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“The Geography of Justice Wormholes : Dilemmas from Property and Criminal Law” By HARI M. OSOFSKY

The article explores wormholes in justice system

Danns Sisters Case

Cases treat place as physical location as well as cultural construct place as a physical location but also a cultural construct space reference institutional and legal structures and possibilities for informal interaction that can occur within them.

The Dann sisters trespass on their own land the Dann sisters fought a legal battle since mid 1970s. To save their ancestral land that their family has long used.

Their father started herding livestock on the Western Shoshone land since 1920s and they themselves since 1940s.

1951 Temoack band made a claim for damages to Indian Claims Commission for the expropriation of tribal lands. The ICC ruled the Danns intervention untimely, and then proceeded to finalize the compensation award over land including Danns property on a theory of creeping expropriation without evidence of that particular land being taken.

*Entity called Western Shoshone- lost their lands Temoack represented the land- they were a band

Inter-American commission ruled 2002 that process failed to ensure their “right to property under conditions of equality” but US government rejected and attempted to privatize western Shoshone ancestral lands to allow for extractive and energy activities

*recognize somebody to make decision

*They made a few protests but just went on

1. What were some decisions/rulings that struck you?

Place- the fight is over land. The fact that no one else used their land did not matter

*Timeline is not consistent

-They continued to push a boulder uphill but the courts knocked them down.

-The US government just rejected the ICC decision

-Should the tribal leaders be speaking for the Dann’s land?

*take their cattle

*the pay them 1872 value; no legal explanation for no counting inflation, no defending

What did they argue?

- 1) Land title was never extinguished
- 2) Temoack Band Plaintiffs do not represent the Western Shoshone and that the petitioners do not

*cultural clashes- major flaw in system and property disputes today still

-US governmental came to this land and seized 227 cattle from them.

-Although Danns succeeded in their claim, US government rejected the decision and refused to take any step in accord to it.

Probona- Certain # of cases for free

3. Time: historical treaties between sovereigns with unequal bargaining power are interpreted through the legal system of one of the sovereign

-US government pay Danns at 1872 value not present land value – gap

-They have right to Ancestral land but not to land that tribe originally inhabited

-Similar issues with Inuit and climate change very interesting I have never thought of this before.