

The Western History Association

Review

Author(s): Martha Harroun Foster

Review by: Martha Harroun Foster

Source: *The Western Historical Quarterly*, Vol. 28, No. 4 (Winter, 1997), pp. 563-564

Published by: [Western Historical Quarterly, Utah State University](#) on behalf of [The Western History Association](#)

Stable URL: <http://www.jstor.org/stable/969892>

Accessed: 16-07-2015 19:47 UTC

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



Western Historical Quarterly, Utah State University and The Western History Association are collaborating with JSTOR to digitize, preserve and extend access to *The Western Historical Quarterly*.

<http://www.jstor.org>

to text; there are several reasons for this lack of balance. Tone is the first. The series editor's concluding views on tribal rights and sovereignty is that there is an old form of colonialism that ended in 1871, and a new form of colonialism that began with the end of United States Indian treaty making in 1871. On the other hand, selections for inclusion in the series reveal views, ranging from the opinion that the end of treaties in 1871 was a continuation of the old colonialism, to the conclusion that the modern era began in 1959 when the United States Supreme Court ruled that state courts lack authority to hear non-Indian initiated civil cases against Indians on reservations in *Williams v. Lee*. These varied interpretations illustrate the nature of the beast called federal Indian law, but also illustrate the wide range of asymmetrical interpretations that is necessary to press our understanding of federal Indian law.

The next unevenness is contorted analysis. In volume four, John R. Wunder reprinted his treatise on the 1968 Indian Civil Rights Act. In reviewing reservation civil rights before the enactment of the 1968 Indian Civil Rights Act, Wunder writes, "Clearly, Indians on reservations who were parties to disputes did not have available to them Bill of Rights protection, due process of law, or equal protection of the laws" (4:133). That assertion negates the reality that some tribal constitutions (fundamental law) contained a Bill of Rights providing basic liberties to tribal members. For example, Article VII titled, "Bill of Rights"—from the 1935 Constitution governing the Confederated Salish and Kootenai Tribes of Montana—guarantees members religious freedom, prompt jury trials, and other basic freedoms. This illustrates the wide gap between claims that tribes denied individual basic rights and whether tribal members decided to exercise their basic freedoms found in tribal fundamental law.

The word "incomplete" best describes the last category of unevenness. Several essays in

volume five focus on the shortcomings of the American Indian Religious Freedom Act of 1978 by examining and analyzing the *Smith* case, which upheld a state law of Oregon and thereby denied two members of the Native American Church employment because of their use of peyote. No doubt the American Indian Religious Freedom Act was "eviscerated by this legal determination" (5:xiii). On the other hand, closure of this issue occurred several years later when Congress ended this religious persecution by enacting corrective legislation in October 1994, that negated the Supreme Court's ruling in *Smith*. Without completing the story, the editor leaves the impression that nothing had changed, when in fact it had.

These queries are important because they not only represent the twists and turns, but also the strengths and weaknesses of federal Indian law and this series. Despite the contradictions, there is hope (illustrated in volume six) where authors describe the vitality of tribal sovereignty, and even accepting the ongoing future strength of tribal governance. That leaves a larger question unanswered: "What does this collection contribute?" This question can only be answered by each user.

RICHARD L. CLOW
University of Montana

Homeland to Hinterland: The Changing Worlds of the Red River Métis in the Nineteenth Century. By Gerhard J. Ens. (Toronto: University of Toronto Press, 1996. xiv + 268 pp. Illustrations, maps, charts, tables, notes, index. \$55.00, cloth; \$18.95, paper.)

Much of western United States and Canadian history presents a scenario depicting the abrupt replacement of nomadic tribal groups by "progressive" Euro-American and European agricultural settlers. One result of such a view is the neglect of people of mixed

Indian-European descent. When Métis are mentioned (far more frequently in Canadian than in U. S. literature) historians often portray them as unable to adapt to a changing world, heroically, but futilely, resisting the inevitable.

Gerhard Ens's work is a refutation of this image of Métis society. Following in the community studies tradition of David Levine and Peter Laslett, he analyzes social and demographic trends in the Red River Settlement (now Winnipeg) to document the successful Métis adaptation to novel economic conditions. Using family reconstitution techniques and quantitative analysis of census data, Northwest script applications, and Canadian land records, Ens examines social and demographic patterns of two Red River settlement parishes from the 1830s to the 1880s. During the 1830s, both parishes practiced subsistence agriculture and hunting, selling any surplus to the Hudson's Bay Company. The 1840s brought economic change in the form of new United States markets. Many Métis, especially in the parish of St. Francois Xavier, began to concentrate on the manufacture of buffalo robes. By comparing St. Francois Xavier to the parish of St. Andrew's, where most residents continued subsistence farming, Ens documents the demographic and social changes resulting from the shift toward a protoindustrial economy involving the specialized production of buffalo robes.

Ens takes issue with several long-accepted theories about the nature of Red River society. For example, he offers evidence that successful adaptation to new opportunities in the buffalo trade, not government fraud, shortages of land, or blatant discrimination, was a primary factor in the gradual Métis abandonment of Red River. Ens also views the 1869–1870 Resistance as an expression of interest group or class politics, refuting previous theories of racial and ethnic tension or of a struggle against a more progressive civilization (pp. 122, 124).

Overall, Ens's data are convincing. However, this reader is concerned that methods and techniques developed for sedentary European villages are limited in a situation where an unknown portion of the population never appeared in the records upon which the study is dependent. The closer Métis were to their Indian relatives in values and lifestyle, the less likely they were to own land; solemnize their births, deaths, and marriages in churches; or be counted in government censuses. The influence of cultural factors is especially relevant in a community where the economic and social closeness to Indian (predominately Cree and Ojibwe) relatives varied dramatically.

Despite such reservations, Ens's work is a valuable contribution and essential reading for anyone interested in Métis history or in understanding the contribution of mixed-descent people to the history of the United States and Canada.

MARTHA HARROUN FOSTER
University of California, Los Angeles

The Many Hands of My Relations: French and Indians on the Lower Missouri. By Tanis C. Thorne. (Columbia: University of Missouri Press, 1996. xiii + 294 pp. Illustrations, maps, notes, bibliography, index. \$39.95.)

Take a map of North America; superimpose on it a vast rectangle defined by the Mississippi Valley in the east and the headwaters of the Kansas River in the west, by the Big Bend of the Missouri River in South Dakota in the north, and the headwaters of the Osage River in the south. Then try to imagine some way to treat this region as an integrated field for historical research over a period of about one-hundred years (ca. 1780–1880). This is no easy task. Thorne succeeds admirably in accomplishing it by: 1) Defining the region as “central Siouan territory”; 2) analyzing how mixed-bloods in this region