

By the Fire We Carry: The Generations-Long Fight for Justice on Native Land. By Rebecca Nagle. New York: Harper Collins, 2024. 352 pages. \$32 cloth; \$19.99 paper; \$9.99 e-book; \$25.99 digital audiobook.

The landmark 2020 supreme court ruling on *Jimcy McGirt, Petitioner v. Oklahoma* (591 US 894) created a firestorm that has swept across Oklahoma in the last six years, igniting a flood of appeals that have inundated federal courts and severely affected the Oklahoma state justice system. The decision asserted that, in questions of Major Crimes Act violations, the Creek reservation (and in subsequent decisions, the remaining reservations of tribes in eastern Oklahoma) were never officially disestablished as was previously assumed under the 1906 Oklahoma Enabling Act. In doing so, all cases that trigger the Major Crimes Act fall under federal and not state jurisdiction, pulling a tremendous number of cases away from the Oklahoma court system and returning jurisdiction to tribes and the federal government.

Author Rebecca Nagle is a Cherokee citizen from Tahlequah, Oklahoma, a descendant of the Ridge family (prominent Cherokee statesmen in the Early Republic era and signers of the illegal 1835 Treaty of New Echota), and host of the podcast *This Land*. She is also a regular contributor to numerous publications across the United States on federal Indian policy and contemporary issues in Indian country. In this work, she has crafted a page-turning, compelling, accessible piece of journalism from a deep interest sparked by a friend's social media post and subsequent articles for *Indian Country Today*, the *Washington Post*, and other prominent news outlets. Nagle's work interweaves the complexities of challenges to tribal sovereignty and jurisdiction, the lasting impacts of historical trauma, and the indelible marks of historical colonialism on contemporary Native nations in the United States. While the McGirt case has taken a front seat across Oklahoma since the decision, Nagle also shines a light on the other developments that led up to the decision, such as the *Sharp v. Murphy* case, which received a per curiam decision following the McGirt ruling. This case is less well known but came before the bench before McGirt and the policy reversal in Oklahoma, bringing to light the inconsistencies established following the Enabling Act of 1906. While the specific details of these cases are harrowing, Nagle has successfully navigated a perilous trail between detailed journalism and respect for survivors and affected communities.

Nagle is adept at explaining the intricacies of Southeastern Indigenous social structures and policies facing Indian country, such as allotment, Indigenous jurisdiction, and tribal sovereignty, in a way that is both thorough and understandable. She gives a concise and detailed explanation for each important policy and court case, with copious notes to aid readers in finding further readings and primary sources

for further research on the matters. The sheer load of archival research, Freedom of Information Act research, and interviews Nagle bore to the work is impressive and useful for anyone researching both these specific cases and general jurisdictional questions for Indian country. In completing her research, Nagle proved to be an unflinching journalist, even when it required a legal case against the Oklahoma administration to force them to provide hundreds of pages of communications between Governor Stitt and various oil and gas companies surrounding the McGirt decision. She profiles them here, exposing backroom discussions surrounding the fallout from the decision and the subsequent actions by the Oklahoma administration and oil and gas lobbies.

First and foremost an investigative journalist, Nagle's work does not read like a traditional history or legal disciplinary text might. It is an approachable and engrossing braid of stories, swinging from past to present to exemplify how historical traumas and events can shape the policies and social problems facing Indian country today. Nagle interweaves her own family's story between her chapters on the court cases, examining concepts of removal, alienation, and loss of not just territory but homes and sacred places. Interspersing the legal-heavy chapters with historical examinations seems to provide some relief to the heaviness of the situation, even with the gravitas of the events described within these significant and problematic eras of Cherokee and Creek history. The work itself seems vaguely reminiscent of David Grann's *Killers of the Flower Moon*, but from an authentic Indigenous voice and worldview.

Within the legal chapters, Nagle's work provides a nuanced coverage of the intricacies surrounding these cases and the impact their decisions have had on Indian country, with explanations of legal principles and decisions that are easily accessible to the layperson. She does a particularly commendable job of describing the processes of justice Native Americans face in Indian country, detailing how cases progress through various appellate processes and hearings and the challenges facing tribal defendants and justice systems across Oklahoma.

While legally informative, Nagle also uses her work to bring historical traumas and issues in Indian country to light. Nagle uses the comparisons from her own mixed ancestry to examine the concept of land ownership and treaty rights, exploring the differences between her great grandfathers: one was a Cherokee druggist who was assigned an allotment on bare acreage; another was the son of an Irish lawyer who participated in the land run in 1889. She examines this dispossession of reservation territory, seemingly guaranteed in perpetuity, time and again, through treaties running all the way up to 1866 for the tribes in eastern Oklahoma, and how allotment and Oklahoma statehood drastically transformed that landscape into the checkerboard of ownership and jurisdictional questions seen today. Her work provides an interesting complement to Robert J. Miller and Robbie Ethridge's *A Promise Kept: The Muscogee (Creek) Nation and McGirt v. Oklahoma* (2023), which goes a bit further into detail on the history of the Creek nation specifically, and examines potential impacts for the future of the ruling in Oklahoma from a legal perspective.

Overall, Nagle's work presents a fantastic example of social justice journalism and Indigenous data sovereignty. Engaging, informed, and informative, it is a valuable

work for anyone seeking to understand jurisdictional issues in Oklahoma and Indian country broadly or the impacts of historical trauma on contemporary policy and jurisdiction in Indian country.

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