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Review of *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775-1979* Edited by Vine Deloria Jr. and Raymond J. DeMallie

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Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775-1979. 2 vols. Edited by Vine Deloria Jr. and Raymond J. DeMallie. Foreword by Daniel K. Inouye. Norman: University of Oklahoma Press, 1999. Bibliography, index. xiii + 1540 pp. \$95.00.

The relationship of Indian tribes to the federal government constitutes a legal maze since federal Indian law is embodied in a vast array of Congressional Acts, treaties and agreements, executive orders, rulings, conventions, and judicial opinions. Charles Kappler's *Indian Affairs: Laws and Treaties* has been a standard reference for important documents relating to American Indian diplomacy. In their impressive two-volume set, part of the Legal History of North America series, Deloria and DeMallie have reproduced hundreds of treaties and agreements made by Indian nations that are unavailable in Kappler.

Volume one's twelve chapters range from the Pre-Revolutionary War period to the end of treaty-making in 1871. When treaty-making was officially suspended, the process continued, and treaties were renamed as conventions or agreements. These documents were ratified

in statute by both houses of Congress and sometimes altered without further consultation with the Indian nations. Recently, Congress has tried to resolve long-standing and complicated Indian claims through settlements. The editors have provided informative chapter introductions placing each treaty type in its historical and political context. In addition to US-Indian treaties during this period, Indian nations signed treaties with other Indian nations, European powers, the Republic of Texas, and the Confederate States. Indian tribes also reached understandings with railroad companies, granting rights-of-way and land cessions for railroad construction and operation.

The six chapters in volume two present the treaties and agreements Congress refused to ratify or rejected outright, or that Indian nations refused initially or after the Senate had added unacceptable amendments to the original documents. The remaining sections discuss tribal-state agreements, land grants given by Indian tribes to private individuals or parties, as well as other miscellaneous contracts.

The editors admit that the historical record is far more positive than most people believe and that Congress has not always acted antagonistically toward Indian tribes. Many treaties and agreements made a century ago have, however, been interpreted narrowly by the courts, diminishing guaranteed rights. Another word of caution: some documents appearing in the collection were not ratified and, while helpful in understanding relationships with certain tribes and the concerns of particular times and places, do not necessarily have legal potency that would support litigation. Moreover, while the full texts for the unratified and rejected treaties and agreements are presented, most of the ratified treaties printed in Kappler are not. Volume two contains a concise bibliography and index.

Though the texts of most of the ratified treaties are not found here, these volumes triumph in areas where Kappler's work fell short. They include a listing of all of the ratified treaties, including four omitted by both Kappler and the State Department, as well as

the ratified agreements after 1871. While providing historical context that explains the treaty-making process, the volumes also evaluate the status or legality of various documents, identifying those treaties and agreements that should still be regarded (or at least reconsidered) as valid. Finally, they demonstrate American Indians' roles as active participants in international diplomatic affairs.

Documents of American Indian Diplomacy contributes to our understanding of the evolution of federal Indian policy and law and the history of Indian-white relations while compiling valuable diplomatic documents to supplement Kappler. The work also provides readers with a chance to reflect on the promises the United States made, often in perpetuity, for the millions of acres of land ceded by Indian nations and to judge whether the US has abided by them.

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