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Act and the special problems faced by “mixed-blood” victims of violence, particularly those who are not federally recognized although they are known by their communities to be from American Indian families.

Smith’s critique of restorative justice is also limited. She assumes that restorative justice has to operate as an arm of the state and, given the bitter fruits of colonialism, that peace-making justice practiced as a way of life rather than a “tool” of criminal justice is not a realistic option. Apparently at the time that Smith was writing her book, she was not fully informed about the work that is being done in indigenous communities. She would find her call to empower communities to be compatible with a number of indigenous efforts to replace the superimposed justice as a retribution model with the traditional manner of dealing with a justice as healing and a way-of-life model, recently described in *Justice as Healing: Indigenous Ways* edited by Wanda D. McCaslin (2005).

In general, the book is well written. Unfortunately, at times the author appears to be writing hastily. In addition, the publisher was not as careful as it could have been. For instance, an important document titled “INCITE! Women of Color and Critical Resistance Statement” is added to the end of chapter 7, “Anticolonial Responses to Gender Violence,” without a transitional introduction, and the footnotes for pages 63–67 are missing for the same chapter. However, these are minor considerations given the importance of the issues that Smith addresses in *Conquest*. This book will be useful for undergraduates, graduates, and professional academicians in American Indian studies, history, political science, women’s studies, American government, psychology, Central American studies, Chicano/Chicana studies, and education as well as for lay audiences and will be sure to stimulate much needed discussion and debate.

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**Coyote Warrior: One Man, Three Tribes, and the Trial That Forged a Nation.**

By Paul VanDevelder. New York: Little Brown and Company, 2004. 336 pages. \$25.95 cloth; \$19.95 paper.

By focusing on the legal battles of the Mandan, Arikara, and Hidatsa (dubbed by the federal government as the Three Affiliated tribes), journalist Paul VanDevelder’s *Coyote Warrior* provides valuable insights into the consistently destructive nature of federal Indian law and policy. Many Americans are aware of injustices from the distant past. But probably few realize the continuing nature of Indian resource appropriation by non-Indians in the late twentieth and early twenty-first centuries.

The “one man” protagonist of *Coyote Warrior* is the Native American Rights Fund (NARF) attorney and University of Montana (Missoula) law professor Raymond Cross (Mandan). The label *coyote warrior* denotes a new generation of Indian legal professionals fighting for self-determination against federal or

state encroachment. When contemporary Indian lawyers are coyote figures it means they are working around or against the stultifying status quo of federal courts and bureaucrats, as well as their own tribal governments and institutions. Their goals focus on cultural survival and natural resource stewardship in accordance with tribal norms and customs at odds with intrusive neoliberal economics, globalization, and materialism.

Cross became part of a new wave of Native lawyers and legal scholars inspired by the civil rights and American Indian movements of the 1960s and 1970s and the federal Indian policy of self-determination. But as with most Indian stories, one must circle back in time to weave a tale with no beginning or end. In 1804–5 Cross's ancestors welcomed Lewis and Clark to spend the winter in the Mandan and Hidatsa villages at the trading hub of the Upper Missouri River in what today is central North Dakota.

While at the villages, Lewis and Clark enlisted a French-Canadian trapper named Toussaint Charbonneau to serve as an interpreter and guide. A vital addition to the expedition was Charbonneau's wife, Sacajawea (or Sakakawea—a Hidatsa word meaning Bird Woman). This young Shoshone woman's presence, intelligence, and courage proved invaluable to the success of Lewis and Clark's expedition. From this initial hospitable cross-cultural accommodation VanDevelder observes that for the next two centuries the Mandan, Hidatsa, and Arikara peoples encountered "tragedies and triumphs [that] would lay bare the cultural and legal paradoxes . . . shaping the America we live in today" (8).

These tragedies and triumphs set the stage for VanDevelder's investigation of the historical contexts and political expressions of Mandan, Hidatsa, and Arikara self-governance, which pays particular attention to their relationship with the federal government of the United States throughout the nineteenth and twentieth centuries. Such an inquiry reveals how tribal leaders from the multigenerational Cross family sought to shape and negotiate their own existence within the confines of European American political hegemony, economic stratification, and racial exclusion. The analytical emphasis is on the tribes' abilities to act on their own behalf and resist inimical external forces. In terms of power relations and economic adaptation, they creatively and selectively attempted to maximize their physical, cultural, and political survival amidst the broader imposition of European American infringement.

Informed by Harold Lasswell's classic definition of politics—"who gets what, when, and how"—we can better understand the political context of how the Three Affiliated tribes contested Indian policy formulation and implementation. They affirmed their claims to the utmost of their considerable political abilities. Such a legacy—discerned from their prayers, addresses, memorials, letters, legal briefs, and delegations—exemplified Edward Said's important insight that nations are narrations. A large part of the effective exercise of the tribes' diminished sovereignty derived from the power to narrate their side of the story. Over several generations the Cross family fought to maintain its history, language, culture, traditions, political consciousness, laws, governmental structures, spirituality, ancestry, and homeland. This enabled them to exercise powers and responsibilities flowing from these elements in maintaining their rights of self-determination in an effective manner. The family

also contested vigorously the disingenuous counterclaims of various federal, state, territorial, and local officials and private profiteers who coveted its territory and resources.

The inclusion of a specific American Indian people's perspective is a response to Richard White's call for more historians to look at the historical construction of Indian nations. As articulated by Lumbee legal scholar Robert A. Williams Jr., the main reason for the consistent failing of federal Indian policy and its lack of reflection or accountability derived from the fact that the Indian voice was ignored or falsely reported. It is not enough simply to acknowledge the disastrous effects of this policy on Indian peoples. Scholars must delve deeper into the history of tribal-federal dialogue to understand the basis of a policy touted consistently by its advocates as being "benevolent." To do this, the motivations, factors, and reasons behind federal policy can be better understood by analyzing them within the framework of some recent outlooks on US history.

The orientation of VanDevelder's study aligns with Daniel K. Richter's insight that "if we shift our perspective to try to view the past in a way that faces east from Indian country, history takes on a very different appearance." While many tribal studies focus on a specific time period, this book analyzes a connected series of transformative eras from the initial encounter with Lewis and Clark in 1804 to 1805, to the Fort Laramie treaty of 1851, up through the 1992 compensation settlement from the 1949 Pick-Sloan Missouri Basin Program's taking of a large portion of their ancestral homeland. Because the development of Indian policy mirrored many historical processes, VanDevelder wisely chose to analyze and interpret the dynamic interplay between federal-tribal relations by focusing on an affiliated Native community's experiences over an extended period of time.

The modern coyote warrior continued the legal battles fought by his great-great-grandfather, Chief Cherry Necklace (who claimed to have grown up with Sakakawea as his adopted sister) and his father, tribal chairman Martin Cross. Martin's daughter Phyllis recounts how the 1938 radio broadcast of H. G. Wells's *War of the Worlds* intruded upon and frightened her family in remote Elbowoods, North Dakota. She notes with biting wit that "a war of the worlds is exactly what was in store for us . . . but it wouldn't be little green men in spaceships. It'd be the Army [Corps of] Engineers" (15).

In 1949 Congress exercised its plenary authority by abdicating its trust obligations. It imposed the Garrison Dam and an inadequate compensation package on the Three Affiliated tribes. This massive earthen barrier flooded a Native community's ancestral homeland so the region's European Americans could get cheap hydroelectric power, irrigate their crops, and water ski. Naming the resulting body of water Lake Sakakawea only added insult to injury.

Similar to the drowning of Seneca homelands by the Kinzua Dam, the Garrison Dam left a massive lake of bad faith among the Three Affiliated tribes. While the physical source was the mighty Missouri River, the real wellspring came from the machinations of federal Indian law and policy. Once again the United States failed to live up to the legal promises and moral responsibilities of its self-professed trust responsibilities toward Native

communities. While most non-Indians are familiar generally with the long “trail of broken treaties,” the tribal case study presented in *Coyote Warrior* provides readers with additional insights.

By utilizing the Cross family as a representative example of the wider social and economic dislocation endured by hundreds of Indian families, VanDevelder shows the reader that real people suffered real consequences from destructive and irresponsible government expropriation. Compelling evidence of its devastating consequences can be seen in the famous photo of the tribal chairman weeping bitterly as a bland group of European American government bureaucrats sign the legal documents that consigned their homeland to the depths of the Missouri River. Once again the stronger federal guardian imposed its plenary authority on weaker Indian “wards” to the detriment of their tribal autonomy and land rights.

In 1986 Congress revisited the essential questions of due process and equal protection under the law. Did Congress make a good-faith effort to meet the just compensation requirements of the US Constitution and federal takings law in 1949, when the Army Corps of Engineers built the Garrison Dam (231)? The struggle over the dam culminated in the “legal high noon” in which Raymond Cross represented the three North Dakota Indian tribes before the Supreme Court (*Three Affiliated Tribes v. Wold Engineering*), winning a \$149.2 million settlement for the unjust taking of their reservation by Congress. This reimbursement provided the seed money to bolster tribal institutions and regenerate their road to self-determination. While federal Indian policy undermined the legal status and self-governance of the Three Affiliated tribes through gratuitous dispossession, their persistence left a positive historical legacy.

Although one might question VanDevelder’s excursion into the derivation of federal Indian policy from medieval papal bulls, his historical analysis provides us with a timely reminder of the fundamental paradox at the heart of federal-tribal relations to this day. Our federal republic derived from two foundational premises: limited government and the consent of the governed. But the extraconstitutional status accorded to American Indian peoples by the founding fathers (including Chief Justice John Marshall) led to the development of arbitrary federal plenary authority over diminished Native sovereigns.

While the names of the policies changed, federal officials consistently rendered American Indians into wards of the nation subjected to the whims of imperious presidents, distant legislatures, high-handed judges, hostile state and local officials, and aggressive non-Indian citizens and interests. Nevertheless, the supremacy clause of the Constitution accorded all the bad Indian treaties highest-law-of-the-land status. The potential positive outcome of this morass is that late-twentieth-century Indian and non-Indian coyote warriors armed with legal briefs have compelled some European American policymakers to acknowledge Native American treaty rights belatedly.

As VanDevelder reminds us, unfortunately this outcome is the cornerstone of American history and the sad legacy of US government malfeasance (247). The future of Native American treaty rights has been shaky since President Richard M. Nixon adopted the current federal Indian policy of self-determination. Cross rebukes the Rehnquist court’s complete lack of

understanding of American history and federal Indian law. The extent of this ignorance was reflected when President George W. Bush was questioned about tribal sovereignty in the twenty-first century at a gathering of minority journalists. He responded lamely: "Tribal sovereignty means that. It's sovereign. You're a . . . you're a . . . you've been given sovereignty and you're viewed as a sovereign entity." Such lack of clarity confirms Raymond Cross's prediction that the "dialogue between 'Europeans' and 'Native Americans' in coming years will be very tense, up and down, potentially heartbreaking" (247).

The detailed map after the table of contents relates sufficiently to the scope of the book, but it may be focused too narrowly for readers unfamiliar with the geography of the Missouri River in north-central North Dakota. A black-and-white picture collection brings the book's major figures (for example, various generations of the Cross family) and events (the mammoth Garrison Dam) to life for the reader. Scholars may quibble with the unconventional footnotes, but the author does document his extensive use of secondary sources.

Considering that very few people will witness Raymond Cross's dynamism in person or read his eloquent legal briefs and law review articles, VanDevelder's *Coyote Warrior* provides a persuasive account of another Native community's fight for justice in America. The legal struggles of the Mandan, Hidatsa, and Arikara peoples for their land and sovereignty, as seen from their standpoint, provides valuable insights into the dysfunctional nature and unfounded assumptions of federal Indian policy. The author achieved his goal of making the compelling story of three tribe's contentious political relationship with the United States accessible to a wider audience.

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**From Dominance to Disappearance: The Indians of Texas and the Near Southwest, 1786–1859.** By F. Todd Smith. Lincoln: University of Nebraska Press, 2005. 320 pages. \$59.95 cloth.

In the last couple of years, several new books on the history of the Indians of Texas have appeared, including Gary Clayton Anderson's *The Conquest of Texas* and my own *The Texas Indians*. Now this book by Todd Smith, an associate professor of history at the University of North Texas, joins these to form what I think is a strong, informative trilogy.

In a way, Smith's book is supposed to be a sequel. He admits it is to be a follow-up to Elizabeth John's 1975 classic *Storms Brewed in Other Men's Worlds: The Confrontation of Indians, Spanish, and French in the Southwest, 1540–1795*. Certainly anyone wanting to work on Indian relations with Spanish Texas, French and Spanish Louisiana, or the Spanish Southwest has to begin with John's book. It is the most comprehensive work on Indian-Spanish-French relations in the region ever written. Smith essentially takes up where John left off. But where *Storms* is a huge tome covering 250 years of Spanish New Mexico, Texas, and western French Louisiana, Smith leaves out New Mexico