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Fall 2012

Review of *Native Acts: Law, Recognition, and Cultural Authenticity*. By Joanne Barker

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Carrillo, Jo, "Review of *Native Acts: Law, Recognition, and Cultural Authenticity*. By Joanne Barker" (2012). *Great Plains Research: A Journal of Natural and Social Sciences*. 1245.

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**Native Acts: Law, Recognition, and Cultural Authenticity.** By Joanne Barker. Durham, NC: Duke University Press, 2011. ix + 284 pp. References, bibliography, index. \$23.95 paper.

*Native Acts* is organized in three parts. In the first (“Recognition”), Barker (correctly) argues that the United States government exercised its plenary power to coerce Native peoples to recognize themselves as “Indian tribes.” In part 2 (“Membership”), she discusses tribal membership policies as a legal frame through which Native peoples—now organized into semisovereign states called “tribes”—define themselves in relation to the U.S. government. In part 3 (“Tradition”), Barker examines how “tribal traditions” can turn on racist, sexist, and homophobic policies that themselves become cultural acts of identity formation.

Federal Indian Law—the body of federal law that governs the relationship between the U.S. government and a recognized tribe—is *ossified* with just the sort of doctrines and inherited traditions that Barker thoughtfully calls into question. She frames the paradox well. Historically, tribes secured federal recognition if and when they defined themselves in terms that furthered colonialist, social Darwinist ideologies. The legal-policy process worked like this: (1) the United States recognized tribes as semisovereign nations; (2) the United States then authorized each recognized (official) tribe to define (and manage) its own membership roll; (3) this consequently created incentives for those individuals and groups most privileged by the membership rules to define (invent) “tradition.” There it is, the “rational,” modernist side of the paradox: identity formation via Social Darwinism, blood quantum, and historicized claims to the ownership of tradition. But how did modernist justifications for tribal recognition morph into a tribal version of “100% Americanism,” that 1920s Ku Klux Klan code phrase for white supremacy? (The first part of the 20th century is when tribal reorganization took place.) Why do “traditions” give rise to policies (like those discussed by Barker) that are predicated on racist, sexist, and homophobic beliefs?

An excellent question.

Much of the formal legal process that defines who can (or cannot) be an enrolled member of a particular tribe turns on the concept of blood descent, or “blood quantum.” But the blood quantum test leads to absurdities, as Barker discusses, in addition to being a variant of the racist one-drop rule, a property-based rule that once rationalized enslavement by birth. (Under the one-drop rule, an enslaved woman’s child was born enslaved.) Barker analyzes tribal membership ideologies throughout her book, with an in-depth analysis of *Martinez v. Santa Clara*, the case that split the legal community between those who argued that “self-determination” must come before gender equality (why?), and those who argued that gender equality was every tribal woman’s right as a United States citizen (shouldn’t it be?).

*Native Acts* is an important and thoughtful challenge to the political position that “tradition” is an acceptable rationale

for excluding those whom the politically powerful deem “non-traditional.” Women, LGBT persons, and persons of mixed ancestry are critically important to the development of fair tribal policies, and yet, as *Native Acts* cogently argues, they are increasingly blocked from participating in tribal affairs due to “traditions” that are (unfortunately) reminiscent of hate-based ideologies. Also relevant for readers of *Great Plains Research* is that *Native Acts* opens the way for further research on how 100% Americanism, that 1920s code for white supremacy, found its way into sovereign tribal processes, tribal policies, and tribal communities.

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