writers interpreting the boarding school experience? Is there more than one way to write "Indian" even within the Indian community?

By adopting a deconstructive approach to Native American literature that acknowledges that identity is situational, complex, and never static and by scrutinizing the works of different Native American authors documenting the boarding school experience, Katanski reinvigorates scholarship on the boarding school experience. For instance, in "Re-visions of Boarding-School Narratives," Katanski analyzes N. Scott Momaday's *The Indolent Boys,* a play about three Kiowa boys who ran away from a boarding school and perished in an unexpected winter storm. According to Katanski, John Pai, a character that espouses evangelical Christianity and the tribal beliefs of the Native American runaways, illustrates how Native American writers like Momaday have reexamined the boarding school experience as a source of pan-tribal resistance and hybrid identifications. Katanski argues, "John Pai bravely displays the identities in his repertoire, continuing to represent himself as a complicated person who does not conform to a zero-sum view of identity formation" (192). While most scholars have interpreted the boarding school experience as a colonial enterprise guided by Pratt's belief in the absorption of Native American culture into the white mainstream, Katanski illustrates how Native American "boarding school narratives rework literary form in order to represent the complexities of student identities and experiences" (217).

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Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America. By Robert A. Williams. Minneapolis: University of Minnesota Press, 2005. 270 pages. $18.95 paper.

In this book, Robert Williams shows the pervasive influence of racism on Supreme Court decisions affecting the rights of Indian nations. Many racist decisions in other areas of the law have been discredited by later decisions. For instance, *Plessy v. Ferguson* (163 U.S. 537 [1896]), allowing separate but equal facilities for blacks and whites, was overruled by *Brown v. Board of Education* (347 U.S. 483 [1954]). Williams argues, however, that none of the racist assumptions and imagery underlying the rationale of nineteenth-century opinions affecting Indians and Indian tribes has ever been officially discarded. In fact, these decisions are still considered to be "good" law. Although this insight is not particularly new, Williams puts forth original and thought-provoking ideas. For instance, he argues that the racist assumptions and language in these past decisions are, in the words of Justice Jackson in *Korematsu v. United States* (323 U.S. 214, at 246 [1944]), "like a loaded weapon" ready to be brought forward at any time in order to defeat the legal rights of Indians and their tribes. The book does a thorough job of proving this point through an in-depth analysis of the more controversial Indian law decisions of the Rehnquist court in the last thirty years.

Williams also builds on the work of Derek Bell, who has argued that a racial majority will usually not uphold the rights of racial minorities unless it can be persuaded that it is in its own benefit to do so ("*Brown v. Board of Education* and the Interest Convergence Dilemma," *Harvard Law Review* 93, 1980, 518). According to Williams's "singularity thesis," Indian tribes will have a harder time making their case than other racial minorities because the "right" that Indian tribes are after is about achieving what Charles Wilkinson has called a "measured separatism" from the United States (*American Indians, Time, and the Law,* 1987, 14–19). In other words, this right has less to do with individual civil rights to racial equality and is more about group rights to political and cultural autonomy. Unfortunately, while our society has become somewhat more willing to respect the civil rights of individuals, it has not been receptive to group rights. Williams argues that this is why the judicial system must renege and discard all the racist stereotypes of Indians as uncivilized savages contained in the earlier and, some may say, foundational cases establishing the field of federal Indian law. Williams believes that it is not until these racist foundations are officially repudiated that the white majority will be able to be convinced that it is to its benefit to uphold the political rights of Indian tribes as self-governing sovereign entities.

Williams's final argument is that after the racist foundations are officially cast away, the US courts will be able to understand that rather than trying to improve the flawed domestic model originally devised by Chief Justice John Marshall in the nineteenth century, judges should look toward evolving norms of international law, which is what Williams calls the "Fifth Element" of Marshall's initial model. Williams notes that Chief Justice Marshall used some aspects of international law to denigrate the rights of Indian tribes such as subjecting them to the infamous doctrine of "discovery" under which the United States was said to have acquired "ultimate" title to all tribal lands, leaving the Indians with only a "right of occupancy," which could be extinguished at will by the United States by either purchase or conquest. Williams, however, explains that international law has progressed since the Marshall years and, unlike domestic US law, international law has repudiated its older colonial racist doctrines. Therefore he sees hope in international rather than domestic US law.

One controversial issue the book will raise is the role and impact of Chief Justice Marshall in creating what Williams calls the "Marshall Model" and a "racial dictatorship" in the United States when it comes to Indian tribes. Focusing on Marshall's foundational trilogy of Indian law decisions, the book casts Marshall as the original villain in this legal history of racism. Marshall has been admired by some (for instance, Phillip Frickey, "(Native) American Exceptionalism in Federal Public Law," *Harvard Law Review* 119, 2005, 431) and demonized by others such as Williams, which is unlike other jurists accused of racism in this book, such as Justice Rehnquist (who is singularly and universally unloved by pro-Indian scholars).

Although Williams is right to attack the racist language in Chief Justice Marshall's decisions, one has to understand that Chief Justice Marshall did not reinvent the racist wheel when it comes to the treatment of American

Indians. As Robert Miller recently showed ("The Doctrine of Discovery in American Indian Law," *Idaho Law Review* 42, 2005, 2–3, 21–22, 40, 63, and 69), application of the racist Doctrine of Discovery to Indian tribes was nothing new and was widely accepted by the time Marshall wrote his first Indian decision. I tend to view Marshall's decisions as progressing from the ugly, *Johnson v. M'Intosh*, 21 U.S. 543 (1823), which applies the Doctrine of Discovery to Indian Nations; to the bad, *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831), which holds that Indian nations were not foreign nations but domestic dependent nations; and finally to the good, *Worcester v. Georgia,* 31 U.S. 515 (1832), which holds that the state of Georgia had no jurisdiction inside Cherokee Territory. As his last decision on the subject, while not devoid of racist language, *Worcester* may actually have been politically courageous at the time it was written in that it recognized more political rights for Indian tribes than the majority of the political power brokers of the time were willing to concede. A good example of such racist thinking that makes Justice Marshall's own racist imageries look almost benign can be found in the two concurring opinions of Justices Johnson and Baldwin in *Cherokee Nation v. Georgia*.

Of course, Williams might rightfully retort that whether Marshall was a little bit racist or the ultimate racist is beside the point. Marshall created a model in which racist stereotype was a negative factor, and this enabled others, like Justice Miller in *United States v. Kagama,* 118 U.S. 375 (1886), or Justice Rehnquist in *Oliphant v. Suquamish Indian Tribe,* 435 U.S. 191 (1978), to build upon these racist foundations and use the Marshall model to the detriment of the tribes. Williams's argument is that repudiating the racist imageries and stereotypes of the past is a first step to any meaningful reform of federal Indian law.

I agree that to the extent that Marshall's decisions use and rely on such racist assumptions, they should be reevaluated and discarded. I am less optimistic that this repudiation of the Marshall model would ultimately result in any meaningful and positive changes. Williams is able to be optimistic by taking the position that the current judges' adoption of Marshall's colonial model is a result of "unconscious" racism. According to Williams, once the judges realize that the model is based on racist assumptions, they will see the light, discard the old system, and rebuild a new one using developing norms of international law concerning the right of indigenous people. These assumptions are questionable on two fronts.

First, one might question whether the current judiciary, which is composed of jurists mostly appointed by conservative republican presidents, are open-minded enough to be willing to listen and be persuaded by such arguments. Furthermore, adoption of international norms by domestic US courts is something controversial outside of Indian law. Jurists like Justice Breyer are broad-minded enough to give it a try, but jurists like Justice Scalia will have none of it. Unfortunately, the two latest additions to the Court, Justices Roberts and Alito seem to be more in the Scalia mold.

Secondly, some may question the responsiveness of international law when it comes to upholding the political rights of Indian tribes. Williams's argument seems to rely not only on a very dim (if accurate) assessment of US domestic law, but also on a somewhat overly optimistic view of international

law. My colleague, Antony Anghie, in his new book, *Imperialism, Sovereignty, and the Making of International Law,* put forward a more cautious view of international law:

> International law offers little doctrinal support for minorities seeking to preserve their culture. Article 27 of the International covenant of civil and political rights, which purports to protect the rights of minorities, is based, significantly, on the rights of individuals belonging to minorities, and does little to protect minorities as a collectivity. . . . In effect, international law endorses the assimilation of minorities into the "universal state." (206)

Anghie also believes that international law reproduces "the dynamic of difference; the minority is characterized as the 'primitive' that must be managed and controlled in the interests of preserving the modern and universal state" (207). Comparing Williams's and Anghie's books, it struck me that Anghie performed for the field of international law what Williams has done for federal Indian law. In other words, both authors have deconstructed their respective fields to expose the racist foundations upon which both fields are built. These are worthy efforts and both books make significant contributions in their fields. The more difficult question now is where do we go from here? Williams may respond that while we may still not be there, at least norms of international law are evolving positively. He would have a good point. For in spite of all the racist imageries in Marshall's opinions, even Williams might grudgingly agree that as far as the political rights of Indian tribes are concerned, US domestic law has regressed from Marshall's opinion in *Worcester.*

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Native Americans in the School System: Family, Community, and Academic Achievement. By Carol J. Ward. Lanham, MD: AltaMira Press, 2005. 267 pages. $75.00 cloth; $34.95 paper.

This book begins by revisiting the Kennedy report of the late sixties. I remembered that one of the schools Ward studies was mentioned as being investigated, and I dug around in files and located this report, which includes the *Compendium of Federal Boarding School Evaluations* (vol. 3, November 1969), as I seemed to remember that one of the schools Ward studies was mentioned as being investigated. I was correct; the boarding school report included the Busby school when it was run by the Bureau of Indian Affairs (BIA). Art McDonald wrote the Busby evaluative report included in the boarding school compendium and it was interesting to read that he says in the third point of his three overall impressions that the "problem of Indian education is not an educational problem. It is first of all a political and economic problem and then perhaps an educational problem" (285). I also refreshed my memory as