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Treaties with American Indians: An Encyclopedia of Rights, Conflicts, and Sovereignty. Edited by Donald L. Fixico.

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a continued reliance on them (Ybanez warns against reliance on federal and state systems) and more focused on strengthening the ability of tribes to ensure safety for women. The federal government places many restrictions on what tribes can do, so these essays suggests ways to work around these restrictions to some extent in order to think creatively of new policies and practices that can help eliminate violence. As Van Ess and Deer's essay notes, one of the reasons why violence against Native women is not addressed is not only because of federal interference but also because tribes have not sufficiently or effectively addressed the issue of violence in their own tribal codes. Although the Major Crimes Act and PL 280 have extended federal and state jurisdiction over tribes, these acts do not prevent tribes from also enacting concurrent jurisdiction. However, state Van Ess and Deer, tribes cannot do so without fully developed tribal codes that allow for the most effective exercise of concurrent jurisdiction that is possible under the current circumstances.

Although this book primarily addresses tribal communities, it does include an essay by Rose Clark and Carrie Johnson on violence against Native women in urban communities. Most services that assist Native women are located on reservations, based on the assumption that Native women in urban areas can obtain services by mainstream programs. However, as Clark and Johnson note, Native women often do not access these services because they are often culturally irrelevant or unaware of the specific legal and social challenges faced by Native women. This brief essay indicates the importance of developing more effective urban/reservation collaborations for addressing violence against Native women.

In short, this book is an invaluable resource for those interested in ending gender violence in Native communities. It provides practical and creative strategies for addressing violence in tribal communities that are geared toward decreasing rather than increasing reliance on federal and state governments. At the same time, these short-term strategies are framed within a long-term political commitment toward decolonization. Finally, centering the stories of Native survivors of violence grounds both the long-term vision and short-term strategies preferred in this book within the life-and-death realities faced by Native women. This multipronged methodology makes this book accessible to advocates, students, academics, and community members alike.

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**Treaties with American Indians: An Encyclopedia of Rights, Conflicts, and Sovereignty.** Edited by Donald L. Fixico. Santa Clara, CA: ABC-CLIO, 2008. 3 vols. \$285.00 cloth; \$355.00 e-book.

Vine Deloria Jr. once remarked that "Indian treaties remain at the very pinnacle of importance in the lives and fortunes of all Indian nations today" (*Native America in the Twentieth Century: An Encyclopedia*, 1996, 649). Few would dispute this statement. The question is, why is this so? What is it about treaties

that elevate them to such staggering emotional, legal, and political importance for Native peoples in the United States, even to Native individuals whose ancestors never negotiated any of these documents with foreign powers, including the federal government?

The reasons for their heightened value vary from nation to nation. However, one shared understanding is that their ongoing presence reminds Native nations of their inherent international and national status as the original sovereigns of this land, a status that was explicitly affirmed by numerous European powers, colonies/states, and the federal government when they approached Indigenous nations in pursuit of various and sundry goals: peace and friendship, exchange of prisoners, boundary establishment, extradition, passports, land cessions, and rights-of-way.

Another reason they are viewed most favorably by Native peoples is because the treaty-making process is unique to Indigenous nations. States are constitutionally deprived of the power to make treaties. Additionally, treaties, under the US Constitution, are deemed not only the law of the land but also are viewed as the “supreme” law of the land. Why are they viewed as “supreme”? Probably because, as Justice Iredell said in *Ware v. Hylton* (1796, 271–72), “I consider a treaty . . . as a solemn promise by the whole nation, that such and such things shall be done, or that such and such rights shall be enjoyed.” As such, they constitute much more than a mere domestic statute because they entail the obligatory promises and evince the character of the participatory nations.

Given their emotional, empirical, and theoretical value, and because they constitute the bedrock foundation of the sovereign recognized rights of Native nations today, it is a wonder that more books and edited collections have not been written that directly address these documents. The standard work on Indian treaties for years was Charles Kappler’s 1904 edited compilation of ratified treaties, originally published as *Indian Affairs: Laws and Treaties*, vol. 2 (Treaties). The first major contemporary assessment of Indian treaties by a scholar was Francis P. Prucha’s important but tainted work *American Indian Treaties* (1994). It is tainted because he virtually ignored Native perspectives on these bilateral and multilateral documents and referred to treaties as “anomalies.”

The next and most definitive work on Indian treaties to date was the two-volume study, *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775–1979* (1999) by Vine Deloria Jr. and Raymond J. DeMallie. As the editors note in their introduction, “until a more comprehensive study is authorized by Congress and an official list of ratified treaties, agreements, and land grants is published, this list is probably the most complete accounting of the diplomatic documents of Indian political activities” (4).

The three-volume edited collection under review here is a welcomed addition to the works cited above. The three volumes cover a wide range of topics related to Indigenous diplomacy and do so in a way that is straightforward and not overburdened with arcane legal prose. Importantly, Indigenous peoples in Canada and their distinctive treaty processes are also included. The volumes conclude with an outstanding set of appendices including tribal

names (with alternate spellings, always a tricky issue), a list of treaties negotiated by specific tribal nations, a fairly hefty selected bibliography, and a richly detailed index.

Volume 1 contains two major parts: a set of thematic essays on topics related to “governments and treaty making,” “historical periods,” “treaty responsibility and reserved rights,” and “related treaty issues” and a set of regional essays that looked at Native diplomacy in six areas—California, Hawaii, and the Pacific Northwest; the Northern Plains; the Southeast and Florida; the Southern Plains and the Southwest; the Northeast and the Great Lakes; and the Canadian state.

Volume 2 consists of three distinctive groupings: “U.S. and Canadian Indian Treaties,” containing brief descriptive overviews of more than five hundred accords; “Important Treaty Sites,” with short accounts of some twenty-eight treaty locations; and “Primary Source Documents,” which entails verbatim transcriptions of more than forty US and Canadian treaties. The section on treaty sites is valuable, but should be joined with some discussion and analysis of who the parties doing the negotiating were, and the role of missionaries, traders, the military, interpreters, and gift-giving and presents during these diplomatic encounters.

Volume 3 has three main parts: a “Historical Chronology” that begins in 1760 and continues to the Seminole’s purchase of the Hard Rock Café; a “Biographies” section that has a lengthy list of short accounts of prominent figures in American Indian history, from William Adair to contemporary activists like Hank Adams who wrote the remarkable Twenty Points Proposal during the Trail of Broken Treaties caravan in 1972. Strangely, there are also “biographies” of the Bureau of Indian Affairs, the Dawes Commission, the Indian Claims Commission, and the Great Lakes Indian Fish and Wildlife Commission, even though a biography, by definition, is a written account of a person’s life written by someone else! The final section, “Treaty Related Issues,” contains short entries on important legal concepts (for example, doctrine of discovery and aboriginal title), historical events, and other items of import.

Fixico wrote a common introduction that was reproduced in each volume, although because the data in each book was so different it would have been more appropriate to tailor the introductions of each volume to reflect those substantive differences. In general, the three volumes cover a wide swath of material that adds important knowledge to the previous works on treaties. As with any edited collection, there are moments of redundancy that are somewhat annoying. Nearly all the thematic essays in volume 1, for example, repeat the tired and questionable notion that treaty making with Native nations “ended” in 1871. A major transition certainly occurred that year, but as Deloria and DeMallie’s two-volume study powerfully shows, the treaty process continued largely unabated after that date. Whether or not the 1871 legislative rider was even constitutional has been called into question by none other than Associate Justice Clarence Thomas. Thomas is not known for holding supportive views on tribal sovereignty, but in his *Lara* opinion he cast a critical view of this rider and rightly said it was “constitutionally suspect,” a perspective I did not discern in the essays that mentioned the 1871 act.

The subject of Indian water rights also deserved far more treatment than the three pages of attention it did receive. Because Daniel McCool has artfully referred to contemporary water-rights settlements as constituting a new treaty era, surely those multilateral documents needed additional coverage. Additionally, I emphatically disagree with Kevin Gover's assertion in his otherwise solid essay when he declares that "as important as treaties are in the history of federal Indian policy, they are second in importance to the statutes enacted by Congress" (109). This may be true from the federal government's perspective; it is not, however, true from the perspective of most Native peoples for the reasons alluded to earlier.

Stacy Leeds is also off the mark when she states that "when formal federal treaty making came to an end, states and local governments increased their willingness to negotiate with tribes, realizing that treaties and agreements are mutually beneficial" (8). Although it is true that states and local municipalities are increasingly engaging in political compacts, accords, memorandum of agreements, and so forth with tribes, these engagements do not have the same dignity or status as treaties; states, as quasi-sovereigns, are prohibited by the Constitution from negotiating treaties with any parties.

Finally, although I was pleased to see the diplomatic record of Native peoples and Canada included, a short essay is necessary in order to introduce and compare the experiences of these two states and the Indigenous nations whose lands have been overrun by non-Natives more effectively. For example, we are not told why the treaty process never ended in Canada although it has surely changed in the United States. The fact that Canada and various provinces continue to engage in direct diplomacy is a fascinating reality, and it should have been given far greater attention.

No single work, even one that is three volumes in length, can adequately embrace all the fascinating dimensions and nuances of Indigenous diplomacy, especially when two states—the United States and Canada—and literally hundreds of aboriginal nations are being dealt with. Still, this is a useful collection of important topics that will add texture and depth to any person's knowledge of Native/state diplomacy and should be added to the libraries of those who desire to know more about these important accords.

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**Tribe, Race, History: Native Americans in Southern New England, 1780–1880.**  
By Daniel R. Mandell. Baltimore: The Johns Hopkins University Press, 2007.  
341 pages. \$55.00 cloth.

Daniel R. Mandell's *Tribe, Race, History*, the recipient of the Organization of American Historian's 2008 Lawrence W. Levine Award for the best book in American cultural history, examines the historical experiences of Native people in Massachusetts, Connecticut, and Rhode Island from the end of the American Revolution through the Reconstruction era. Based on thorough