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Book Review: Indian Land Tenure: Bibliographical Essays and a Guide to the Literature

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BOOK REVIEW

Indian Land Tenure: Bibliographical Essays and a Guide to the Literature, by Imre Sutton. Clearwater Publishing Company, New York, 1975. Pp. vii, 290. Hardback \$18.00, paperback \$6.95.

Any lawyer faced with proving the legal status of particular Indian lands will welcome this bibliographical survey. This book is intended to be used by lawyers, anthropologists, historians, geographers, librarians, and government officials concerned with American Indians. The aim of the work is to collect a comprehensive bibliography of the scattered and obscure secondary literature in the limited field of Indian land tenure. There are listed and discussed over 1,100 items.

Dr. Sutton's treatise is arranged into bibliographical surveys on various aspects of Indian land tenure and incorporates exhaustive cross-indexes. Each chapter is followed by recapitulation of the sources embodied in the text. The main bibliography contains full citations arranged alphabetically by authors and cross-references to the citations in the text. At the end of the main bibliography is (1) a general subject index keyed to the text, (2) a tribal index to authors, and (3) a geographical index to authors. Both the tribal index and the geographical index are tied to the text by making a preliminary step to the main bibliography. It is helpful to read the first twenty pages which explain Dr. Sutton's complex approach to the interlocking surveys he has made. This will save the researcher much time in using this book and in locating the best references on a particular point.

Dr. Sutton has selected articles from law reviews, journals, and institutes; unpublished master and doctoral theses; journals, annuals, and proceedings of anthropological, geographic and historical societies, and a few other professional journals. A large number of books and pamphlets are cited, including those published privately and by museums which are extremely difficult to find referenced in other source books.

Professor Sutton states he has systematically excluded nearly every primary source: all congressional hearings and reports, court opinions and related briefs and materials, federal and state archives, BIA files and regional publications and other governmental reports and surveys. A few of these are included by Sutton on the basis of being the best or only one available. Also not included are magazines of general public circulation, audio-visual

items, and newspapers. There are a few scattered citations to particular issues of Indian newspapers.

Materials are encompassed through most of 1974 with some gaps for materials published in 1973 and 1974 which were not widely known at that time. Items on West Coast Indians are relatively large in number and encompass many never encountered before by this reviewer. On the other hand, some familiar references to Oklahoma tribes and Oklahoma lands are omitted. This is explained by Dr. Sutton as being because the Five Civilized Tribes have so much printed about them that he has deliberately omitted much of the Oklahoma lands material.

Dr. Sutton is a professor of geography and for two years was chairman of a Native American Studies Program in California. He spent nearly ten years accumulating and examining the sources cited in his book. Only a few references list several editions or reprints of the same book or reprints of various articles. Dr. Sutton states in the book that some items are included that he had not examined personally. A sizable number of the items listed in only one printing have been reissued as reprints, or other editions, or in compilations not mentioned. The researcher should be sure to check Bowker's *Books in Print* and other lists if the particular edition or printing mentioned is unavailable from the researcher's regular sources.

One of the usual features in bibliographical works of obscure research materials is an annotation of libraries where the rare items can be consulted. This information would have increased the value of Sutton's work. The researcher is reminded about the national program at the Ohio College Library Center to computerize items available nationwide through inter-library loan. The program now encompasses over 570 libraries in 38 states and locates over nine million volumes. During the next two years over 300 more libraries will be added to the computer network.

Sutton includes a chapter of comment on other bibliographers in Indian affairs which lists most of the well-known sources. This information will be helpful to the serious researcher because it gives a key to the basic bibliographies. His assessment of the usefulness of these bibliographies is less than my own, especially for legal research in Indian affairs where there is practically no direct precedent (which is common in things Indian). For example, Dr. Sutton classifies Dockstader's *The American Indian in Graduate Studies: A Bibliography of Theses and Dissertations*, 1957, as being of "limited utility." All of the approximately four dozen unpublished works Sutton obtained from this source are

carefully daggered with the explanation "not seen by the author." It also appears that he did not see the second volume of Dockstader's *Bibliographies*, which covers the years 1957 to 1970. A number of the dissertations are from the University of Oklahoma and have been examined by this reviewer. They are of generally high quality and contain much first-hand information not available elsewhere.

The serious research center interested in Indian land tenure should have copies of all of the bibliographies collected by Sutton plus several more not mentioned. Needed by the researcher are Hargrett's *A Bibliography of the Constitutions and Laws of the American Indians*, Hodge's *Handbook of the Indian Tribes of North America*, and Judd's *The Bureau of American Ethnology: A Partial History*, all of which are in print.

It should be noted that this reviewer is an Oklahoma lawyer who has spent a number of years compiling information on books and materials on Indian law and consequently may be overly critical of Dr. Sutton's book as a legal reference. Within the framework of secondary sources on Indian land tenure the careful scholarship of Dr. Sutton is rewarding, with many useful and obscure references noted. *Indian Land Tenure* is a valuable tool for the researcher, especially the lawyer who is forced to resort to secondary materials for evidence and precedents. Months of legal research can be shortcutted by first reference to *Indian Land Tenure*.

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