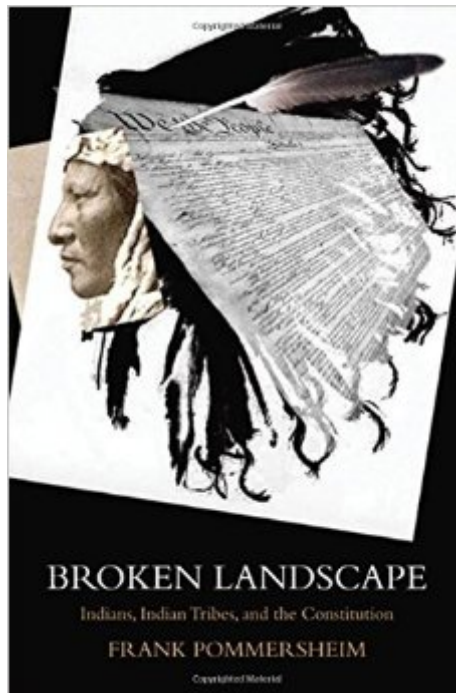


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Broken Landscape: Indians, Indian Tribes, And The Constitution



Synopsis

Broken Landscape is a sweeping chronicle of Indian tribal sovereignty under the United States Constitution and the way that legislators have interpreted and misinterpreted tribal sovereignty since the nation's founding. Frank Pommersheim, one of America's leading scholars in Indian tribal law, offers a novel and deeply researched synthesis of this legal history from colonial times to the present, confronting the failures of constitutional analysis in contemporary Indian law jurisprudence. He demonstrates that the federal government has repeatedly failed to respect the Constitution's recognition of tribal sovereignty. Instead, it has favored excessive, unaccountable authority in its dealings with tribes. Pommersheim argues that the Supreme Court has strayed from its Constitutional roots as well, consistently issuing decisions over two centuries that have bolstered federal power over the tribes. Closing with a proposal for a Constitutional amendment that would reaffirm tribal sovereignty, Broken Landscape challenges us to finally accord Indian tribes and Indian people the respect and dignity that are their due.

Book Information

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Customer Reviews

In Gutzman's and Woods's "Who Killed the Constitution," they describe numerous events and court decisions in our history that marked the end of the Constitution's power over our government. In essence the Constitution is dead. Frank Pommersheim in his book on the Native-Americans' treatment by our government, states that they had been given a raw deal and that the courts and Congress have totally broke away from any Constitutional moorings with regards to Indian law. In essence, the Constitution is dead to this group of people as well. Pommersheim summarized that

the Constitution grants the Executive Branch with power to negotiate treaties with Indian Tribes with the Senate concurring while the Legislative Branch is given the power to regulate trade with the Indian Tribes. Other than that, there is very little in the Constitution that deals with Native-American affairs. Pommersheim goes into the early dealings with Indians from before the founding of this country to the disastrous decision of *Lone Wolf v. Hitchcock* which gave Congress unconstitutional "plenary" power to abrogate treaties with the Indians. The author goes into the "Marshall Trilogy." This trilogy is a set of cases that affected the Indians' right to the land that they occupied including *Johnson v. McIntosh*. The second portion of the book deals with the citizenship issue and First Amendment rights of Native Americans, material that included the denial of Indians to perform certain acts according to their beliefs like gathering eagle feathers for ceremonies and using peyote. The final portion of the book deals with how modern courts have dealt with Indian issues and proposes solutions to restore tribal sovereignty for these people. A few observations.

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