

**University of Pennsylvania**  
**JOURNAL OF CONSTITUTIONAL LAW**

---

**TABLE OF CONTENTS**

**SYMPOSIUM**  
**NATIVE AMERICANS AND THE CONSTITUTION**

FOREWORD	
<i>Kevin Noble Maillard</i> .....	219
The Colonial Double Bind: Sovereignty and Civil Rights in Indian Country	
<i>Eric Cheyfitz</i> .....	223
Sacred Sites and Religious Freedom on Government Land	
<i>Richard B. Collins</i> .....	241
Is There a (Little or Not so Little) Constitutional Crisis Developing in Indian Law?: A Brief Essay	
<i>Frank Pommersheim</i> .....	271
How Bad Law Made a Hard Case Easy: <i>Nevada v. Hicks</i> and the Subject Matter Jurisdiction of Tribal Courts	
<i>Catherine T. Struve</i> .....	288
An American Trifederalism Based upon the Constitutional Status of Tribal Nations	
<i>Carol Tebben</i> .....	318
Tribalism, Constitutionalism, and Cultural Pluralism: Where do Indigenous Peoples Fit Within Civil Society?	
<i>Rebecca Tsosie</i> .....	357
The Supreme Court's Indian Law Decisions: Deviations from Constitutional Principles and the Crafting of Judicial Smallpox Blankets	
<i>Gloria Valencia-Weber</i> .....	405

---

University of Pennsylvania  
JOURNAL OF  
CONSTITUTIONAL LAW

---

SYMPOSIUM  
NATIVE AMERICANS AND THE CONSTITUTION

THE COLONIAL DOUBLE BIND:  
SOVEREIGNTY AND CIVIL RIGHTS IN INDIAN COUNTRY  
*Eric Cheyfitz*

SACRED SITES AND **RELIGIOUS FREEDOM ON** GOVERNMENT LAND  
*Richard B. Collins*

IS THERE A (LITTLE OR NOT SO LITTLE) CONSTITUTIONAL  
CRISIS DEVELOPING IN INDIAN LAW?: A BRIEF ESSAY  
*Frank Pommersheim*

HOW BAD LAW MADE A **HARD** CASE EASY:  
*NEVADA V HICKS* AND THE SUBJECT MATTER JURISDICTION  
OF TRIBAL COURTS  
*Catherine T. Struve*

AN AMERICAN TRIFEDERALISM BASED UPON THE  
CONSTITUTIONAL STATUS OF TRIBAL NATIONS  
Carol Tebben

TRIBALISM, CONSTITUTIONALISM, AND CULTURAL PLURALISM:  
WHERE DO INDIGENOUS PEOPLES FIT WITHIN CIVIL SOCIETY?  
*Rebecca Tsosie*

THE SUPREME COURT'S INDIAN LAW DECISIONS:  
DEVIATIONS FROM CONSTITUTIONAL PRINCIPLES  
AND THE CRAFTING OF JUDICIAL SMALLPOX BLANKETS  
*Gloria Valencia-Weber*



Volume 5

January 2003

Number 2