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White Justice in Arizona: Apache Murder Trials in the Nineteenth Century. By Clare V. McKanna Jr.

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name of Chief and it didn't bother me, as I was proud to be an Indian" (35). (In my own research on Indians in the military in World War II, the use of the term *chief* to describe Indian soldiers was ubiquitous. Most Indians welcomed the stereotype even when they came from largely nonwarrior cultures such as the Hopi or Oneida. It was seen by many as a way to gain the respect of whites.) Even when Kipp identifies with the Vietnamese, it is the Vietcong, the fighters, with whom he feels an affinity. The fact that his own warrior self-image may have trapped him in a set of misogynistic behaviors is, sadly, never explored in this frequently self-critical but not critical enough memoir. One wishes Kipp had spent more time making clearer the difference between his indulgent "bad boy behavior" and the genuine substance of being a warrior.

*Allison Bernstein*

Ford Foundation

**White Justice in Arizona: Apache Murder Trials in the Nineteenth Century.** By Clare V. McKanna Jr. Lubbock: Texas Tech University Press, 2005. 223 pages. \$27.95 cloth.

Historians are well aware that residents of the Arizona Territory hated Apaches. They killed them eagerly in the Camp Grant massacre, they were thrilled when the Chiricahuas were sent to Florida in 1886, and territorial newspapers were filled with anti-Apache rhetoric. Did those attitudes disappear after the departure of Geronimo and the Chiricahuas? How did Arizonans treat Apache groups that remained in the territory? What happened when Apaches confronted the Arizona judicial system and were they treated impartially? These are questions that interest San Diego State University historian Clare McKanna Jr.

By focusing on four murder trials in which Apaches were defendants, McKanna analyzes the fairness of the judicial system in the territory and, in a broader sense, the prevailing attitude toward Apaches while also illuminating cultural differences between whites and Apaches. He uses a case study approach and describes in some detail four cases from the late 1880s and early 1890s.

In 1888 members of Captain Jack's band killed several armed members of another band on the San Carlos Reservation in apparent retaliation for the earlier killing of three band members, perhaps including Captain Jack's father and brother. Although this was a traditional way of settling differences in Apache culture, Captain Jack and several others were tried and convicted in US district court and sent to prison in Ohio. The US Supreme Court eventually freed the prisoners because the trial had occurred in the wrong legal jurisdiction, and soon thereafter the group was retried and convicted with the exception of Captain Jack. The absence of a transcript for the second trial leaves it unclear as to why Captain Jack was found not guilty, although evidence in the first trial indicated that he might not have participated in the shooting.

In 1887 a number of Goshayee's band, including the Apache Kid, who was an Apache scout in the army, participated in a *tiswin* party. Under the influence of this alcoholic beverage, the Apache Kid and four other scouts killed an

Apache who previously had been responsible for the deaths of the Kid's father and grandfather. When they surrendered to the soldiers, the interpreter told them that they would be sent to Florida. Shots were fired, the scouts fled, and the entire group under Gonshayee raided southward with the army in pursuit. Eventually they surrendered, and an army court martial convicted the scouts of murder and mutiny. Gonshayee and the others were convicted in a separate trial in US district court and were sentenced to hang. After the US Supreme Court ordered the release of the latter group because they had been tried in the wrong jurisdiction, they were retried and convicted again and sentenced to death.

The third murder was committed in 1887 by Nahdeizaz, a returned student from the Carlisle Indian School in Pennsylvania, who shot an army lieutenant who had arrested Nahdeizaz's father because of a land dispute. Intervention by the US Supreme Court led to a second trial and conviction and ultimately to the execution of Nahdeizaz in 1889.

The fourth murder occurred in 1890 and resulted in the arrest of Batdish and three other Apaches who were in the area. The evidence against them was very weak and circumstantial, and Al Sieber and his Apache scouts believed that they were innocent. However, they were convicted and sentenced to life imprisonment.

McKanna describes these four trials in considerable detail and also provides some perspective by looking at the previous treatment of Indian defendants elsewhere in the United States and Canada. In his analysis of the four Apache trials, he concludes that the Apache defendants did not receive justice. In addition to the cultural issues mentioned previously, he notes that the Apaches lacked any knowledge of their rights or of the workings of the legal system. White judges, prosecutors, defense attorneys, and jurors, all of whom looked unfavorably at Apaches, conducted the trials. Ignorance of the English language placed the Apaches at a disadvantage. They also had court-appointed attorneys who practiced civil rather than criminal law and who generally did a poor job of defending their clients. All of the trials were quite short, with three lasting less than a day and one as brief as half a day, and that included everything from impaneling a jury to the presentation of testimony to jury deliberation and sentencing. McKanna concludes that these trials were not fair and quotes a modern judge who said, "A trial which is not fundamentally fair is no trial at all."

McKanna's argument certainly is convincing, but one wishes that he had dealt with a larger number of cases. He did gather statistics from four Arizona counties for 1880–1912 that showed a drastically higher conviction rate for Indians indicted for murder than for whites, and that rate went even higher for cases involving Apaches. Those statistics also show that Apaches received harsher punishment than did whites. McKanna's limited study of the treatment of Apaches provides only a beginning, a small beginning, for the study of the treatment of Indians in the Arizona judicial system and in other courts throughout the West. Much more needs to be done.