

ICRA Blurbs

One of the most perplexing conundrums for American jurists is the notion that there could be any government within the United States that is not bound by the United States Constitution's Bill of Rights. The Indian Civil Rights Act of 1968 is the perceived antidote to the problem: a federal statute that imposes equivalent limitations upon tribal governments. Or does it? This volume skillfully interrogates the essence of "civil rights" in Indian country through a fascinating set of essays exploring the pervasive misunderstandings about "Indian civil rights," the tribal court context for developing norms of due process, equal protection and other civil liberties, and the political battles that surround recognition of civil rights in Indian country. The work invokes the tools of legal history, jurisprudence, and doctrinal analysis to evaluate the impact of the Indian Civil Rights Act, forty years after it was instilled within federal Indian law. This is a momentous work by many of the leading scholars and practitioners within our field and it is certain to provoke a much-needed discussion about rights and responsibilities for Native nations and their citizens, as well as the federal and state governments that interact with them.

—**Rebecca Tsosie, Willard H. Pedrick Distinguished Research Scholar and Professor of Law, Arizona State University, Sandra Day O'Connor College of Law**

This book provides a thorough and insightful examination of the forty-year legacy of the Indian Civil Rights Act. With contributions from leading scholars, the book includes powerful personal narratives from tribal community members and civil rights advocates, making for a work that truly illuminates the Act's theoretical, doctrinal, and human aspects. *The Indian Civil Rights Act at Forty* is a critical tool for anyone researching the areas of American Indian equal protection, due process, religious freedoms, and free speech, as well as tribal law and governance, self-determination, and human rights.

—**Stacy L. Leeds, Dean and Professor, University of Arkansas School of Law**

The intersection of civil rights and Indian tribal sovereignty is one of the most important but least understood areas in the field of American Indian law. The authors of this book intelligently and insightfully explore the effect of the 1968 Indian Civil Rights Act on allegations of sex and race discrimination, as well as freedom of speech and religion under tribal law. Also revealed is the effect of the misguided provisions that crippled tribal criminal justice systems by gutting their authority and replacing it with state criminal jurisdiction in Indian country in many states. A fascinating chapter relates the inside and little-known history of the US Justice Department's sometimes aggressive use of the ICRA to undermine tribal governments, while failing to protect individual Indians from state and local discrimination under generally applicable civil rights statutes.

The book is must reading for those who hope to understand the complex relationship between tribal law and individual rights, and the federal Indian Civil Rights Act. It not only is first-rate scholarship, but provides empirical insight into the operation of modern tribal justice systems and those subject to their authority. One can only hope that current members of the Supreme Court and all federal judges dealing with Indian law matters take the opportunity to learn from the diverse scholarship and points of view presented.

**—Robert T. Anderson, Director and Professor, Native American Law Center, University of
Washington School of Law**