trauma through their activism and development of current policies and practices. They share the ontological, the philosophical, and the traditional by confronting negative stereotypes and asserting self-determination efforts.

Similar to Andrew Garrod and Colleen Larimore's *First Person, First Peoples: Native American College Graduates Tell Their Life Stories* (1997) and Vine Deloria Jr. and Daniel R. Wildcat's *Power and Place: Indian Education in America* (2001), Calloway concludes the book with thoughtful deliberations and views about stereotyping, Indian mascots, and any policy suggesting that Indians are inferior or subordinate to anyone. The book also suggests that Native scholars and the descendants of these Dartmouth students need to add Native oral histories to these stories. Calloway is a compelling writer and the book is a page-turner. Well worth the read.

Mary Jiron Belgarde
Professor Emerita, University of New Mexico

Introduction to Tribal Legal Studies. By Justin B. Richland and Sarah Deer. Lanham, MD: AltaMira Press, 2010. 482 pages. $99.00 cloth; $49.95 paper.

My introduction to the world of tribal courts changed me forever. I was a young attorney, one of the first to work for Dinebeiina Nahiilna Be Agaditahe (DNA), the Navajo Nation legal services program. The year was 1968; the year that I graduated from Yale Law School, deeply unsatisfied with conventional law possibilities and looking for something different. I hadn't heard of *Tee-Hit-Ton Indians v. United States*, the 1955 case in which the US Supreme Court upheld the rule that that "Indian title" didn't mean actual title. It would be years before I understood that "Indian title" rested on religious discrimination, the doctrine of Christian discovery. Little did I know that the Navajo people—and not just their legal services program—would open my mind to greater issues and make me aware that the questions on my mind were not just about law but also about life: what does it mean to be a human being?

Justin Richland and Sarah Deer have built *Introduction to Tribal Legal Studies* on a life foundation. Their approach to law and the study of law is grounded in historical and contemporary realities of what it means to be a tribal person. Noting that *American Indian*, *Native American*, *indigenous*, *aboriginal*, and other terms are often used interchangeably and are subject to criticism, they opt not to declare a single "best" term, but instead decide that "by alternating these terms in this book, the student or reader will get a clearer understanding of the diversity that each individual and/or nation has in regards to their identity" (xvii).

The result is a book "designed to ask how studying tribal law can give us insight into the institutions, practices, and beliefs that shape the everyday lives of tribal people" (2). This perspective informs the whole book, from the text selections to the pedagogical tools. Chapters are built around legal theory, history, subject areas, and institutional practices; each concludes with questions for discussion and research into local communities, pointing students to classroom activity and to "real world" connections in their lives. The authors' embrace of diversity enhances their effort to provide a comprehensive view of tribal legal studies. They approach topics through multiple lenses of different nations' beliefs, practices, and histories, looking for what is unique and what is shared. This approach assures that the forest and the trees are kept in view.

The authors maintain a steady focus on the overarching history of colonialism and the trajectory of domination that affects all Native peoples and all tribal legal systems. The book combines a commitment to the idea that tribal legal studies "is an important way to understand the values and identities of tribal peoples today" and "to address the damage done to tribal communities and cultures as a result of centuries of colonization and oppression by European and U.S. powers" (2).

On this dual foundation, the authors present an array of readings drawn from various sources of tribal law. They do not take sources for granted, and instead explore the question conceptually through norms, structures, and practices and in professional work by using documents, oral accounts, and academic studies. Here as well, the authors' critical perspective is clear: they discuss controversies about sources of law without attempting to state a single, unitary answer. The question of sources is integrated into the overall project, so that readers are taught to look for ways in which framing and resolution of a legal issue involve determinations of what constitutes sources for the law.

I especially appreciate that the authors watch their language in negotiating the contours of Indian law. They avoid the trap that so often damages discussions of the relationship between Native nations and the United States, namely, the habit of deferring to standard usages that are the result of colonial oppression. I did not see the phrase, "federal Indian law," in the book; my sense is that the authors know this area of law is actually federal anti-Indian law. For example, the authors state, "federal authorities . . . treated tribal sovereignty as something that could still be reduced at any time, by the will of Congress" (62). This statement is profoundly different from the often-heard assertion that "tribal sovereignty is subject to congressional power." The latter acquiesces in a unilateral assertion by the United States; the former treats that assertion as an assertion, not as an agreed principle. With few exceptions, the authors present federal Indian law concepts with qualifying phrases, such as "in the federal government's view" or "from the federal perspective."

Because the authors are careful to maintain their perspective in such subtle but significant ways, the book achieves a remarkably difficult goal. It is a work of critical legal history and a handbook for readers who intend to become participants in tribal legal systems. This double virtue cuts through the wall that so often separates academic critique from practical training, even, and sometimes especially, in law schools.

A student with the good fortune to be taught with this book will be empowered to work and survive in the sometimes-schizophrenic legal world in which "federal trust law" sounds like a form of protection but is actually more like a protection racket. "Trust doctrine" may protect an indigenous nation from state interference, but it will certainly not protect against federal depredation. (The Supreme Court made that clear in its April 2009 decision about Navajo coal leasing.) As the authors point out, "it is against the backdrop of such domination and potential for further domination that the arguments regarding the sovereignty of tribal nations and their governments are voiced" (62).

The authors are also careful to present the complexities of tribal legal heritages. For example, in a discussion of how inheritance customs may have changed over the years in conjunction with changed living patterns, the authors point out, "even people who call themselves 'traditional' may have different ideas" (294). Debates about the use of traditional principles is acknowledged and explored, with the affirmation that such debates are of "the very essence of the sovereignty of any nation" and that traditions "are not necessarily static; they evolve and change over time" (297).

When I arrived at DNA, the 1965 US Supreme Court decision *Warren Trading Post v. Arizona Tax Commission*, which struck down a state sales tax on a business operating in Navajoland, was still big news. It said that Navajos were "free to run the reservation and its affairs without state control." We wanted to deploy that ruling; what we didn't see, and saw no need to think about, was that the court was not so much upholding Navajo power as federal power. The business was licensed under "comprehensive [federal] statutes and regulations . . . sufficient to show that Congress has taken the business of Indian trading on reservations so fully in hand that no room remains for state laws" (*Warren Trading Post* 380 U.S. 685 at 690).

By contrast, any reader of *Introduction to Tribal Legal Studies* will know to question an assertion that "the Federal Government [permits] the Indians largely to govern themselves" and will parse the meaning of this apparently pro-Indian ruling, noticing statements in footnotes that "certain state laws have been permitted to apply to activities on Indian reservations, where those laws are specifically authorized by acts of Congress" (*Warren Trading Post*).

Shortly after I arrived in Shiprock, New Mexico, Judge Virgil Kirk of the local Navajo District Court asked me to work on a special project to create

a new code of juvenile criminal procedure for Navajo courts. Judge Kirk was impressive; I was honored to work with him. His concern was to integrate the 1967 decision of the US Supreme Court in a juvenile case, *In re Gault*, which had arisen in Gila County, Arizona, just south of the Navajo Nation border. It held that a juvenile defendant has due process rights: notice of charges, counsel, confrontation and cross-examination of witnesses, and privilege against self-incrimination. Moreover, the US Congress had just passed the Indian Civil Rights Act of 1968, mandating application to "Indian tribes" of the basic elements of the Bill of Rights in the US Constitution. The statute stated that "the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe."

Judge Kirk had a reputation for a keen sense of right and wrong and sensitivity to inequities in the law. Whether he believed Navajo courts were legally subject to US due process rules, it was apparent that he felt the importance of these rules. I especially enjoyed my assignment because I had to learn how juvenile misbehavior was handled by traditional Navajo practices. I found out right away that there are great differences between a kinship-based society and a society built on what I later came to call "market individualism." Whatever benefit my research may have had to the Navajo courts, it ignited in me an appreciation for the social and cultural dimensions of studying and practicing law. From my perspective, Richland and Deer hit the mark.

Peter d'Errico
Professor Emeritus, University of Massachusetts–Amherst

Lumbee Indians in the Jim Crow South: Race, Identity, and the Making of a Nation. By Malinda Maynor Lowery. Chapel Hill: University of North Carolina Press, 2010. 376 pages. $65.00 cloth; $21.95 paper.

The Lumbee Indian people of Robeson County, North Carolina, have always been something of an enigma. As Karen Blu's standard *The Lumbee Problem: The Making of an American Indian People* (1980) highlighted, the group has long challenged the once-common sociological and anthropological orthodoxy that ethnic groups had to possess distinctive cultural traits and unifying community structures in order to remain distinct from others. The dominant thematic paradigm of studies on the group has explored related questions: Who are the Lumbees? What are their origins? How do they maintain their identity without traditional markers of distinctiveness? Lumbee tribal member Malinda Maynor Lowery's new work about the people during the age of Jim