the consciences of the French and Spanish? That they did not have any? If not, why should Price not be harder on the French and Spanish than the English, who at least accepted the concept of aboriginal title?

An example of the anthropologist's frequent refusal to come down concretely on one side or the other is evident in Price's discussion of Indian education. He notes the conflicting values among whites and Indians over how to manage school systems, what to teach, etc. Rather than giving us his answers to the questions, he offers us the standard anthropological prayer that "an ethnographic knowledge of the local community would help greatly in working out humanistic answers for the teachers." Not a very useful guide out of the confusion of value conflicts in rapidly changing Indian societies.

In sum, this is a useful pot pourri of information on the Indian past and present, in Canada and in the U.S. It is particularly useful for its insights into Canadian-Indian relations. But it must be used as a supplement to existing ethnographic and historical studies.

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American Indians and the Law. By Lawrence Rosen, ed. New Brunswick, NJ: Transaction Books, 1978. 223 pp. $16.95

The anomaly of American Indian life is that while the relationship which Indians have with the United States is legal and political, people tend to conceive of it as fundamentally cultural. Indians are believed to be different in exotic ways that are unrelated to what the majority conceives to be "normal" behavior. The product of this attitude, when manifested in legal theory, is the tendency to trace the flow of power from one political entity to another as if every institution were inherent at the creation and needed only to be connected in a network of communications, influences, and beliefs. Indian law and its various interpreters arise in this context and consequently critically important questions become merely casual benchmarks on the path of interpretation. Solutions, as well as understandings, are thus a foregone conclusion and theory

becomes a matter of shifting abstract concepts from one context to another in a legalistic-linguistic jargon that communicates little but appears impressive in the extreme.

American Indians and the Law, the published reports of a symposium on contemporary Indians and law held by Duke University in 1976, is a typial example of the manifestation of this context when lawyers gather to confront the subject. The volume contains nine essays of varying length dealing with a variety of topics ranging from the recent American Indian Policy Review Commission to the Alaska Native Claims Settlement Act and the suggestion of a better basis for funding contemporary education programs. In attempting to span this type of contemporary concern the volume cannot be faulted since there are so many pressing issues that almost any collection of essays and articles will produce the uneven framework which this volume possesses. Thus at the onset we must recognize that the essays do not attempt or pretend a comprehensive and universal articulation of the scope and possible solutions or present configuration of Indian law.

The volume seems to identify critical areas of concern and to couple indepth interpretations of specific topics with several "overview" explanations of how things came to be the way they are. Because the specific topics require a great amount of space for proper development, the interpretive essays, which attempt to set the context in which the specific articles can be understood, suffer from the underdevelopment of their themes and make the volume suspect insofar as the other essays are able to relate to the general framework of explanation. History suffers a major defeat in this instance and the lack of proper articulation of the historical dimension of Indian law creates in the reader an uneasy feeling that the more precise points made in several of the essays might be lacking in substance because the more prominent historical errors have escaped colleague and editorial critique.

One major historical error which has become so common as to be accepted as historical fact is the belief indicated by several of the authors of this volume that the General Allotment Act of 1887 allotted the western reservations. That act, however, was basically a statement of policy and it was followed by nearly three decades of negotiations with individual tribes for the allotment of their lands. The last agreement in this respect occurred in 1914 with the Utes of Colorado. The authors interpretation of the finality and inclusiveness of the Dawes Act may be a way to reduce the tedious

articulation of history but it twists our understanding without sufficient reason or justification. If we take a more historically precise view of allotment, as a policy and process extending over several decades, numerous things come into focus which are critically important for our understanding of contemporary problems. For example, during the first decade of this century a number of amendments to the General Allotment Act were passed which radically changed the manner in which both Indians and bureaucrats understood the nature of severalty. The most important of these amendments occurred only four years after the Dawes Act. It laid the theoretical groundwork for subsequent intrusions on Indian lives and property by allowing the Secretary of the Interior to lease those allotments which were owned by infirm or incompetent Indians. Thereafter, it was merely a matter of properly defining a rebellious Indian as "incompetent" to enable the Bureau of Indian Affairs to crush practically all Indian opposition to its method of administering the Indian Service. Analysis of the virtual submergence of Indian courts and governments during the period 1887-1934 does not make much sense without understanding precisely what factors produced this result.

Additional historical development is required to understand the Seven Major Crimes Act of 1885 in its proper context. While it is true that the killing of Spotted Tail by Crow Dog created an uproar and produced the national sentiment for federal assumption of jurisdiction in regard to these crimes, few historians or attorneys deal with the political aspects of the situation. Spotted Tail himself had murdered a member of the tribe several years earlier and had compensated the victim's family in the traditional Sioux manner. Spotted Tail's record of compliance with American policies, as illustrated by his behavior during the Powder River war conducted by Red Cloud, made him a favorite of the government. His death served as a useful vehicle for United States intrusion into formerly inviolate treaty provisions which gave the Sioux the political right to control all aspects of domestic relations including the crimes mentioned in the Seven Major Crimes Act. While this statute was phrased to include all crimes of this stature, it was never applied to the Five Civilized Tribes although they were not specifically excluded from its operation.

Dealing in intrepretive generalities, then, does not provide us with a sufficiently clear manner of understanding why legal doctrines have become the formidable concepts which these writers

assume them to be. For every general law a sufficiently large set of historical exceptions can be made to render casual interpretations hazardous at best. The writers of some of these articles apparently consider this requirement of linking historical events and legal theory a secondary priority, although the foremost fishing rights case of contemporary times, *United States v. Washington* (1974) is built almost wholly upon the mass of historical data presented as evidence in court and a minimum effort is made to argue the abstractions of legal doctrines and concepts.

The two essays on water rights are excellent and illustrate the complexity of the subject as well as the seemingly perpetual intermingling of legal theory and political considerations which characterizes Indian affiars of the present. The educational article is primarily a review of the sequence of rules and regulations of recent vintage that make this field an abomination for people attempting to make sense of it. However, no philosophical overview of congressional understanding or intent accompanies the articulation of educational laws. This leads one to conclude that the writer forfeits a critical examination of motives and intelligence in favor of clarifying the meaning of titles of educational laws. Lacking this dimension, the reader must certainly conclude that Indian education is a purposeless contest between bureaucrats and congressional appropriation committees. It may well be merely that thicket of confusion; however, the task of an essayist should be to bring new light to the subject instead of additional fuel.

Perhaps the weakest essay of the group is the one dealing with the structure of the Bureau of Indian Affairs. The writer apparently read only vociferous newspapers and cannot imagine anything but constructive and intelligent motives present in the actors of the Louis Bruce era dramatics. As one who observed this activity first hand, I recommend that the author consider the field of non-fiction before he hangs up his typewriter; this essay is certainly not to be classified in that category. To characterize some career bureaucrats as "Old Liners" merely because they insisted on some form of checks and balances on the slip-shod, half-militant, incompetence of the "New Team" is to pervert historical reality and to create a contemporary morality play than an account of events and personalities of that period of bureaucratic history. If all human blunders received such generous interpretation, we would have no need for a devil and no definition of incompetency.

In conclusion, this volume is important only because no similar effort has been made to give an interpretation of difficult and

complex legal issues. The essays have to their credit the fact of contemporaneity, which is a blessing in itself. An editor more knowledgeable about both Indian history and law might have done wonders in sharpening the essays to a better focus and interrelationship. If Felix S. Cohen, Nathan Margold, and William Brophy are not exactly quivering with jealousy in that big courtroom in the sky, they do have reason to express appreciation to these writers in their attempts to clarify the field of Indian law.

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Red Children in White America. By Ann H. Beauf. Philadelphia: University of Pennsylvania Press. 1977. 155 pp. $9.00

Several recent surveys have indicated that American Indian adolescents have a suicide rate that is four times that of the general population. This fact has led researchers to look for possible causes in Bureau of Indian Affairs boarding schools, in the high unemployment and restricted opportunities that exist for teenages on most reservations, and in the cultural anomie that is said to prevail in many Indian communities. Anne Beauf's slim volume shifts the research focus to pre-school age Indian children where the opportunity for mental health improvements are greater. *Red Children in White America* is essentially an account of Beauf's study of ethnic self-identification and preference among Indian children from three communities. Her findings, and interpretations, hold out the hope that self-esteem among Indian children can be successfully improved.

Beauf's study is clearly a doctoral thesis. As such it follows the classic dissertation approach used in the social sciences. The first part of the book discusses background factors affecting Indian children. Then a statement of the research problem is given, followed by a description of the study's sample, methodology, and results. Finally, there is an analysis of the implications of the experiment.

The author is seeking to answer the following main question about Indian children: To what extent, and in what direction, does the age of the children influence their responses to stereotype and