

Like a Loaded Weapon

LIKE A LOADED WEAPON

THE REHNQUIST COURT,
INDIAN RIGHTS, AND THE LEGAL
HISTORY OF RACISM IN AMERICA

ROBERT A. WILLIAMS JR.

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Robert A. Williams Jr. boldly exposes the ongoing legal force of the racist language directed at Indians in American society. Fueled by well-known negative racial stereotypes of Indian savagery and cultural inferiority, this language, Williams contends, has functioned "like a loaded weapon" in the Supreme Court's Indian law decisions. Beginning with Chief Justice John Marshall's foundational opinions in the early nineteenth century and continuing today in the judgments of the Rehnquist Court, Williams shows how undeniably racist language and precedent are still used in Indian law to justify the denial of important rights of property, self-government, and cultural survival to Indians. Building on the insights of Malcolm X, Thurgood Marshall, and Frantz Fanon, Williams argues that racist language has been employed by the courts to legalize a uniquely American form of racial dictatorship over Indian tribes by the U.S. government. Williams concludes with a revolutionary proposal for reimagining the rights of American Indians in international law, as well as strategies for compelling the current Supreme Court to confront the racist origins of Indian law and for challenging bigoted ways of talking, thinking, and writing about American Indians. Robert A. Williams Jr. is professor of law and American Indian studies at the James E. Rogers College of Law, University of Arizona. A member of the Lumbee Indian Tribe, he is author of *The American Indian in Western Legal Thought: The Discourses of Conquest* and coauthor of *Federal Indian Law*.

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