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The Native Peoples of North America: A History. By Bruce E. Johansen.

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**Author**

Bowes, John P.

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Indian trust fund case, is a perfect example of his ability to distill a complex legal battle into a discussion that anyone will understand. Yet at other times the written material comes across as encyclopedic, and that makes it difficult to trace developments over time or to link different points or events. The discussion of trust funds is included alongside analyses of Navajo uranium mining, developments in Hawaii, and repatriation. Unfortunately, Johansen does not make any substantial attempt to help the reader weave together these events that might otherwise appear to be connected only through chronology.

Overall Johansen has not fulfilled the promise of his book. *The Native Peoples of North America* encompasses a vast amount of geography, chronology, and history, but it does not present that material in a manner that makes it wholly accessible as a survey text. Although it is worth reading for the insights it provides, the book would be more challenging than effective if used in a classroom setting.

*John P. Bowes*

Eastern Kentucky University

**Native Vote: American Indians, the Voting Rights Act, and the Right to Vote.** By Daniel McCool, Susan M. Olson, and Jennifer L. Robinson. New York: Cambridge University Press, 2007. 232 pages. \$80.00 cloth; \$24.99 paper.

A person might assume that Indians won the vote after they secured citizenship in 1924, or that Indians did not face widespread, persistent voting rights discrimination after the passage of the 1965 Voting Rights Act (VRA). *Native Vote* challenges these assumptions with clear writing, sufficient data, and interesting analyses. This book about Indian voting rights is not only for specialists in this area but also should be read by those interested in general topics of minority rights and politics. It contributes to our knowledge of relations between law, resistance, and sovereignty by reminding us that enfranchisement is the foundation for self-government, and that laws do not ensure rights but rather trigger sustained conflict over the ability to invoke and protect those rights. The authors (political scientists) provide a clear analysis of the struggles and successes experienced by contemporary Indian groups as these groups worked to exercise their voting rights.

*Native Vote* describes the historical achievement of citizenship rights and the right to vote and also describes the passage of the VRA and how VRA cases have played out in American Indian communities. The authors introduce the population of VRA cases by describing basic characteristics, trends, outcomes, and emergent legal constructs among the seventy-four legal cases between 1965 and 2006. They also provide three case studies, drawn from the larger population because of important differences in legal issues, levels of government, and means of resolution. These case studies describe voter discrimination and legal battles experienced by the Navajo in Utah, the Assiniboine and Gros Ventre in Montana, and the Sioux in South Dakota.

After describing how these three cases were waged and decided, the authors discuss the cases' consequences, such as the impact on voting rights activism.

Indian citizenship was not conferred in a single act. The first Civil Rights Act in 1866 and the Fourteenth Amendment in 1868 furthered centuries of debate over the relationship between "untaxed Indians," voting, and citizenship. The Fort Laramie Treaty was one of several laws and treaties that permitted select Indians to become citizens under certain conditions. The Dawes Act provided a limited avenue to citizenship for some Indians. Although the Fifteenth Amendment in 1870 barred states from limiting voting based on race, this did not secure Indian citizenship and voting rights. Before the passage of the Indian Citizenship Act (ICA) in 1924, citizenship rights were granted to new categories of Indians, such as those born in Oklahoma (1907), and honorably discharged veterans (1919).

The ICA did not automatically instill the franchise on Indians; they faced restrictions from state-level politicians and courts. As late as 1930, seven states categorically refused the vote to Indians who lived on reservations. In 1934, the Indian Reorganization Act recognized the legitimacy of tribal governments and permitted limited self-rule on reservations. Indians were defined legally as citizens at the local, state, national, and tribal levels, but for decades state politicians denied full enfranchisement by using citizenship arguments. This overt discrimination began to change as more than twenty-five thousand Indians returned from World War II. However, several covert strategies continued to be used to prevent or limit Indian voting. State politicians denied suffrage by arguing that Indians were not residents or state citizens, had not terminated their federal trust status, did not pay tax, and were the state's legal guardians. These politicians also used literacy tests. For each of these pre-VRA discriminatory rationales, the authors outline the legal challenges, cite cases, describe court findings, and discuss implications.

The 1965 VRA was supposed to abolish many of these faulty arguments; it restated the Fifteenth Amendment and described the federal court's remedies for a noncompliant jurisdiction. The act allowed the US attorney general to impose poll watchers, bring litigation for any voter intimidation or noncompliance with the act, and freeze state control of elections. Amendments in 1970 and 1982 added a national ban on literacy tests and changed the burden of proof from discriminatory intent to discriminatory effects.

The authors attempted to identify all voting rights cases affiliated with Indian interests since 1965 and noted a few striking patterns. Litigation occurred in fifteen states. All but four cases occurred in the Intermountain West and the Great Plains states. New Mexico and South Dakota had the most cases. With very few exceptions the cases succeeded in winning at least some gains for Indian voting rights. The cases addressed Indians rights to register and run for office, minority-language voters, vote dilution through at-large electoral systems, district size and boundaries, and whether noncompliant jurisdictions could be removed from federal control. The authors describe legal issues and outcomes for each of these five categories of cases. Most organizational support, financing, and legal expertise for VRA cases were brought by the voting section of the US Department of Justice civil rights

division and the American Civil Liberties Union's voting rights project. The paucity of community and indigenous plaintiffs displays a clear message: case and statutory law does not ensure rights will be formally invoked or protected. Efforts to secure rights must be supplemented with campaigns that require an exceptional amount of legal and financial resources.

The three case studies show that the right to vote eluded American Indians after the passage of the 1965 VRA. In 1957, Utah became the last state to enfranchise American Indians who lived on reservations. The authors clearly analyze Utah VRA cases, which primarily involved vote dilution, and describe the impact on the local Navajo population. They contend that successful VRA cases increased the participation of Navajo citizens, success of Navajo candidates, and responsiveness of county government to Navajo interests. VRA cases also emerged at the Fort Belknap Indian Reservation in central Montana, where the people on the Assiniboine and Gros Ventre reservation were likely systematically denied enfranchisement in the 1970s and 1980s through at-large elections and bloc voting. Again, the authors analyze the case, decision, and consequences for future Indian VRA cases. The last case study involves district boundaries among the Lakota Sioux in South Dakota. The South Dakota civil code in 1903 stipulated that Indians couldn't vote or hold office while they maintained tribal affiliations; this language was not repealed until 1951. The analysis of local histories and local social economic and political climates is somewhat weak in the previous two case studies, but in the Lakota case it is clear, detailed, and more completely connected to the legal battle. In the early 1990s four of the ten poorest counties in the United States were on Indian reservations in South Dakota. In the two counties where the redistricting case emerged, the unemployment rate was twice the statewide employment rate. This chapter elicits the most detail, which is not surprising given that author Daniel McCool was a witness for the plaintiffs.

A benefit of three successive case analyses is that it highlights an interesting relationship between law and social context, that is, how "static" legal constructs (for example, factors and tests stipulated by the VRA) were argued and decided in varying social contexts. Although the full potential of this method is not realized in this book, a comparative case method may provide future researchers the opportunity to "explain" patterns among the larger population of legal cases (for example, why particular cases emerge where they do, why some cases win while others lose).

The findings from this book imply that legal battles are won through enforcement more than establishment, and that sovereignty is not a static characteristic that a community possesses. The authors provide a call to arms: if Indians wish to participate in nontribal elections, Indian communities need to work harder to encourage extratribal identity in which civic duty and political education extend beyond Indian country and to encourage voter registration campaigns, voting, campaign contributions, lobbying, and other forms of traditional political activity. *Native Vote* is a good book and deserves a wide readership.

*Timothy Kubal*

California State University, Fresno