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The Worst Trickster Story Ever Told: Native America, the Supreme Court, and the US Constitution. By Keith Richotte Jr. Stanford: Stanford University Press, 2025. 295 pages. $30.00 cloth; $30.00 e-book.

In recent years, cases involving Native America have appeared routinely before the Supreme Court, drawing fleeting media attention in the midst of a chaotic and controversial docket, but they came cloaked in other matters such as the rights of adoptive parents or the fate of environmental policies. Keith Richotte Jr., director of the Indigenous Peoples Law and Policy Program, professor of law at the James E. Rogers College of Law, and associate justice of the appellate court of the Turtle Mountain Band of Chippewa Indians, has produced a brilliant yet eminently readable work in *The Worst Trickster Story Ever Told: Native America, the Supreme Court, and the US Constitution*. He asks us to reconsider the relationship between the federal government and Native America in light of a fair appraisal of the historical evidence.

"The story they have chosen to tell is wrong. They know it and we know it. It is time to tell a better story" (ix). The story Richotte wants to tell is not pleasant; instead, he calls for the truth. This book is less a work of Native American history than a history of the relationships that Native American tribes, and by extension tribal members and those who entered tribal jurisdiction willingly or unwillingly, have had with states and the federal government. Richotte deftly explains a key constitutional doctrine, plenary power, which is the central player and the villain in this story. Plenary power, in this context, refers to the federal government's complete authority in Indian affairs at the expense, first, of the states' and, later, the tribes' power. Over time, Congress has come to assert an unfettered, paternalistic right to make decisions for Native America, for example by imposing or restricting environmental regulations, ruling on criminal matters, and regulating child welfare cases and adoptions. Plenary power is not, strictly speaking, the source of the federal government's authority, nor is it articulated anywhere in the constitution, rather it is a legal term that serves as a shorthand for a historically accumulated amalgamation of ideas, beliefs, legal principles, and justifications manifested in laws, regulations, and court cases.

The thrust of Richotte's argument is that two false stories have been told to justify the plenary power doctrine—first, that it was not (and is not) grounded in racism; and two, that it is constitutional. He takes his readers through Locke's social contract (used to justify federal jurisdiction over its citizens) and the Doctrine of Discovery (used to justify control over Native lands) into the 1930s, when the court had begun treating Natives effectively as guests in the United States, subject as outsiders to whatever rules the federal government imposed. This transformation paralleled the development of the doctrine of protection, an affirmative obligation to exert federal control over Native America, ostensibly for its own good.

Today, arguably to avoid the racist legacy of plenary power, dating back to nineteenth-century cases that include the infamous *Dred Scott v. Sandford* (1857), it is typically justified using the Indian Commerce Clause in the United States Constitution. But, Richotte argues, extending that clause to purposes with no connection to commerce is a false justification. After all, the same clause empowers Congress to regulate commerce with all other nations, but no one argues that Congress therefore controls the affairs of France or Spain. Instead, the clause should be read as regulating the conduct of the states as they interact with tribal nations.

These conclusions—that there are problems with plenary power and that, in particular, its origins are grounded in a deeply paternalist racism—are not unique. Other scholars have pointed out these issues. What makes this book brilliant is its framing: the use of the trickster story both as a metaphor for the illegitimate actions of the courts in developing and upholding plenary power and as a narrative framing. Each chapter opens and closes with a stage in a new trickster story, written by Richotte, that advances along with his argument. It makes otherwise tricky philosophical and legal principles easy to understand and the author's drive to solve the mystery compelling. In between the opening and closing unfolding story, the language is plain and tricky concepts are explained in logical stages, driving to seemingly inevitable conclusions.

The book ends by advocating a sweeping policy change, one Richotte argues will preserve the best of federal legislation surrounding Native America while stripping it of its questionable constitutional status and racism. His solution to this conundrum, that Native America undoubtedly does deserve special protections in some circumstances due to centuries of historical and ongoing mistreatment, is to require tribes to opt into federal legislation affecting them. Without tribal consent, the law or regulation might exist, but it would not apply to that tribe. While such an approach would create a confusing patchwork of laws, it would maintain a higher degree of Native autonomy than currently exists and might encourage legislation that arises from dialogues, not fiats. Left unconsidered is the increased complexity of the legal system, already complicated by differing laws based on federal, state, and Native jurisdiction, or the ways in which such a change might strengthen the argument, presented to the courts most recently in *Haaland v. Brackeen* (2023), that such laws violate the equal protection clause.

The Worst Trickster Story Ever Told is the most creatively written book of constitutional law this reviewer has encountered, and the best suited for a public audience and for undergraduate education. Constitutional law scholars will find Richotte's central argument well worth considering and his recommended solution interesting. Scholars of Native American history will appreciate his explanations of how the tribes lost so much authority over their own affairs versus the federal government. Where the book shines is in its clear, easy-to-follow explanation of complex legal concepts and its skillful use of the metaphor of the trickster, making it perfectly suited for use in one of many undergraduate course, including Native American history, constitutional law, or judicial politics.

Elizabeth A. Georgian
University of South Carolina, Aiken