

Index

```
agriculture, 14, 18–19, 40–41, 45, 58–59,
                                             Choctaw Nation, 4, 80, 83, 88, 139, 194,
      76, 81, 85, 104, 135, 167, 176, 238
                                                    196, 201, 210, 216-19, 232, 239,
  three-sister crops, 18
                                                    241, 272, 291-94
Alaska Native Claims Settlement Act, 157
                                             Civil War, 99-101, 103
                                             civil/regulatory, 224
Algonquin, 39
Amherst, Jeffery, 55–56
                                             Cobell, Elouise, 166–69, 178
                                             Cobell litigation, 166-69, 178
Anasazi, 16-17
Apache, 44-45, 103, 121, 152, 169-70,
                                               class action, 166-67
      185, 220, 260, 284
                                             Collier, John, 137-38
                                             Columbus, Christopher, 22-27, 32, 38,
Arawak, 26
Articles of Confederation, 10, 64-65, 68
                                                   43, 101
                                             commerce, 1, 10-11, 13-14, 16, 20-22,
Bering Strait Theory, 7-8
                                                    24-25, 28, 31, 33-34, 38-39,
Blackfeet Nation, 104, 142, 166
                                                    41-43, 45, 47-49, 51-52, 56, 62,
boarding schools, 127-30, 291
                                                   65, 68, 70-73, 80-81, 91-92, 98,
Bracker balancing test, 220-21
                                                    114-15, 124, 143, 146-47, 173,
buffalo, 46, 101-2, 120, 149-51
                                                    175, 181-84, 210-12, 220-22, 225,
                                                    227, 240, 251, 256, 268, 279-80,
Cahokia, 11-14, 16, 37
                                                    284, 288, 307, 309
California v. Cabazon Band of Mission
                                               currency
      Indians, 187, 223-24
                                                 dentalia, 21
Caribs, 26
                                                 wampum, 21
Carson, Kit, 102-3, 147, 157
                                               e-commerce, 225
Cayuga, 62
                                               trade languages, 21, 38
Chaco Canyon, 14-16
                                             Confederacy
                                               Creek Confederacy, 69, 71
Cherokee, 19, 21, 55, 59, 62, 79-84,
                                               Iroquois Confederacy, 67
      89-97, 105-7, 119, 198, 229,
      231-33, 250, 263, 291, 305
                                               Wabanaki Confederacy, 59
                                               Wabash Confederacy, 62
  Cherokee Constitution, 82
Cherokee Nation v. Georgia, 90, 94, 96,
                                             conquistador, 27-29
                                             contract rights, 20
       198, 229, 250
Chickasaw Nation, 80, 88, 212
                                             Corn Tassel, George, 83, 90
Chief Standing Bear, 297–300
                                             counting coup, 19
Chippewa, 18, 62
                                             Coushatta Tribe of Louisiana, 237-41, 244
```



312 Index

```
tribal lending, 225-27
Creek, 69-71, 80, 83, 87-89, 194-96,
                                               unemployment, 1, 153, 210
      285-87, 297, 303-4
criminal justice, 1-3, 21-22, 31, 43, 57,
                                             enabling acts, 284
       62, 64, 66, 72, 84, 86, 89, 100, 105,
                                             encomienda system
       107, 110-12, 114-16, 127-28, 142,
                                               encomenderos, 28
                                               encomienda, 28-30, 44, 49
       154, 187, 190-95, 197-209, 215,
      217, 223-24, 243, 258, 260-61,
      263-65, 276, 282, 302, 304
                                             Etowa, 16
  domestic violence, 190, 202-3
                                             Ex parte Crow Dog, 21, 108-12, 198, 306
criminal/prohibitory, 224
                                             extraterritoriality, 263-65
Crockett, Davy, 87
Crow Dog, 21, 108-12, 198, 306
                                             factory system. See Indian trader laws and
Crow Tribe, 140, 212-15, 301
                                                    regulations
                                             federal recognition, 158, 179, 205, 225,
Dawes Act. See General Allotment Act
                                                    231-37, 239-41, 245-48, 254, 263,
de Champlain, Samuel, 39, 42
                                                    267, 279, 296
                                               federal acknowledgment process, 3, 180,
de Gálvez, Bernardo, 59, 242
de Las Casas, Bartolomé, 29
                                                    234-37, 239, 244, 247, 278
de Soto, Hernando, 27, 44, 238
                                                 criteria, 233-36, 244, 253, 271
de Vitoria, Francisco, 28-29
                                             federalism, 3, 282, 289
Declaration of Independence, 57, 59
                                             France, 3, 11, 18, 37–39, 42–43, 49,
Delaware, 62, 206, 233, 276, 282-83
                                                    52-57, 60, 68, 80, 85, 132, 239,
discovery
                                                    241-42, 244, 246, 258, 291
                                             Frank, Jr., Billy, 297
  Age of Discovery, 23-25
  Doctrine of Discovery, 25, 27, 75, 94,
                                             French and Indian War, 52, 54-55, 57, 242
                                             Friends of the Indian, 118, 125, 199
       106, 144, 175
disease, 27, 31, 33, 37, 56, 113, 132, 242,
                                             fur trade
                                               beaver, 42
      297, 309
  smallpox, 33, 56
                                               fur, 31, 38, 40-42, 44, 47-48, 81
Dollar General v. Mississippi Band of
       Choctaw Indians, 216
                                             gaming
Dred Scott v. Sandford, 106
                                               Class I, 187-88
Duane, James, 61-62, 64, 154
                                               Class II, 188
                                               Class III, 188
Duro v. Reina, 103, 200-1, 260-61
                                               Indian Gaming Regulatory Act, 187-88,
Dutch, 34, 38, 41-42
economic development, 18, 20, 46, 120,
                                               National Indian Gaming Commission,
       138, 152, 161, 171–72, 174, 177,
                                                   187
                                             General Allotment Act, 20, 114, 117-21,
       179, 183, 186, 210-11, 222, 251,
      253, 274-75, 279-80, 288, 292-93
                                                    123-25, 130-31, 136-37, 145, 166,
  Commercial Codes, 211, 268, 279
                                                    177-79, 206, 250, 291
  commercial institutions, 211-12,
                                             Georgia, 16, 70-71, 79-80, 82, 84-85,
      276, 279
                                                    88-91, 93-97, 137, 148-49, 198,
  financial institutions, 20, 211, 219,
                                                    229, 250
      225-28, 272, 280
                                             gun, 38-43, 56, 62, 69, 100-1, 264, 309
  poverty, 1-2, 10, 118, 124, 136, 142,
                                               arquebus, 39-40, 42
       148, 162, 210, 238-39, 251, 291,
       293, 309
                                             Haudenosaunee, 39, 41-42, 49-50, 54, 59,
  private sector, 171, 210, 276
                                                    62, 136, 140
                                             HEARTH Act, 179-80, 252-55
  secured transactions, 211, 275
    Model Tribal Secured Transactions
                                             Ho-Chunk Nation, 179, 252, 267-68
                                             Ho-Chunk Nation Trial Court, 267
      Act, 211, 275-76
```



Index

Hopewell, 11 Hopi Court of Appeals, 268 horse, 15, 27, 38, 43-47, 100, 103, 109-10, 140, 214, 309 houses housing, 48, 136, 143, 276, 292 log cabins, 48 longhouse, 17, 59 Pueblos, 48, 157, 290 Hudson, 27, 34, 42 Huron, 62 In re Mayfield, 198, 219 Indian agents, 103-4, 139, 191, 200, 206-7 Indian citizenship, 133, 135-36 Indian Citizenship Act, 135-36 Indian Civil Rights Act, 153, 192-93, 199, 203, 261, 267 Indian Relocation Act, 143 Indian Removal Act, 85-88, 97-98, 291 Indian Reorganization Act, 137-39, 145, 161, 177, 179, 212, 274, 305 Indian Self-Determination and Education Assistance Act, 71, 88, 158, 171, 252, 255, 306 Indian trader laws and regulations factory system, 72-73 federal trading post, 39, 72-73 Trade and Intercourse Act of 1790, 71-72, 74, 147-48, 181-85 Indian Trust Reform Act, 166 Indios, 26 infrastructure, 10, 21, 181, 207, 211, 221-22, 288 waterways, 10, 21 Iroquois, 19, 39, 67 Jackson, Andrew, 17, 83-84, 87-89, 94, 96-99, 227, 291 battles, 83, 242 Jamestown, 30-33, 43 Jefferson, Thomas, 73, 79, 82, 210 Jicarilla Apache Nation, 169-70 Johnson v. M'Intosh, 74-78, 91-92, 96, 102, 141, 144-45, 152-54, 175, 198, 250, 262, 273 jurisdiction, 2-4, 36, 88-91, 94, 106, 110-11, 115, 120, 142, 146, 148, 175, 189, 191-98, 200, 202-13, 215-20, 227-29, 249, 256-66, 268, 272-74, 280, 282, 284-85,

313 civil jurisdiction, 210-12, 215, 218, 265 criminal jurisdiction, 110, 154, 191, 193-95, 197, 200, 203-5, 208, 215, 217, 260-63, 265, 304 difference between ownership and jurisdiction, 258 territorial jurisdiction, 3, 189, 192, 195, 200, 203-4, 215-17, 227-29, 249, 256, 258-59, 261, 266, 280, 306 tribal jurisdiction, 3, 189, 192, 195, 200, 203-4, 215-17, 227-29, 256, 258-59, 261, 266, 280, 306 justice system punitive justice, 21 restorative justice, 21, 107 Kagama, 113-15, 198, 283, 306-7 King Philip's War, 35-37 Kiowa, 103, 121-22 Kiowa, Comanche, and Apache, 121-22 Knox, Henry, 4, 64-65, 69-71 Lamberth, Royce, 167-68 land tenure, 4, 75, 77-78, 145, 175, 250, 254-55 fee Simple, 77, 92, 123-25, 157, 175-76, 180, 184, 213, 216, 250-51, 256, 258-61, 275 fractionation, 177-79 restricted fee, 175 rights-of-way, 4, 180 trust land, 138, 169, 175-78, 180, 184-86, 213, 216, 249-56, 259 Last Arrow Ceremony, 125 legal institutions, 21, 229, 274, 277, 281 Lone Wolf, 121-23 Lone Wolf v. Hitchcock, 121-23 Lumpkin, Wilson, 85-86 Mandan, Hidatsa, and Arikara, 17 Manifest Destiny, 100, 118 Manisses, 34 Marshall, John, 75-77, 90-91, 93-96, 148 Martin, Phillip, 82, 90, 154, 191, 227, Massasoit, 36 McGillivray, Alexander, 69-71 McGirt v. Oklahoma, 194, 206, 220, 246, 258, 287, 289, 301, 303-4 McIntosh, William, 74-75 medicine, 49 Medicine Crow, Joe, 140-41, 214

302, 304, 306



314

Meriam, Lewis, 129, 136

Meriam Report, 136–37
Metacom, 36–37
Miccosukee, 149–51
Mississippi Band of Choctaw Indians, 4,
201, 216–19, 232, 272, 291–94
Mississippi Band of Choctaw Indians
(MBCI) tribal courts, 272
Moapa Band of Paiute Indians, 161–62
Model Tribal Secured Transaction Act,
211, 275–76

Mohawk, 19, 37, 39, 62 Mohegan, 35

Montana exceptions, 215, 217

Montana One, 215, 217–19, 227

Montana Two, 215, 217 Montana v. United States, 117, 212–15, 217–19, 227, 253, 256, 259, 297

Monte Verde, 8–9 mounds, 10–12, 16–17, 22, 34, 37 Monks Mound, 12, 37 Muscogee Nation, 302–3 Myer, Dillon S., 139, 142–44

Narragansett, 33, 35 National Labor Relations Act, 170–71 National Labor Relations Board, 171 natural resources, 25, 255

Clean Water Act, 253, 288 energy production, 180, 185–86, 243 timber, 14, 18, 144, 185, 254

Navajo, 44-45, 102-3, 146-48, 162-66, 175, 180, 201, 231, 267-70, 274-75, 277, 287 Navajo Nation, 146-48, 162-65, 175,

231, 267–70, 274–75, 277 Navajo Nation Supreme Court, 267–70,

274, 277 Newman, Wallace, 155 Nixon, Richard, 152, 154–58, 192

Oklahoma v. Castro-Huerta, 124, 205,

Northwest Ordinance, 63-64

Oliphant, Mark David, 43, 154, 192–200, 203, 209, 211–13, 215, 217, 259, 264–65, 306

264-65, 306 Oliphant v. Suquamish Indian Tribe, 43, 154, 192-200, 203, 209, 211-13, 215, 217, 259, 264-65, 306 Oñate, Don Juan, 29

Oneida, 41, 62, 134, 250

Index

Onondaga, 62, 134 Ordinance for the Regulation of Indian Affairs, 63, 71 Ottawa, 20, 56, 62

Parker, Quannah, 121–22, 195–97 Peabody Coal Company, 162–65 Pequot, 34–35, 278 Pequot War, 34–35 Block Island, 34 Mistick Fort, 35

Plains Commerce Bank v. Long Family Land & Cattle Company, 256

plenary power, 116, 127, 263, 307 political structure, 49

Ponca Tribe, 297–300 Ponce de León, Juan, 27

Pontiac, Chief, 55–57 Pontiac's Rebellion, 55–57

Pontiac's Rebellion, 55–57 pope, 24–25, 27, 32 papal bull, 26

papal decree, 24 Portugal, 24-25, 32

Potawatomie, 62

Poverty Point, 10–11

Powhatan, 30–31 Pratt, Richard, 127–28

Praying Indian, 36

Proclamation of 1763, 57–58 property

lease, 122, 139, 163–65, 174, 176, 179–80, 182, 186, 216–17, 219, 221, 243, 251–52, 275

personal, 19

private property rights, 20, 118–19, 253

Public Law 83-280, 142, 146, 207-8 Pueblo, 15, 17, 27, 29, 44-45, 127,

156–57, 212, 290, 306 Acoma Pueblo, 29

Nambé Pueblo, 290

Taos Pueblo, 137, 156–57 Blue Lake, 155–57

Pueblo Indians, 17, 27, 127, 157, 306

Revolutionary War, 59, 61, 64–65, 101 Rickard, Clinton, 135–36

Roanoke, 30

Rogers, William, 105–7, 198, 205, 306 role of Women

matrilineal, 50

treatment, 50 Ross, John, 93, 96–97



Index 315

self-determination, 2-3, 146, 152-54, 158, tribal courts, 112, 192, 194-95, 197-99, 161, 171, 173-74, 180, 186, 192, 202-4, 212, 216-20, 226-27, 260, 197, 199, 229, 234, 244, 254–55, 262-63, 265-67, 271-78, 280 284, 287, 294 business courts, 279 intertribal, 280 Seminole, 80, 89, 150-51, 188, 284, 302 Seneca, 4, 59, 62, 69 CFR courts, 271 Sequoya, 81 Courts of Indian Offenses, 112, 119, Shawnee, 62 212 Sherman, William Tecumseh, 100-1 peacemaker courts, 271 Sickey, Ernest, 47, 239-41, 244 tribal judges, 268, 271-73 Sioux, 21, 104, 108-11, 146, 199, 227, Tribal Energy Resource Agreement, 186 250, 297 tribal law, 2, 18, 20, 107-8, 110, 112, Smith, John, 31-32 114-15, 118, 179, 185, 198, 201, Spain, 3, 25-32, 38, 44-45, 49, 52, 54-55, 211-12, 216, 218, 225-27, 249, 59-60, 62-63, 67, 69-71, 73, 80, 265-68, 270, 273, 276-78, 281-82, 284, 287 85, 147, 150, 156, 242 Spiro, 16 traditional, 267 Spotted Tail, 108-10 Tribal Law and Order Act, 201-2 Stickball, 19 tribal tax sovereignty, 283 Suquamish Indian Tribe, 192-95, 198, tribal termination era 259, 264 House Concurrent Resolution, 141 tribal termination, 55, 141-46, 149-50, Susquehannock, 42 153-54, 156-57, 197, 234, 239, Taney, Roger, 106-7, 205 241, 250, 301 tribes as states, 225, 253, 288 tax state taxation, 120, 142, 221-22, 224, trust relationship, 166, 170 256, 284, 288 the Tulalip Tribes, 221-22, 288 Tunica-Biloxi Tribe of Louisiana, 241, taxation, 57, 66, 120, 136, 142, 164, 193, 210, 221-22, 224-25, 243, 272-73 256, 260, 284-86, 288-89, 309 Tuscarora, 62, 135 Twichtwee, 62 tax-exempt bonds, 172 Tee-Hit-Ton Indians v. United States, United Houma Nation, 18, 49, 59, 205, 144-45, 198, 306 Thorpe, Jim, 131-33, 141, 154, 236, 234, 236, 241-48, 296 United Indian Nations, 62-63 239, 243 United States Constitution Tiger, Mostaki, 127, 149-51 Tiger, Mostaki Buffalo, 127, 149-51 Apportionment Clause, 67 Trade and Intercourse Act of 1790, 71, 181 Bill of Rights, 153-54, 192, 203, 261 Commerce Clause, 68, 91, 114–15, Trail of Tears, 97, 105, 303 284, 307 treaties The Creek Treaty, 69 Equal Protection Clause, 231, 262 Treaty of Dancing Rabbit Creek, 88-89, Establishment Clause, 154 Fourteenth Amendment, 298 194-95 Treaty of Fort Laramie, 104, 109, 297 Fourth Amendment, 261 Treaty of Fort Stanwix, 62 Treaty Clause, 68 Treaty of New Echota, 96-97 United States v. Kagama, 113-15, 198, Treaty of Paris, 55, 60 283, 306-7 Treaty of Payne's Landing, 89 United States v. Rogers, 105-7, 198, Treaty of Point Elliott, 193 205, 306 Treaty of San Ildefonso, 242 United States v. Sandoval, 27, 30, 127, 306 Treaty With France for the Cession of United States v. Sioux Nation, 199 Louisiana, 242 United States v. Vaello Madero, 308



316

Index

Vázquez de Coronado, Francisco, 29 Violence Against Women Act, 202–4, 261, 263, 268 Act of 2013, 202, 204, 263 Reauthorization Act of 2022, 204

Wampanoag, 33, 36 Wamsutta, 36 War of 1812, 73, 83 Washington, George, 52–53, 58–59, 62, 64–65, 69, 71–72, 76, 304 Watson Brake, 9–10 White Mountain Apache Tribe v. Bracker, 185, 220–21 Williams, Paul and Lorena, 146–49
Williams, Roger, 32–33, 146–49, 212
Williams v. Lee, 32–33, 146–49, 212
Wirt, William, 90
Worcester v. Georgia, 43, 94, 96, 148–49, 198, 304
World War I, 134–35, 139–41, 143–44, 214, 264, 291
World War II, 139–41, 143–44, 214, 264, 291

Yurok, 21, 113–14 Zah, Peterson, 164