Haraway's deconstruction of received notions of nature is consistent with Bruchac's relationship to nature. Rather than speaking *for* the jaguar, Bruchac might say, the jaguar speaks *through* the story. In "A Panther in the Attic," a story that echoes the "riding horse" stories of Maroon and African American literature, Bruchac's protagonist dreams that he is riding a leashed panther up into the closed-off attic of his old house.

While Haraway argues that "where we need to move is not 'back' to nature, but *elsewhere*," Bruchac is already there. His story of "The Growing Season" on another planet explains and validates in another incarnation the kinship between the people and the trees articulated in the creation story with which this story opens. But even his stories set in the here and now illustrate and instruct in the functional interaction of the human and the nonhuman.

This book should be on the acquisition list of every charter school, middle school, high school, and community college with a significant Native student population. But non-Native readers of all ages will enjoy it too.

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How the Indians Lost Their Land: Law and Power on the American Frontier. By Stuart Banner. Cambridge, MA: Harvard University Press, 2005. 352 pages. $29.95 cloth.

Law professor Stuart Banner has written an important and sweeping book with a disarmingly simple title. Banner begins his story in the early seventeenth century and takes it to the beginning of the twentieth century, by which time American Indians had lost almost all the land of the lower forty-eight states to non-Indians. The subject matter of the book is land conveyances or, as the author puts it more precisely, "property in land." Banner explains at the outset that he intends to study the changing history of property in land. He carefully delineates between the concept of ownership with rights in property and the concept of sovereignty, the latter term he defines as the power to govern. Banner finds three legal approaches over the three centuries that controlled how Indians transferred ownership of their land to the Anglo-Americans. From the origins of English settlement through 1763, the English recognized at law full American Indian ownership of land and full property rights to that land, including the right to dispose of it by contractual sale. From 1763 to the years just before and after the War of 1812, the English and subsequent American law recognized only the right of Indian tribes to sell as a political body and only to sell to the Crown or to the American sovereign, the United States. Finally, from the time of the *Johnson v. M'Intosh* case (1823) onward, US law recognized only an American Indian right of occupancy, not of ownership, although the president, Congress, and the courts continued to expect that tribes as political bodies would voluntarily cede their occupancy claims.

The seventeenth-century English followed other Europeans in making broad claims of sovereignty over large tracts but were far more limited in

making any claims on the ownership of American Indian land. The story Banner tells is one of declension from a better seventeenth-century colonial past. The voluntary contract was the primary way in which the English acquired property from American Indians, not theft or conquest. Banner maintains that property in land in the seventeenth century was closely connected to land used for agricultural purposes and that the English did recognize different American Indian tribes and bands up and down the coast as agriculturalists. The English thus turned to purchase through contract as the means to obtain land for their own agricultural pursuits. It is valuable to read a scholar versed in the law of contracts apply his knowledge to Indian land conveyances and, for the most part, find them fair and an acceptable form of commerce. Banner does acknowledge some hard questions about frauds in deeded land sales, the authority of individual Indians to sell land, and the fairness of the prices paid. Still the author expresses his belief that the voluntary contractual sale of land by American Indians to Englishmen did work in practice to the benefit of both parties.

The great departure from the pattern of contractual land sales, according to Banner, happened in 1763 when King George III's Proclamation of Settlement ended contractual land sales between American Indians and individual English proprietors or settlers. Instead, the Crown, or its representative governors, reserved for itself the sole power of acquisition of property in land from Indian tribes and only at public meetings for that purpose. This was the 1763 version of what we now call transparency in government. Banner sees the change as one from American Indian conveyance of property in land by contract to one of conveyance by treaty. Unlike other scholars who see the treaty relationship as the ongoing guarantor of American Indian tribal sovereignty, Banner sees the treaty conveyance as one that led to catastrophe and likely a quicker dispossession of American Indian property in land. Banner notes that the demographic fact of a rapidly growing Anglo-American population would have put pressure on American Indian property in land under any legal regime. However, he maintains that the treaty method of obtaining land meant that individual Anglo-American land speculators after 1763 dealt with the Crown (or later the US sovereign) and cared little for the worth of American Indian property rights. The shift from contract to treaty, the author argues, weakened the bargaining position of American Indians in negotiations, hence the author's subtitle, *Law and Power on the American Frontier*. The argument is a subtle one and relies on a form of addition by subtraction: the more land in the private market that had as its basis for title a patent from the Crown or US sovereign, the less individual private-property owners cared about American Indian property rights. The next intellectual jump the author makes is to contend that Anglo-Americans imagined that American Indians never had ownership but merely had occupancy of land.

The crucial intellectual change in US law took place in an 1810 Marshall Court decision in *Fletcher v. Peck*. Banner observes that constitutional scholars know the case for its ruling about contracts but know little about the important corollary to the case on the status of American Indian property in land. The facts of the case involved a corrupt land sale by the state of Georgia in

the 1790s. Different speculators clashed over the issue of who had title to sell: the state of Georgia or the United States. The Supreme Court ruled that US sovereignty over Georgia also involved US ownership in fee simple title of all Indian lands and that tribes had only the right to occupy lands until voluntarily agreeing to leave through a negotiated treaty. The Court's doctrine about a limited American Indian right of occupancy in *Fletcher v. Peck* was repeated and expanded in the Marshall trilogy of cases in the 1820s and 1830s, especially the first case, *Johnson v. M'Intosh* (1823).

After his splendid discussion of the *Fletcher* and *Johnson* cases, there are perfunctory chapters on Indian Removal, the establishment of reservations, and the allotment policy, but none break any new ground or offer new insights. The original wrong turn in Anglo-American law was King Georges's 1763 Proclamation of Settlement that was compounded in a corrupt way by the 1810 *Fletcher v. Peck* and the 1823 *Johnson v. M'Intosh* decisions. All the other subsequent horrors and crimes of federal Indian policy such as Indian Removal and allotment were inevitable by-products of a legal regime that stripped American Indians of their full property rights in land.

Banner wrote that he intended to include maps in the book but decided against it because he feared that he would be seen as taking sides in ongoing land disputes. This reviewer is not convinced. Banner would have done his readers a great service by mapping Indian land loss through deeded sales, ratified treaties, acts of Congress, and executive orders. Similarly, the book contains no charts or tables to help the reader understand the magnitude of American Indian land loss by historical period. The handful of illustrations are concentrated in two chapters and do not do much to advance the narrative.

This is a book about Anglo-American attitudes toward American Indian property in land. There is relatively little about different tribes' thoughts about property in land at different times and places. That would be a different book and one that bears writing, but in this book Stuart Banner gives us a fine survey of three long and different centuries of Anglo-American law about the conveyance of American Indian property in land.

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Indian Gaming and Tribal Sovereignty: The Casino Compromise. By Steven Andrew Light and Kathryn R. L. Rand. Lawrence: University of Kansas Press, 2005. 240 pages. $29.95 cloth.

In their first book on American Indian issues, authors Light and Rand offer a bewildering assortment of concepts and frameworks that purport to explain "how and why Indian gaming . . . is what it is today" (4). At first glance, the book promises to offer a useful overview of American Indian policy and research related to Indian gaming. While most of the information they present is compiled from law review articles, impact studies, and media accounts that have been published elsewhere, the book's six chapters provide