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Review of *The Encyclopedia of Native American Legal Tradition* Edited by Bruce E. Johansen

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The Encyclopedia of Native American Legal Tradition. Edited by Bruce E. Johansen. Westport, CT: Greenwood Press, 1998. xii+410 pp. Illustrations, maps, references, index. \$95.00 cloth (ISBN 0-313-30167-0).

Native American law has been traditionally and accurately characterized as one of the most complex and contradictory realms of American jurisprudence. Today it is also, of course, one of the most dynamic areas of legal activity, as questions of renewed tribal sovereignty, often centering on Indian gaming issues, reverberate in statehouses and the halls of Congress. *The Encyclopedia of Native American Legal Tradition* appears, then, at a particularly propitious time. Bruce E. Johansen has produced a valuable and accessible reference work, useful to academic researchers but largely free of legal jargon. More significantly, he has filled a gap left by similar recent works such as the *American Indian Law Deskbook* by placing special emphasis on the impact of aboriginal legal traditions on Anglo-American legal doctrine.

In more than 240 entries, the vast majority authored by Johansen himself, the encyclopedia offers interpretive summaries of a wide range of topics. Though many of the biographical profiles and discussions of important treaties and judicial decisions traverse well-known territory, dozens of

other entries devoted to the legal and political traditions of Native American nations offer insights and interpretations far less familiar. Much of Johansen's previously published work has been directed toward increased academic and public awareness of the Indian roots of American political and legal patterns, and that theme certainly resonates throughout the encyclopedia.

Some odd editing errors require noting, however. In the entry related to the famed Powhatan leader Opechancanough, for example, Johansen first states that "Opechancanough died in 1618." He then proceeds to relate his exploits during the next two decades, before finally describing his death in 1644. Similarly, attorneys may grit their teeth over some of Johansen's more imprecise and "unlawyerly" explanations of judicial terms or legal doctrines, and questions can be raised about the omission of some relevant topics. For example, the absence of entries related to the careers of Dillon Myer and Arthur Watkins, two of the primary architects of the controversial post-World War II termination movement, is a curious oversight. So too is the failure to include references to several of the most significant recent Supreme Court decisions in the field of Indian law, such as *United States v. Dion*.

Ultimately, however, such complaints amount to little more than the kind of second-guessing easily leveled at any book, especially a reference text like this one. Overall, Johansen has produced a volume that will prove valuable to the specialist and lay reader alike. Legal and Native American historians will find it useful for a quick review of the case law, legislation, and other items presented. The undergraduate and general reader will find it a helpful introduction to the impact and significance of Indian law on American jurisprudence. This is an important addition to the legal history reference shelf. **Mark R. Scherer**, *Department of History, University of Nebraska-Omaha*.