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REVIEWS

American Indian Law Deskbook: Conference of Western Attorneys General. Nicholas J. Spaeth, chair editing committee. Julie Wrend and Clay Smith, chief editors. Niwot: University Press of Colorado, 1993. 466 pages. \$49.95 cloth.

This book represents a rather unique effort by western states' attorneys general to create a focused legal source book specifically addressing tribal/state/federal issues. As stated in the preface, "Indian law has become a major part of the business of the officers of all western [states] Attorneys General" (p. xiii). The problem with this unique publishing effort is that it falls short of meeting the needs of lawyers practicing law in the West (or anywhere else for that matter). As a professionally oriented legal reference or source book, topical coverage is good or adequate in only a few areas and sketchy at best in all others.

The good sections clearly include chapter eight on water rights issues and chapter nine on hunting and fishing regulations. For example, the jurisdictional issues between states and tribal entities are reviewed in reasonable fashion in chapter eight. Equally, chapter nine addresses key legal and political issues important to citizens of the West, especially: (1) off-reservation hunting and fishing by tribal members, (2) on-reservation hunting and fishing by nontribal members, and (3) variations between state and federal regulations.

Additionally, chapter twelve on gaming practices and chapter thirteen on complex child welfare issues are important emerging

legal questions that academic scholars and practicing attorneys alike must address. To the credit of this source book, these two topics are handled well. However, concerning gaming and gambling issues on reservations, I am afraid this material will become dated quickly. Perhaps it is already dated. The whirlwinds of ever-changing litigation rapidly make these good chapters obsolete.

The most disturbing portions of this book center on the treatment of criminal law and Indian civil rights issues. As a university professor teaching law-related courses, I find chapter four on criminal law to be absolutely worthless. Nowhere in this chapter of *thirteen pages* will any practicing attorney find useful information assisting them in either successful defense or prosecution efforts. Clearly a 460-page book written by lawyers for lawyers should address the substantive area of criminal law in thorough fashion. This book does not do this at all.

Equally, chapter seven, entitled "Indian Civil Rights Act," attempts to cover very complex legal questions and cases in only fifteen pages. Superficiality runs amok. Civil rights issues, especially things pertaining to religious freedom, are totally ignored. How can this book entitled *American Indian Law Deskbook* fail to address state and federal cases pertaining to key concerns like peyote use by Native American Church members, various legal battles over sacred burial grounds, artifacts, and so forth? Like chapter four, this material does nothing to assist practicing lawyers.

While none of the book's remaining eight chapters are as poor as chapters four and seven, neither are they as good as the four mentioned above. All in all, this publication effort falls into mediocrity. The preface correctly states:

The shifts in U.S. Indian policy have created a complicated legal structure governing the relationships among Indians, tribes, non-Indians, and the federal and state governments. This has made it difficult for many lawyers to find clear answers to common legal problems that arise from these relationships (p. xiii).

Sadly, however, this desk book fails to provide lawyers with the answers so desired. I would strongly suggest that any law professor seeking reading materials for classroom use not use this publication. It is inadequate for pedagogical purposes. In fact, I find myself concluding that this publication by elected political officials from the western United States is merely a

political act in itself. The problem with this political action is that it's shallow and mediocre at best!

Paul E. Lawson
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An Assumption of Sovereignty: Social and Political Transformation Among the Florida Seminoles, 1953-1979. By Harry A. Kersey Jr. Lincoln: University of Nebraska Press, 1984. 266 pages. \$42.50 cloth.

If there is a recurring theme in modern histories of tribal experience in America, it is their "assumption of sovereignty," a reassertion of traditional sovereignty so boldly asserted in the eighteenth and nineteenth centuries, then "lost" in a "century of dishonor," of racism and genocide. This "new Indian history" has produced a rich literature. *An Assumption of Sovereignty* is an important addition to this history. Particularly notable about both this book and the history of the Seminole is the central role that the legal struggles play in modern sovereignty stories. While the core stories here are stories of the Seminole and Miccosukee, they are played out in the history of the legal recognition of their tribal governments, of their legal right to smoke shops and bingo enterprises, the Seminole land claims case, and the East Big Cypress case.

These stories are, of course, the continuation of one of the most famous of all the sovereignty stories. The Seminole, relatives of the Creeks, refused to be removed during the infamous "Indian removal" of the 1830s. They retreated deep into the Florida swamps, maintained their traditional clan-based villages on isolated hummocks of dry land, raised a few crops, kept a few pigs and chickens, and hunted, fished, and trapped in the rich swamplands. When whites encroached on these lands the Seminole fought. The Seminole Wars were unique in American history in that the whites were never able to win them. If overpowered in combat the Seminole retreated to the safety of their camps in the swamps. They lived there as unconquered people.

This modern history of the Seminole and Miccosukee (third of a trilogy) is one of hundreds of these "sovereignty stories," for a distinct sovereignty story traces the history of each Native people. Collectively, these sovereignty stories offer a fundamental