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Although Murphy and Kugel did not set out to compile a systematic survey text of Native women's history, this collection would serve admirably as an ancillary to a larger survey course. Jean M. O'Brien's "Divorced from the Land: Resistance and Survival of Indian Women in Eighteenth-Century New England" provides a thought-provoking corrective to any US history narrative focused on a white, Protestant march toward independence, while Theda Purdue, Nancy Shoemaker, and Lucy Murphy's essays on the Iroquois, Cherokee, and multiple Native communities of southern Wisconsin, respectively, complicate the traditional nineteenth-century timeline, particularly the implicit assumption that the most significant Native people were those out West.

Native Women's History in Eastern North America before 1900 is a welcome addition to studies in the women's, gender, Native, colonial, and American history fields, while its careful consideration of theory, methodology, and historiography should earn it a place in many a rigorous methods course.

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On the Drafting of Tribal Constitutions. By Felix S. Cohen. Edited by David E. Wilkins with foreword by Lindsay Gordon Robertson. Norman: University of Oklahoma Press, 2007. 200 pages. \$34.95 cloth.

Perhaps the most surprising thing about Felix Cohen's *On the Drafting of Tribal Constitutions* is that it is surprising at all. Given Cohen's own scholarship and legal writings and the welter of studies revisiting his legal philosophy and role in shaping the Indian New Deal in the 1930s and 1940s, it is easy to think that the story of Cohen's contributions to American and federal Indian jurisprudence has already been told. The very existence of Cohen's "Basic Memorandum on Drafting of Tribal Constitutions," the document that makes up the bulk of the volume, is a surprise, as it was unknown to scholars and otherwise unavailable until Cohen's widow (Lucy Kramer, whose influence on the Indian New Deal was also significant, though too often overlooked) donated his papers to Yale's Beinecke Library in 1989 and 1991.

Wilkins has thus provided a service to scholars of Native North American and US political relations simply by bringing this document to public light and, along with Lindsay Robertson and the University of Oklahoma Press, having the good sense to publish it. This is only truer given that the book also provides Wilkins's introduction to readers, in which he compasses the rather vast terrain of Cohen's legal career and achievements. In so doing, Wilkins situates an overview of the circumstances surrounding the drafting of the memorandum within the larger contexts of Cohen's work inside and outside the federal government, his more general contributions to Anglo-American legal philosophy (Cohen was a major figure in the influential legal realism movement), and critical evaluations of Cohen's legacy by such eminent Indian law scholars as Vine Deloria Jr. and Frank Pommersheim.

But the surprises and services provided by *On the Drafting of Tribal Constitutions* don't end there. The substance of the central text—the “Basic Memorandum”—offers a glimpse at the internal machinations that resulted from the work of Cohen and his colleagues on the Tribal Organization Committee, a group charged by Bureau of Indian Affairs (BIA) commissioner John Collier with the task of traveling to Indian country to collect data and prepare a document that will “outline legal possibilities in the drafting of constitutions under the Wheeler-Howard Act” (xxvi, quoting Cohen). Its publication promises to give new perspective on one of the most significant legislative acts concerning Native Americans in the twentieth century, insofar as the act (also known as the Indian Reorganization Act of 1934 or IRA) ended the assimilative policies of the devastating General Allotment Act of 1887 and called for renewed federal support and recognition of the rights of tribes to self-governance, particularly those tribes that developed constitutions and representative-style governments.

The light shed by Cohen's memorandum may initiate a fundamental rethinking of the IRA's impact on indigenous society and sovereignty in the United States. As Wilkins explains, extant scholarship on Cohen and the processes of IRA tribal constitutional development is “fraught with uncertainty and ambiguity” (xxii). Although acknowledging that Cohen's efforts in these areas “paved the way for the revitalization of tribal sovereignty,” nevertheless, “[m]any commentators have maintained that Western-styled constitutions were forced on reluctant tribes,” often BIA-crafted “model constitutions,” thereby “eclipsing extant traditional systems, . . . [and] forcing a constitutional uniformity that denies the diverse nature of tribal nations” (xvi, xxii).

The first paragraphs of the memorandum appear to put these critiques to rest. “For the present, the Indian Office will not furnish Indian tribes with ‘model constitutions’” Cohen writes, because “no single constitution . . . could possibly fit” the vast diversity of tribal sociocultural, historical, and political circumstances. Moreover, tribal governments based on constitutions “manufactured in Washington” would always be of suspect legitimacy in the “Indian hearts and minds” they were meant to govern (3). This suggests Cohen's awareness of the problems associated with using boilerplate constitutions for differently situated tribal nations and also an appreciation of tribal diversity as such, insofar as he seems to acknowledge that no one model of political organization should be expected to capture legitimately the variety of governance norms, structures, and practices already evident among tribal nations across the United States. This alone might give reason to rethink established positions concerning Cohen and his tribal legal work. But the memorandum also offers more than this, including (ironically) a wealth of detailed information about preexisting tribal governance systems that Cohen and his committee argued should inform efforts to draft IRA tribal constitutions. This information is provided in piecemeal fashion, as examples in each of the twenty-five sections of the “Basic Memorandum” covering areas (for example, territory and membership, offices and titles, elections, declarations of rights, and taxation) to be included in draft constitutions. The information provided runs the gamut from references to the well-known Gayaneshakgowah of the Iroquois Confederacy

and the 1894 Constitution of the Choctaw Nation, to lesser-known efforts such as the constitutions of the San Carlos Apache, Laguna Pueblo, and the Klamath. Reference to traditional governance forms such as the chieftainships of the Metlakahla and the Oglala of Pine Ridge is also included.

Thus, contrary to received wisdom, Cohen and his BIA colleagues were cognizant of the pitfalls attending the IRA and its goals for “reorganizing” Indian tribes in the image of US constitutional democracy, and at least some nominal effort was made to acknowledge and accommodate the unique history and sociocultural circumstances of each tribe.

Although the “Basic Memorandum” might spark a reconsideration of Cohen’s legacy, Wilkins is quick to point out that this remains a potentiality that cannot be taken too far. For despite the terms of the memorandum, a “model” constitution was actually drafted by Cohen’s committee, and there exists evidence that this model was provided to at least some tribes during the constitution drafting process. Wilkins also explains that, for a few other tribes, a plan was in place for BIA officials to proffer complete drafts of entire constitutions, which would only later be submitted for review by the tribes to be governed by them.

So for now, at least, what impact the discovery and publication of Cohen’s “Basic Memorandum” will ultimately have for our understanding of Cohen’s legacy remains unknown, along with federal Indian law and policy in relation to it. Although this indeterminacy may characterize the document it brings to light, it is indisputable that Wilkin’s volume is a must-have for any serious scholar of Native American governance, federal Indian law, or the life and work of Felix Cohen.

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Sovereign Bones: New Native American Writing, Vol II. Edited by Eric Gansworth. New York: Nation Books, 2007. 352 pages. \$17.95 paper.

I am sorry to say that reading the foreword by Oren Lyons tempted me to put aside the remaining three hundred-odd pages of this collection. Lyons pronounces that “language is the soul of a Nation. It provides the foundation for identity, and, with land in place, this provides a sense of family and security. It is the storehouse of indigenous knowledge” (xvi). His words are beautiful. His words are honorable. His words do not address anything I know about being Indian. The Esselen do not have our language; we do not have our land. Uh-oh, I thought. My storehouse is empty. This book has nothing to offer a straggly, scrappy, English-only speaking Mission Indian with no reservation and, evidently, no soul. I continued on anyway, reading essays in each direction that the four sections took me. I discovered that Eric Gansworth has done something brilliant: he has managed to put together a collection that actually represents the wide spectrum of contemporary Indian identities and Indian efforts to create and present those identities on our own terms.