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Review of *Braid of Feathers: American Indian Law and Contemporary Tribal Life* by Frank Pommersheim

Erin Hogan Fouberg
University of Nebraska - Lincoln

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Braid of Feathers: American Indian Law and Contemporary Tribal Life. Frank Pommersheim. Berkeley: University of California Press, 1995. x+267 pp. \$30.00 cloth (ISBN 0-520-08857-3).

The goal of Indian termination policy in the 1950s was to eliminate the reservations and thus eradicate the "Indian problem." Frank Pommersheim, professor of law at the University of South Dakota and member of the appellate court for the Cheyenne River and Rosebud Sioux tribes, convincingly argues that eliminating reservations would be disastrous for Indian tribes in the west. The establishment of reservations guaranteed tribes a measured separatism; today, they are the only places where tribes and their cultures are likely to survive. The author examines the portions of the United States legally designated Indian country and finds that Indian land is "basic to Indian people." Indian homelands offer tribes a base for developing economies and maintaining cultures.

Non-Indians who see reservations essentially as places of poverty, alcoholism, and despair are not perceiving through Indian eyes. Pommersheim, offering a reexamination of Indian country through reservations eyes, asserts that the reservation is much more than desolate land: it is a place of hope. Tribal members are committed to the reservation not merely as land, but as a place. The first chapter, on the reservation as place, is the cornerstone of this study of Indian law, since "it is this commitment to the reservation as place that undergirds all the central legal struggles in Indian country about land, water, natural resources, and jurisdiction" (p. 8).

Changes in federal Indian policy over time regarding land ownership and place have had an enormous impact on the reservation. The assimilation policy of the nineteenth century, which attempted to transform Indians into non-Indians, led to a breakdown of the reservation as an island of Indian culture. The allotment policy that followed in 1887 furthered the process of

cultural disintegration by ignoring the cultural geography of the reservation and placing extended Indian families (*tiyospaye*) on scattered parcels of land. Pommersheim argues that the loss of reservation land left tribes without a "center" from which to resist the assimilation efforts of the dominate society.

Although the book does examine federal Indian policy through Lakota eyes, its ultimate goal is to "shore up the practical and theoretical timbers of Indian law" (p. 51). Pommersheim is successful in this regard, his personal experiences as an attorney and judge in Indian country granting him sharp insights into the history of federal Indian law, tribal courts, and their expanding roles. His experiences do not aid him in discussing international law, however. The incomplete references in chapter 4 do little to shore up the modern timbers of international law regarding indigenous rights. Moreover, he ignores the last six years of progress in the United Nations Working Group on Indigenous Populations, discussing only its 1989 draft declaration on indigenous rights. This oversight leads him to omit the role the Lakota Nation and other indigenous peoples have played in the development of more recent United Nations drafts.

The final section of *Braid of Feathers* offers suggestions on improving Indian and non-Indian relations and maintaining tribal sovereignty. Pommersheim proposes sovereignty accords between tribes and states as well as a federal constitutional amendment recognizing tribal sovereignty. He also promotes the discussion of tribal sovereignty by Indians and non-Indians in open forums.

Pommersheim's text makes some important contributions to the field of Indian law. His description of reservation as place provides a starting point for future changes in Indian policy. He argues convincingly, moreover, that reservations must be maintained. The trust and hope he places in tribal courts should encourage others to look further into the changing role and increasing importance of these institutions. Finally, Pommersheim's suggestions for strengthening tribal sovereignty are both realistic and attainable.

Erin Hogan Fouberg, *Department of Geography, University of Nebraska-Lincoln.*