

# Native American Law Report

March 2015 • Volume 1, Issue #1

## High Court Denies Certiorari In Case Involving Sale Of Interest In Casino

WASHINGTON, D.C. — The U.S. Supreme Court on Feb. 23 denied a petition for writ of *certiorari* in case for breach of contract after the buyers and guarantors breached their payment obligations for the purchase of membership interest in a casino, leaving stand lower court decisions finding that the plaintiffs could not unilaterally modify the guaranty agreement and that the Indian tribe and its authority had not waived its defenses to the claims. **SEE PAGE 4.**

## California Federal Judge: Water Right Reserved, But Land Act Extinguished Claim

RIVERSIDE, Calif. — A federal judge in California on March 20 granted partial summary judgment in favor of the Agua Caliente Band of Cahuilla Indians and the United States' claim that the government implicitly reserved appurtenant water sources, including underlying groundwater, when it created the tribe's reservation, but granted the defendants partial summary judgment on the tribe's aboriginal title claims, saying a land act effectively extinguished any such right. **SEE PAGE 10.**

## Government Asks Judge To Dismiss Indian Tribe's ACA Employer Mandate Challenge

CHEYENNE, Wyo. — An Indian tribe waived its objections to the Patient Protection and Affordable Care Act (ACA)'s large employer mandate by not raising them during the rulemaking process, and its action runs afoul of the Anti-Injunction Act's (AIA) bar on tax challenges taxes, the government told a federal judge on March 19. **SEE PAGE 15.**

## Tribe Members' Class Claims For Compensation Filed Too Late, Judge Finds

SIOUX FALLS, S.D. — Class claims filed by four members of the Cheyenne River Sioux Tribe alleging that the United States violated its trust and fiduciary duties by taking their land without just compensation are barred by the statute of limitations and because there is no waiver of sovereign immunity, a South Dakota federal judge ruled Feb. 26 in granting the government's motion to dismiss the claims. **SEE PAGE 21.**

## Chippewa Indian Tribe Opposes High Court Review Of Hunting Decision

WASHINGTON, D.C. — The Lac Courte Oreilles Band of Lake Superior Chippewa Indians on March 9 asked the U.S. Supreme Court to deny a petition for writ of *certiorari* filed by the State of Wisconsin and leave intact a Seventh Circuit U.S. Court of Appeals decision finding that the tribe had met its burden to show that a total ban on the nighttime hunting of deer was no longer necessary to ensure public safety. **SEE PAGE 22.**

## Wyoming Federal Judge: Eagle Permit Violates Exercise Of Religion

CHEYENNE, Wyo. — Calling the issue one of first impression, a Wyoming federal judge on March 12 held that the First Amendment to the U.S. Constitution forbids the federal government from imposing the burden of law on one federally recognized Indian tribe's free exercise of religion for the benefit of another Indian tribe. **SEE PAGE 23.**

## Parties File Summary Judgment Motions In 'Redskins' Trademarks Suit

ALEXANDRIA, Va. — The owners of the Washington Redskins professional football team on Feb. 23 filed a motion for summary judgment in a Virginia federal court in its challenge to the cancellation of six federal trademark registrations relating to the team, while the defendants on Feb. 26 filed a motion for partial summary judgment, saying that there was no error committed in the cancellation of the marks because the evidence shows the marks "may disparage" Native Americans. **SEE PAGE 27.**

## Supreme Court Denies Review Of Ruling On Washington Escrow Statute

WASHINGTON, D.C. — The U.S. Supreme Court March 9 denied a petition for review of a ruling requiring a tobacco distributor owned by the Yakama Indian Nation to escrow funds to reimburse the State of Washington for health care costs related to tobacco use. **SEE PAGE 29.**

# Native American Law Report

**Linda S. Parker**



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**American law reports annotated** ,1922      **The Indian Law Reports** ,1878      **American Law Reports** ,2010  
American Law Reports Annotated ,1948      The Indian Law Reports ,1982      **Indian Law Reporter** ,2002      *The Indian Law Reports* India. High Court (Kolkata, India),1914      **The Indian Law Reports, Allahabad Series** ,1911  
Digest of Indian Law Reports and Law Reports Indian Appeals Reginald M. A. Branson,1884      **Native American Libraries, Archives, and Information Services** United States. Congress. Senate. Select Committee on Indian Affairs,1991  
Oversight Hearing to Gain a Better Understanding of the Condition of Native American Libraries Archives and Information Services      *Native Americans, Crime, And Justice* Marianne O. Nielsen,2019-03-13 The historical involvement of Native peoples within the criminal justice system is a narrative of tragedy and injustice yet Native American experience in this system has not been well studied Despite disproportionate representation of Native Americans in the criminal justice system far more time has been spent studying other minority groups Nat      **Final Report** United States. American Indian Policy Review Commission,1978      *Final Report to the American Indian Policy Review Commission* United States. American Indian policy review commission,1976      **Native American Estate** Linda S. Parker,2021-05-25 Points out the similarities between the struggle of Native Hawaiians and Native Americans to stop land divestment      *American Indian Policy Review Commission* United States. American Indian Policy Review Commission,1977      **Compendium of HHS Evaluations and Relevant Other Studies** ,1990      **The Indian Law Reports. Allahabad Series. Containing Cases Determined by the High Court at Allahabad and by the Judicial Committee of the Privy Council on Appeal from that Court** Anonymous,2024-06-18 Reprint of the original first published in 1889      **Reinterpreting a Native American Identity** Eric Hannel,2015-10-08 Reinterpreting a Native American Identity discusses the ongoing and morphing politics behind the federal government s denial of full Lumbee tribal recognition At the core of the Lumbee struggle for federal recognition are issues of cultural authenticity racism misrecognition and assimilation grounded in a longer history of colonialism Beyond merely describing why denial has continually occurred this booktakes an American Indian Studies approach through the use of the Peoplehood Model developed by Tom Holm et al as a way of arguing for a better and more consistent recognition process grounded in Indigenous methodology and worldview The Peoplehood Model is juxtaposed with the Western Colonial Model the process that describes efforts to assimilate another culture This bookcenters on the four aspects of Peoplehood language sacred history territory place and ceremonial cycle and shows how these interrelated concepts inform the Lumbee identity and worldview vis vis the federal government s longstanding refusal to fully recognize the tribe The government s arguments derived from the Western Colonial Model are countered and challenged by Lumbee centered knowledge and history regarding identity within a syncretistic system of survival as an Indigenous group This study illustrates that the tribe s indigenous language has not been fully lost to assimilation as the federal government argues but that Lumbee English is

marked by linguistic adaptation which retains a Native American worldview in use and meaning It further demonstrates that the Lumbee have maintained a sacred history and revere their homeland as the promised land contrary to the position periodically espoused by the federal government Lastly this book argues that the system used to restrict Native American religion harkens back to Roman Law adopted through the writings of Thomas Aquinas later synthesized by Dominican theologian Franciscus de Victoria and eventually elevated to papal hierocratic ideology adopted by many colonizing countries While Lumbee religion is Christian centric it is also intertwined with Indigenous spiritual and healing practices which are not subsumed by Christianity but are placed as equally valid within a spiritual system     Special Report Lucy Alf Younes,1986

**Native American Justice** Laurence French,2003 Tracing the history of U S Indian policy from the eighteenth century to the present this book explores how the Euro American ethos of Manifest Destiny fueled a devastating campaign of ethnic cleansing against Native Americans After decimating the Indian population through organized massacres the U S government forcibly removed the survivors from their homelands to live on reservations Physical genocide gave way to attempts at cultural eradication through policies designed to Christianize and civilize the Indians These policies included the traumatic separation of children from their families for indoctrination and abuse in remote boarding schools Treaties and policies are linked to the concept of federal paternalism and its relationship to pervasive health and social problems endemic in Indian country including substance abuse and addiction The book is divided into three main parts Part I covers the US government s treatment of Indians from the colonial era to the present Part II describes how the Cherokees aboriginal concept of blood vengeance gave way to justice models based on the Protestant ethic Part II also discusses governmental restrictions of religious expression by Indians Part III delves into the judicial system within Indian country looking at tribal courts the Navajo court system law enforcement and corrections An epilogue covers the incompleteness of social justice in Indian country as reflected in problems such as the misuse of Indian money by the federal government A Burnham Publishers book

## **Native American Law Report** Book Review: Unveiling the Power of Words

In some sort of driven by information and connectivity, the energy of words has be much more evident than ever. They have the ability to inspire, provoke, and ignite change. Such may be the essence of the book **Native American Law Report**, a literary masterpiece that delves deep into the significance of words and their effect on our lives. Compiled by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we shall explore the book is key themes, examine its writing style, and analyze its overall affect readers.

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