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Many Nations Under Many Gods. Public Land Management and American Indian Sacred Sites by Todd Allin Morman (review)

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(Review)

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legal culture” (p. 231). The ultimate outcome of the murder trials she examines demonstrates not only how the judge took into consideration Indigenous cultural practices but also importantly demonstrates how Indigenous people navigated the colonial legal system and “spoke their truth to power and wrote their own stories into the record in ways important to them” (p. 245).

With a similar focus on the criminal-justice system, in her timely chapter, Kelly Lytle Hernández explores the construction of Southwest borderlands prisons, built specifically to incarcerate unlawful border crossers from Mexico into the United States. In contrast to the consideration given to the cultural practices of Alaskan Natives in Geiger’s example, Hernández demonstrates how stereotypes of Mexican immigrants were used in the 1930s to prepare Mexican men for deportation in ways that departed from “the principles of rehabilitation and reentry” that reformers touted for Anglo prisoners (p. 275).

The volume falters, and admittedly so by the editors, by failing to include even a single essay on Asian Americans in the borderlands West. Other silences are also conspicuous, such as the relative absences of the history of sexuality or (sub)urban history. One suspects, though, that Jagodinsky and Mitchell would convincingly point to these absences as illuminating the work still to be done in response to their call to other scholars to join the critical turn in western legal history.

Still, the quality of the contributions that are present in the volume is almost uniformly outstanding. While the artificial three-part structure of the volume obscures how the catch-all section of “Legal Borderlands of Race and Gender” is a theme that (rightly) permeates both Part Two on property and Part Three on courts, each contribution is a worthy read. Together the authors convincingly advocate for increased critical inquiry in, and the revitalization of, western legal history.

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Many Nations Under Many Gods. Public Land Management and American Indian Sacred Sites. By Todd Allin Morman. (Norman: University of Oklahoma Press, 2018. Pp. xi, 258. \$37.50 cloth)

Todd Allin Morman, an attorney with Nevada Legal Service’s Indian Law Project, begins this volume by relating a 2006 encounter between Steven Newcomb, founder of the Indigenous Law Institute, and Associ-

ate Justice of the Supreme Court Antonin Scalia. When asked by Newcomb about the 1823 Supreme Court decision *Johnson v. M'Intosh*, Scalia said that he had never heard of it. The *Johnson* case is considered the foundation of property law and Indian law, yet the justice stated that he had not read it. The author's shock, as well as disappointment, in this realization—that the judges who sit on the highest court of the land are uninformed about Native American history and rights—permeates this volume and becomes a rallying cry for education in Native American history. Supreme Court justices and children at all levels of school need to know the history of the peoples of the United States and this includes the more than five hundred Indian nations that inhabit the land, each with a distinctive history, culture, and religion.

Divided into six chapters, this book examines the history of several Indian nations—the author refers to it as “the invisible history”—and their struggles to protect sacred and cultural sites located on federal public lands. Morman hopes this volume will begin the education. He focuses on Indian religious and cultural sites located on federal lands and how, in many cases, the Indians have lost control of these places due to a lack of historical knowledge and cultural/religious appreciation by individuals in charge of government agencies or people who see a profit to be made when they control certain sites. By terms of the National Environmental Policy Act and the Indian Religious Freedom Act, the federal government is required to consult with Indigenous peoples but as Morman points out often that consultation process has been poorly conducted or allowed to be influenced by non-Indian forces. He hopes that his book will increase the understanding of sovereignty and provide better protection of sacred sites.

Chapter one provides a background and history of Indian law up to 1978 and an introduction to administrative law governing sacred sites on public lands. Chapter two examines the history of the Hopi Nation and the management of the San Francisco Peaks and the skiing industry in the region. The third chapter studies the Washoe Indians and the case of Cave Rock and efforts to protect the area from rock climbers. Chapter four surveys the management plan for the Badger-Two Medicine area in Montana, a place sacred to the Blackfeet. Public-land management, Indian religious freedom, and the consultation process for various nations, including the Western Apaches and the Standing Rock Sioux, are the topics of chapter five. In chapter six, the author looks at the legal struggles and the continuing efforts to protect sacred sites, and he evaluates proposals for righting the current procedures.

In the conclusion to this weighty volume, Morman stresses the importance of education and cites a book that I often utilized in my

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own classroom, *Lies My Teacher Told Me: Everything Your American History Textbook Got Wrong* by James W. Loewen. Students, and actually everyone, should understand the tremendous diversity of Native peoples. Secondly, they need to learn, and know, that Indians were the victims of genocide. Also there is a need for the realization that Indians are the poorest of all Americans—poor in the financial sense, not in that of culture and religion. And students are urged to examine the question of sovereignty for Native people—its meaning and how the United States government has violated laws and regulations in relation to that sovereignty.

When everyone is educated about the history of Native peoples, then there is more likelihood that respect will result and as Morman writes, “more non-Indians will understand how offensive it is to desecrate cultural or sacred sites for profit” (p. 209). Perhaps even justices of the Supreme Court will become educated and informed about Native American history. Readers will be distressed at the lack of knowledge of not only justices but also government officials who administer agencies that manage sacred lands.

This volume reflects Morman’s legal and history background (he has a PhD in history); therefore, there are impressive references and citations to legal cases, terms, and government regulations. For the casual reader, this can be overwhelming, but students of history and law will be intrigued and fascinated by the citations located at the end of the book.

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BOOK NOTE

Claiming the Desert: Settlers, Homesteaders and Ranchers in Oro Valley, Arizona, 1865–1965. By James A. Williams. (2018. Pp. 195. \$14.99 paper)

Claiming the Desert explores the challenges early non-Native settlers faced when they chose the “relatively inhospitable” Oro Valley, Arizona, as their home. Despite the harsh climate, barren landscape, and isolation, these early settlers constructed schools and roads, grew citrus, and