

Broken Landscape: Indians, Indian Tribes, and the Constitution



Broken Landscape is a sweeping chronicle of Indian tribal sovereignty under the United States Constitution and the way that legislators have interpreted and misinterpreted tribal sovereignty since the nations founding. Frank Pommersheim, one of Americas leading scholars in Indian tribal law, offers a novel and deeply researched synthesis of this legal history from colonial times to the present, confronting the failures of constitutional analysis in contemporary Indian law jurisprudence. He demonstrates that the federal government has repeatedly failed to respect the Constitutions recognition of tribal sovereignty. Instead, it has favored excessive, unaccountable authority in its dealings with tribes. Pommersheim argues that the Supreme Court has strayed from its Constitutional roots as well, consistently issuing decisions over two centuries that have bolstered federal power over the tribes. Closing with a proposal for a Constitutional amendment that would reaffirm tribal sovereignty, Broken Landscape challenges us to finally accord Indian tribes and Indian people the respect and dignity that are their due.

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