleight-of-hand huge dimensions of the inherent rights and cultures of Native people disappeared or were radically reduced? Turns out some of the worst damage ever done to the original people came from the highest level of the judicial branch... the Justices of the U.S. Supreme Court who historically have enjoyed (and cultivated) the perception that they are objective, neutral and above the fray of politics and ideology. Oh, if only it were true. The book is *In the Courts of the Conqueror, The 10 Worst Indian Law Cases Ever Decided*. And this book isn't written by just any old someone. It was painstakingly researched and written by Walter Echo-Hawk (Pawnee) who Vine Deloria Jr. once referred to as "the best Indian law attorney in America." Echo-Hawk earned his chops as a staff attorney at the Native American Rights Fund for 35 years where he was personally involved in many of the biggest Indian rights issues of our time. Echo-Hawk sets the bar high when it comes to intellectual honesty, cultural values and the ethics of legal analysis. From that perspective he walks us through what he believes are the ten worst Indian

law cases ever decided. Scholars and activists will quibble over a few of his top ten (or is it bottom ten?), but they'll risk missing the bigger point, which is the devastation of these decisions as they change the course of history. Echo-Hawk could've selected 20 such cases, but as it is this book weighs in at a hefty 470 pages, not counting notes. You'll get your money's worth out of this one.

White Mans burden?By: Robert A. YingsIt 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.

Walter R. Echo-Hawk's In the Courts of the Conqueror: The 10 Worst Indian Law Cases Ever Decided (Fulcrum Publishing, 2010) is an exceptional book, and I highly recommend it to anyone interested in Indian law, or social justice and human rights issues in general. There are a number of good resources out there that succinctly provide the basics of Indian law, most notably American Indian Law in a Nutshell by William C. Canby, Jr., which is now in its 5th Edition. But Echo-Hawk does much more than just lay out the basics: for each of the 10 cases he presents, he provides a historical and cultural context, as well as a systematic (and at times brutally frank) analysis of where the court in question went wrong, and possible reasons why. He does not shy away from the racism, ignorance, and hypocrisy that underlie the decisions he analyzes - to the contrary, he holds these

shameful elements up to the light of day, with the hope they will no longer be rationalized or denied. From the early U.S. Supreme Court cases that justified the outright theft of Indian land, to more recent cases allowing, essentially, the theft of Indian children and the destruction of Indian holy places, Echo-Hawk calls into question the premises upon which the errant decisions are based and illustrates the flaws in reasoning that buttress the decisions. He shows how time and time again, the U.S. Supreme Court--an institution that ostensibly prides itself upon being "above" politics--in fact caved in to the political pressures surrounding each decision, be those pressures "the conquest and colonization of the continent during the era of Manifest Destiny" that led to the reprehensible removal of many eastern tribal nations, or the "patently racist notions of white supremacy" that led the Court, in *Lone Wolf v.*

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