

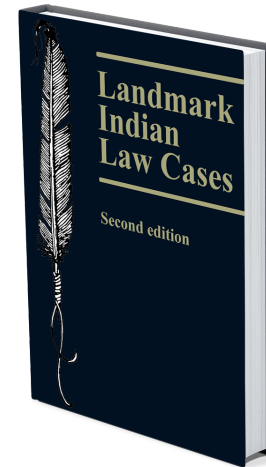


# Landmark Indian Law Cases, Second Edition

AALL PUBLICATIONS SERIES NO. 65

*Edited by Joel West Williams, citizen of the Cherokee Nation and former Senior Staff Attorney with the Native American Rights Fund*

- Presents the **most significant Indian law decisions** that resolve important legal questions or set forth broad principles of federal Indian Law
- Collates Indian law opinions of the U.S. Supreme Court so researchers can **identify significant cases by subject matter area**
- Provides additional materials such as **indexes, summaries, descriptions, and additional context and information** to further your research
- A must-have title for **lawyers, scholars, judges, researchers, and practitioners of federal Indian law**



## About This Title

*Landmark Indian Law Cases* focuses on a core set of Indian law cases from the U.S. Supreme Court that provide the legal framework for fundamental Indian law topics. Spanning nearly two centuries, U.S. Supreme Court jurisprudence is expansive, and it is helpful for both those working in the field and those interested in learning about it to have a book that narrows down the landmark cases and explains their importance.

The first edition of this publication (1988), titled *Top Fifty Indian Law Cases*, was created as a resource to collate the Supreme Court's significant federal Indian law decisions. It was revised in 1990, and then again in May 2000 reflecting another decade of important decisions. The 2000 edition included new pronouncements on tribal hunting and fishing rights, Alaska Native sovereignty, tribal sovereign immunity from suit, and tribal court jurisdiction.

Likewise, this latest edition includes several changes and improvements. First, this edition adds five cases that were either decided or gained elevated significance in the twenty years since the last edition. Five cases whose prominence have waned are no longer included in this edition. Finally, for each case a summary has been added to explain why it is a landmark Indian law case and the key holding(s) of the decision. Westlaw Headnotes are included with the opinion in each case, while the Subject Index of Cases allows readers to immediately identify the landmark case in a specific area of federal Indian law. Additionally, notes within the book indicate the cases for which pleadings are available from the National Indian Law Library.

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## About the Editor

Joel West Williams is a citizen of the Cherokee Nation and a former Senior Staff Attorney with the Native American Rights Fund. He has litigated a wide variety of Indian law matters and was NARF's lead attorney on the Tribal Supreme Court Project, which focuses on Indian law cases before the United States Supreme Court. He also serves as an adjunct professor of law at Vermont Law School. Mr. Williams received his B.A. from Naropa University; J.D. from Widener University Delaware Law School; and LL.M., Environmental Law from Vermont Law School.

## About the Contributors

The following attorneys contributed their expertise to the selection of cases for this publication. During their distinguished careers, many of these attorneys have argued, before the Supreme Court, the cases induced in this volume. The contributors to one or more editions of this book are:

### Melody McCoy

A citizen of the Cherokee Nation, Ms. McCoy graduated from the University of Michigan Law School in May 1986 and joined the Native American Rights Fund as a Staff Attorney in October 1986. She has worked primarily in the areas of jurisdiction in Indian Country and tribal education rights, tribal breach of trust claims, and tribal intellectual and cultural property protections. Ms. McCoy received her B.A. from Harvard University, J.D. from the University of Michigan, and is admitted to practice law in Colorado and Massachusetts.

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Mr. Getches served as the Raphael J. Moses Professor of Natural Resources Law at the University of Colorado Law School in Boulder, Colorado until 2011. He taught and wrote on Indian law, water law, public land law, and environmental law. Mr. Getches received his A.B. from Occidental College and his J.D. from the University of Southern California School of Law. He was a member of the Southern California Law Review. Mr. Getches worked with Luce, Forward, Hamilton and Scripps, San Diego, California, 1967–68; was an Attorney with California Indian Legal Services, 1968–70; Founding Director and Attorney for the Native American Rights Fund, Boulder, Colorado, 1970–76; Attorney with Getches & Greene, 1977–1979; and Executive Director, Colorado Department of Natural Resources, 1983–1987. He was on the University of Colorado School of Law faculty from 1979 through 2011 and served as Dean 2003–2011.

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### Fredericks, Pelcyger, Hester & White, LLC

The law firm of Fredericks, Pelcyger, Hester & White, of Louisville, CO, specialized in Indian law. The firm was dissolved September 10, 2008.

### Greene, Meyer & McElroy, PC

The law firm of Greene, Meyer & McElroy, PC of Boulder, CO, specialized in Indian law. The firm is now known as Meyer, Walker, Condon & Walker, PC.

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## How to Use This Publication

Cases listed in the publication can be accessed in several ways. They are arranged in chronological order in the Table of Contents and in the body of the publication. The Alphabetical Index of Cases provides a list of the cases in alphabetical order by plaintiff and defendant. The cases also are organized by subject in the Subject Index of Cases. The subject headings are derived from the subject index of the National Indian Law Library's catalog. Finally, to access pleadings for a particular case, look at the Alphabetical Index or the Subject Index of Cases to see if an asterisk is present next to the case name. If an asterisk is present, copies of pleadings are available from the National Indian Law Library.

## Acknowledgements

Many people have contributed to *Landmark Indian Law Cases*. Thanks are given to Anne Lucke, Library Director at the National Indian Law Library; David Selden, former Library Director at the National Indian Law Library; Lily Nierenberg, former Legal Fellow in NARF's DC office; Denver Jacket, paralegal in NARF's DC office; and the staff and attorneys at the Native American Rights Fund.

**The National Indian Law Library** (NILL) is a project of the Native American Rights Fund. The library provides specialized research assistance to the public on Indian law issues, and houses a collection of more than 10,000 items devoted to Native American law. Materials range from books and journal articles, to tribal self-governance documents such as tribal codes, constitutions and bylaws. The collection is searchable via the Library's online catalog at <https://narf.org/nill>. NILL is supported through private donations.

### ***Landmark Indian Law Cases. Second Edition***

AALL Publications Series No. 65

Editor: Joel West Williams

Item #: 7982

ISBN: 978-0-8377-4259-5

Pages: 1,070p.

Paper.....\$199.00

Published: Getzville; William S. Hein & Co., Inc.; 2022

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