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**Review of *Enduring Legacies: Native American Treaties and  
Contemporary Controversies* Edited by Bruce E. Johansen**

Taiawagi Helton  
*University of Oklahoma*

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**Enduring Legacies: Native American Treaties and Contemporary Controversies.** Edited by Bruce E. Johansen. Westport, CT: Praeger Publishers, 2004. xx + 365 pp. Illustrations, notes, selected bibliography, index. \$49.95 cloth.

Even casual observers know of disputes between Natives and non-Natives over governmental authority or natural resources. In the nearly forty years since tribes gained direct access to federal courts, they have been pursuing their rights with increasing fervor. With rare exceptions, those rights are defined in a treaty. Indeed, treaties provide the foundation for the bulk of the relationship between Tribal Nations and the United States and remain a vibrant source of tribal, international, and federal law. Nevertheless, only a small fraction of the general public understands the text of these documents. Interpreting treaty language requires an understanding of the historical and political circumstances surrounding a treaty's making. Too often, decision makers seek a quick fix to difficult questions. Such an oversimplified, bright-line approach virtually ensures injustice for Native people—an acceptable result only to the beneficiaries of conquest who comprise the backlash against “special rights.”

The European advance across the frontier was facilitated by and led to hundreds of treaties between indigenous nations and the United States and its predecessors. Each reflects a unique relationship between one tribal sovereign and one Western nation, including linguistic and cultural misunderstandings, bad faith, and an imbalance of power. These factors led to the development of the Indian canons of construction—that treaties be interpreted as the Indians would have understood them and that ambiguities be resolved in their favor. *Enduring Legacies* reminds us of the importance of the canons and why they developed. More importantly, the essays teach that contemporary struggles are not merely modern civil rights conflicts—they

are continuing fibers of historical relationships between two nations, rooted deeply in time and in the collective consciousness of each people.

As the lessons of South Africa and elsewhere have taught, reconciliation—the healing of nations and their people—first requires a shared understanding of what happened and why, and then reciprocal condolences, and reparation and forgiveness. *Enduring Legacies* offers insightful and informative perspectives on events once recounted only in the voice of the conqueror. In so doing, it contributes meaningfully to the national conversation and to that vital shared sense of history. The narrative and analysis provided in its chapters are all the more important as tribal states reinitiate participation in the international community and consider the expansion of their own internal frameworks. *Enduring Legacies* is instructive for U.S. and Canadian decision makers and those involved in the struggle for Native liberation. At the same time, it is a rich source for students of history, offering a comfortable balance between a broad geographic scope and attention to detail, dedicating a full chapter to each of ten controversies, half of which arose in the Great Plains. **Taiawagi Helton**, *University of Oklahoma College of Law*.