

The Colonial Construction of Indian Country: Native American Literatures and Federal Indian Law. By Eric Cheyfitz. Minneapolis: University of Minnesota Press, 2023. 256 pages. \$108.00 hardcover; \$27.00 paper; \$27.00 e-book.

The aptly named *Colonial Construction of Indian Country: Native American Literatures and Federal Indian Law* by Eric Cheyfitz does a remarkable job in interweaving law, Native literature, and a call for true justice. Cheyfitz's prose encompasses a great deal of Native culture and Native legal references. It feels as if he is speaking directly to the reader. The book approaches colonialism as it exists today, rightfully rejecting a postcolonial era, and may be recommended for students studying federal Indian law and American Indian literature. The author offers a metareview of Native literature, reflecting Native peoples and examining the detrimental controlling nature of federal Indian law. This form of truth-telling is reminiscent of the texts *God Is Red: A Native View of Religion*, *The Great Vanishing Act*, and *In the Courts of the Conqueror*.

The book begins with powerful quotes of activists and thought leaders, such as Vine Deloria Jr. and Bruce Duthu, to frame the discourse. Soon after, realistic confines and expectations are set. The author reframes law for Native peoples in a just way, advocating for true justice for tribal nations.

Chapter 1 lays a foundation, point-after-point, of the continued Native battle for justice in the face of colonialism. As Cheyfitz notes, "Restoring balance to the community through restorative justice would mean, as I will argue, complete decolonization—that is, erasure of federal Indian law, which is the very structure of US colonial relations with Native nations" (11).

The author connects seemingly unrelated things to non-Native audiences, which form the reality of lived experience for Native peoples. The writing is directed specifically to Native peoples, and the narrative powerfully guides the reader along the stream of thought. The book is a love letter to resistance, activism, and historic Native literature, all interconnected in the web of American Indian law.

Federal Indian law scholars—in fact, *any* legal scholar who wants to learn more about the detrimental impacts of colonial laws on Native cultures and communities in North, Central, and South America, the Arctic, and the Hawaiian islands—should take note. Cheyfitz's book clarifies how Native Hawaiians prefer to be viewed through the lens of the United Nations, as an illegally occupied territory as opposed to being under the control of the Bureau of Indian Affairs.

The author coherently makes the case for the restorative justice and peacemaking that tribal nations have engaged in for millennia before settlers arrived. For example, Cheyfitz discusses banishment and killing; in the eastern Arctic communities, anyone who was banished could return to their community if they repented and were healed. The author details the 1883 Supreme Court case *Ex parte Crow Dog* and the US

government's direct response, the Major Crimes Act of 1885, with its detrimental impact on restorative justice for tribal nations. Cheyfitz references the words of Vine Deloria, reframing sovereignty to serve a continued cultural integrity rather than manifesting solely political power (59). The book is a critique on the colonial nature of sovereign tribal nations answering to the supersovereigns of Canada and the USA.

In chapter 2, the author eloquently takes on the complex and colonial notion of blood quantum through specific literary examples and points of historical importance. The author describes *Morton v. Mancari* (1974), in which Native peoples are defined as members of tribal nations and not just a racial group. The book is a strong commentary on the continued existence, struggles, and humanity of Native peoples through research, data, and logical reasoning, humanizing Native peoples. Cheyfitz uses storytelling as a traditional practice to make strong arguments of the Native call for justice throughout history and for generations to come. He makes the crucial point that acceptance in one's tribal community is a key identifier of someone's Native identity. Chapter 2 in particular has similar takes to Ratteree and Hill's *The Great Vanishing Act* and its view of blood quantum as a means of oppression.

Throughout the book, the author builds a longhouse of sorts—of Native ways of being, of justice— using literary examples. Each law and historical example is buttressed with Native literary references. Cheyfitz confidently takes on complex, complicated, sometimes controversial issues; he clearly outlines the issues, inserting the profound viewpoints of Native activists, thought leaders, writers, and legal scholars while employing points of logic that are beyond dispute. An example of this is his complex yet clear take on the text of *Black Elk Speaks*, addressing the historical context, the life of Black Elk, the controversy surrounding the legitimacy of the text, and the book's lasting impact.

A key question that appears throughout the book, and specifically in chapter 3, is this: what constitutes true collaboration with Native peoples? Is it cooperation or coercion (109)? In addition, the author argues that oral tradition is what creates Native literature, which in turn shapes Indigenous values (120).

Chapter 4 delves into borders, quoting Mosab Abu Toha's *Things You May Find Hidden in My Ear*: "Borders are those invented lines drawn with ash on maps and sewn into ground by bullets" (136).

One potent idea that will stay with the reader comes from Louise Erdrich's novel *The Round House*, with its analogy of the rotten casserole base of American Indian law undermining the desire of Native peoples to carry out justice toward all people on their territories, illustrated by the horrifically unjust 1978 US Supreme Court ruling *Oliphant v. Suquamish Indian Tribe* (141–45).

Cheyfitz deconstructs sovereignty from a colonial lens, and how it "is constantly under attack" (148). Cheyfitz refers to American Indian law under colonial rule as an engine that needs to stop: a decolonial relationship between tribes and the United States would honor the treaties as well as Native ways of being.

Chapter 5 examines trickster logic as it "functions across Indigenous cultures" (159), and the philosophical and pedagogical nature of these stories (161). It also relays the poignant story of Fort Marion and the Indian boarding school system, where

Native prisoners were punished by forcing them to write English. One such prisoner described this existential torture: “To live in this world, I had to be educated, but to become educated, I had to be separated from a part of myself—that was the catch. Self was the distance I had to travel from” (161).

Chapter 6 focuses on Gerald Vizenor’s postmodern and postapocalyptic novel *Bearheart*, which poetically outlines the trauma, pain, and injustice stemming from the Indian boarding schools, the response of the occupation of the Bureau of Indian Affairs by AIM (177), and an imagined future.

Cheyfitz consistently speaks to “a deconstruction since 1492 of the settler-colonial borders between nature and culture” (178). This text is a revelation in its refusal of tribal nation subordination and its carrying forward traditional ways of being without compromise.

The book does a remarkable job of dissecting the nature of “borders imposed by the colonial governments, federal and tribal” (182). The foundational point the author makes is that “US federal Indian law, like the US Constitution, is grounded in the logic of property law, which is the foundation of capitalism” (190). The final line of the text sums the central impact of the work: “Within an Indigenous cultural context, we can understand US federal Indian law as the myth of Native conquest, and Native literatures as the deconstruction of that myth” (198).

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