



Lone Wolf vs. Hitchcock (1903)

Full text of this decision can be found at:

http://www.utulsa.edu/law/classes/rice/ussct_cases/Lone_Wolf_v_Hitchcock_187_553.htm

SUMMARY

87 U.S. 553 (1903), argued 23 Oct. 1902, decided 5 Jan. 1903 by vote of 9 to 0; White for the Court. In *Lone Wolf*, the Supreme Court recognized a near-absolute plenary congressional power over Indian affairs, virtually exempt from judicial oversight. This decision marked a decisive shift from the doctrines of the *Cherokee Cases* (1831–1832), which emphasized inherent tribal sovereignty and land rights. *Lone Wolf* has permitted the United States to appropriate tribal lands and resources under the guise of fulfilling federal trust responsibilities.

The litigation in *Lone Wolf* sought to block congressional ratification of an agreement allotting tribal lands, on the grounds that the allotment violated the 1867 Treaty of Medicine Lodge by failing to obtain the required consent of three fourths of adult male tribal members to land cessions. (See [Treaties and Treaty Power](#) .) Justice Edward D. [White](#) rejected this claim, denying that the agreement violated property rights of tribal members or deprived them of due process of law. In conformity with the then prevalent restrictive view of Indian tribal sovereignty, White held that Congress had plenary power over Indian property "by reason of its exercise of [guardianship](#) over their interests" (p. 565). He held this power to be political and not subject to [judicial](#) review. Under it, the United States could unilaterally [abrogate](#) provisions of treaties made with Indian nations, subject only to the requirement that actions of the United States toward its "wards" be guided by "perfect good faith" (p. 566).

Until recently, the *Lone Wolf* doctrine articulated an unreviewable congressional power and virtually standardless trust authority, which made it impossible for tribes to obtain judicial protection in disputes with the United States. Recent developments may suggest a narrower view of congressional power over Indian tribes as well as some constitutional limits on that power. In 1979 a federal judge called *Lone Wolf* "the Indian's *Dred Scott*." But unlike that case, *Lone Wolf* has not yet been repudiated by political events or judicial decisions.