

INDIAN LAW AND CIVIL RIGHTS

FLETCHER



FEDERAL INDIAN LAW AND CIVIL RIGHTS



FOURTEENTH
AMENDMENT

INDIAN CIVIL
RIGHTS ACT
OF 1968

RELIGIOUS
FREEDOM
CASES

STATES'
RIGHTS
CASES

INDIAN CHILD
WELFARE ACT

TEXTUALISM AND INDIAN LAW



"TEXTUALISM" – HOW "ORDINARY AMERICANS" * THE WORDS OF THE LAW

* "ORDINARY AMERICANS" ARE AKIN TO ARCHIE BUNKER

DICTIONARIES AND NON-SUBSTANTIVE CANONS**

**PLUS THE OCCASIONAL SUBSTANTIVE CANON WHEN IT IS CONVENIENT

INDIAN LAW AND THE TEXT

THE DUTY OF PROTECTION

DEFAULT INTERPRETATIVE RULES (SUBSTANTIVE CANONS):
* INDIAN CANONS
* CLEAR STATEMENT RULES

INDIGENOUS PEOPLES AND THE SOCIAL CONTRACT



INDIGENOUS PEOPLES WERE NOT ORIGINALLY PART OF THE SOCIAL CONTRACT, E.G., "MERCILESS INDIAN SAVAGES"

KINDA SORTA STILL NOT PART OF THE SOCIAL CONTRACT, E.G., "INDIANS NOT TAXED" IN THE FOURTEENTH AMENDMENT

GUARDIANSHIP AND PATERNALISM – E.G., LAND DISPOSSESSION, BOARDING SCHOOLS, INDIAN CHILD REMOVALS, RELIGIOUS PERSECUTION, ENVIRONMENTAL INJUSTICE, OVER- AND UNDER-POLICING, DENIGRATION OF TRIBAL GOVERNMENTS BY THE JUDICIARY

FEDERAL PROCEDURAL BARRIERS – SOVEREIGN IMMUNITY, OFFICIAL IMMUNITY, EXHAUSTION DOCTRINES, STANDING, POLITICAL QUESTIONS, INCONSISTENT DEFERENCE TO AGENCY ACTION, ARBITRARY SUPREME COURT REVIEW

S STATES AND AMERICAN INDIAN CIVIL RIGHTS

STATE ICWAS +
STATE SUPREME
COURT DECISIONS,
E.G., IN RE Z.J.G.
(WASHINGTON S. CT.)

STATE RECOGNITION OF
TRIBAL TREATY
RIGHTS + WILDLIFE
HABITAT MANAGEMENT

TAKKONV
HASAPPA
WONNI
TECHA

TRIBAL-STATE COOPERATIVE AGREEMENTS ON
LAW ENFORCEMENT, TAXES, CHILD WELFARE,
RECOGNITION OF TRIBAL COURT ORDERS, ETC.

Seek And Find

G B C D K L E K C A L B F C H A T O R S
C A R J D C C U B N O E T P W O G L T K
A G L E S A M O I L Y T Q E T R Y A D S
E U R L S N O I G T A C I I M O N D N A
O M E I T C I E F I N K L L U D M E S L
S I L T L R S U O L L E A B I K I C T G
W T I T N A G N O P U A G N E A N O T C
O S N L A Z S O T N I T G R A S T C H G
V C I E T Y E O A L H B T A S T F H L I
O S E C S H R M A I E F L F A A P I J K
K M F R A O S O T A U L R W B E A S T C
A P I O U R S W R S U Y H R S T I E T A
F U N W C S K T Y B O I U O T O R U P J
S U K N Q E Z P G I T L J M A P S E L N
O A R T C A B N C E L F K A Z N Z O A I
L E E U O R I A E N E N O N U G - I B I A
O L V H P T K A S I T T V N I P U D V T
I C L E T L G A H T E P A O Y T R M O P
A U I I B L Y C F L D N W S R E W G E A
R T S E E H A E N **F L O W E N O L** D T C

INSTRUCTIONS: The hidden names of famous Indian chiefs listed above appear forward, backward, up and down and diagonally in the puzzle. Find each name and box it in as shown above.

WOVOKA
STANDING BEAR
DULL KNIFE
CHIEF JOSEPH
BLACK EAGLE
GALL
~~LONE WOLF~~
CAPTAIN JACK
BIG FOOT
WHITE EAGLE

SITTING BULL
TWO MOON
CRAZY HORSE
LITTLE CROW
COCHISE
MANUELITO
CHATO
SILVER KNIFE
ROMAN NOSE