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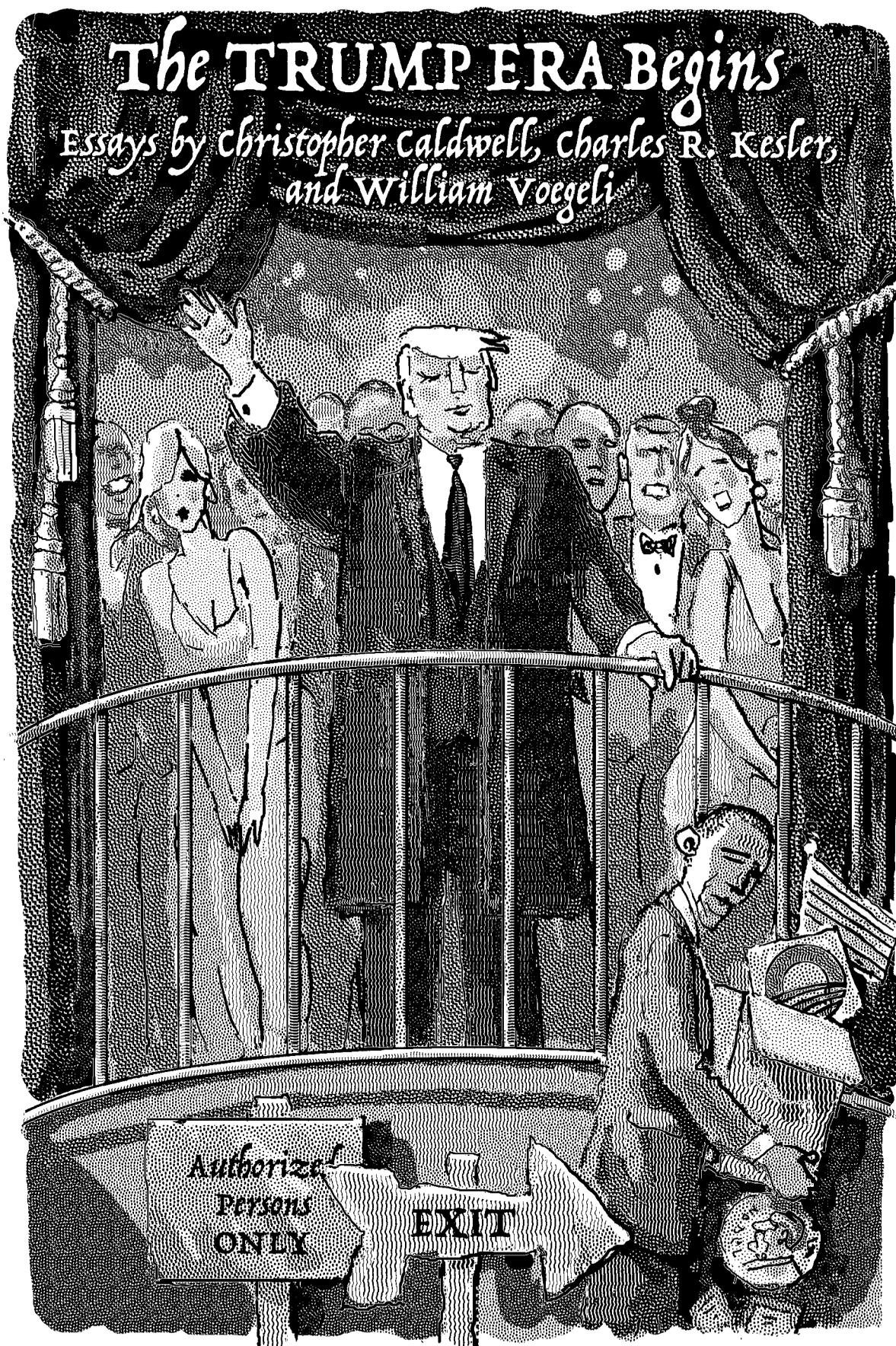
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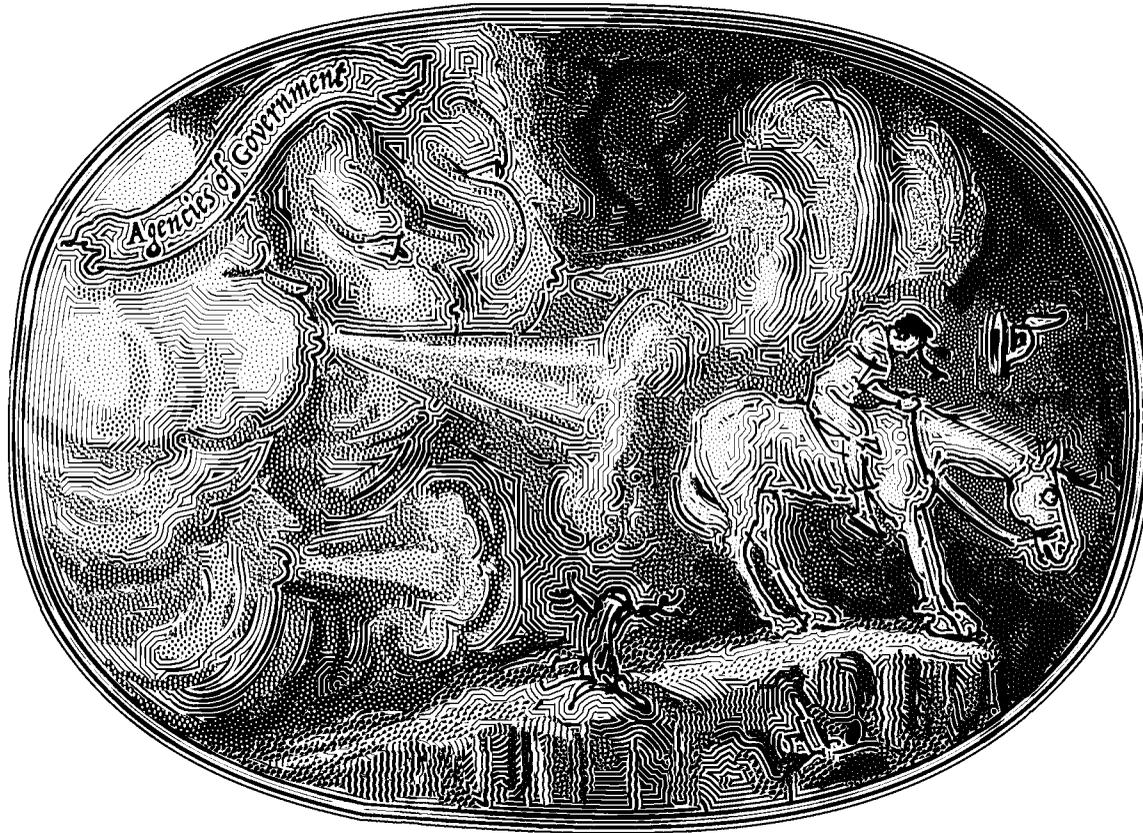
IN CANADA: \$8.95



Book Review by Timothy Sandefur

LOSING GROUND

The New Trail of Tears: How Washington Is Destroying American Indians, by Naomi Schaefer Riley.
Encounter Books, 184 pages, \$23.99



THE WORD “CRISIS” HARDLY CAPTURES the dismal situation in Indian Country. Consider just one statistic: the leading cause of death for Indian boys ages 10 to 14 is suicide. In fact, suicide among Native American youths is more than twice the U.S. average, and in Canada, five to seven times the national average. Last April, eleven members of the Attawapiskat First Nation attempted suicide on a single day. Nine were children.

What’s causing this despair? The answer typically offered is racism—which is correct, but not in the sense usually meant. In *The New Trail of Tears*, Naomi Schaefer Riley, a columnist and former *Wall Street Journal* editor, explains that Indian policy is a spider web of rules and bureaucracy, converging on one central point: the interests of governments—federal, state, and tribal—routinely trump individual Native Americans’ rights and wishes, ensnaring them in a collectivism subversive of every value necessary to a flourishing society.

Take property rights. Indian country contains some of the continent’s richest natural resource deposits and loveliest tourist destinations. Yet reservation land, generally, cannot be individually owned—it’s owned either by the whole tribe, or by the federal government “in trust” for the tribe. This means it cannot be mortgaged, so it cannot serve as collateral to start businesses or build infrastructure. Layers of federal bureaucracy require multiple permits before Indians can develop land, and tribal governments add their own restrictions on top of that. Thus, writes Riley, “Indian land has become all but useless to Indians themselves.”

The situation is aggravated by a legal system that blocks tribal prosecution of non-Indians for crimes on reservations, and immunizes tribal governments from lawsuits—both of which undermine the legal security necessary for businesses to operate. Unemployment on the Navajo Nation, which is more than twice the size of Massachusetts and home to 175,000 people, is 42%. The average per capita

income is \$7,269. On the San Carlos Apache reservation, it’s about half that.

THE PROBLEMS AREN’T JUST LEGAL. One of Riley’s key insights is that identity politics, leftist propaganda, and the welfare state have crippled the *mores* essential to growth. The notion that “true” Native culture means prelapsarian socialism and the priority of tribal group rights over individualism is worse than false—it’s a racist fantasy concocted by whites who were either seduced by Rousseauian visions of the noble savage or were eager to rationalize Indian removal. Riley quotes one Native leader: “the concept that we never had private property has been foisted upon us.” But that myth has taken such firm root in everything from Disney films to sociology departments that it’s almost unquestioned, even among Natives themselves.

Actually, pre-contact Indians had a robust understanding of private property and were notoriously individualistic. And the disas-



trous consequences of Western collectivist myths were early noted. The Pequot William Apress, bemoaning the state of New England reservations, complained that Indians “are made to believe they are minors and have not the abilities given them from God, to take care of themselves, [except for making and selling] a few little articles, such as baskets and brooms. Their land is in common stock, and they have nothing to make them enterprising.” He wrote that in 1833.

Things worsened in the century that followed. A series of laws beginning in the 1930s organized today’s tribal governments—forcing groups like the Navajo to choose chiefs when they’d never had any—and elevated government interests over individual rights. Alongside the federal “trust” system, these laws ensured that every necessity of reservation life—education, medicine, housing, employment, and even tribal membership—would come under bureaucratic control. “Indians,” writes Riley, “are the most overregulated race on the planet.” Yet thanks to Supreme Court neutering of the Indian Civil Rights Act, tribal officials aren’t limited by the constitutional rules that protect Americans against state governments, despite the fact that all American Indians are citizens of the United States.

CENTRALIZED PLANNING ON RESERVATIONS stifles individual initiative, all but forbids construction, and offers still more government programs as virtually the only solution. It has, in the words of the Harvard Project on American Indian Economic Development, “maximized the politicization of investment and employment decisions.” That, in turn, maximizes the power of politicians at the expense of tribal citizens, whose only alternative is often the dole. The moral consequences are a crippling culture of anti-individualism and broken families.

Nothing about this is unique to Indians. “The cultural problems on Indian reservations,” Riley concludes, “are really the results of economic and political circumstances that have been foisted upon Indians. If you live in a place where there are no jobs and no access to capital, not working becomes the norm. Any entrepreneurial impulse you have is quickly squelched.” Any group subjected to this mess of infantilizing social science experiments would come out the same. J.D. Vance’s bestselling *Hillbilly Elegy* (2016) reveals a similar pattern at work among Appalachian whites, where poverty and addiction are prolonged by a mix of entitlement and despair. People come to see success as a lucky stroke, not the result of devoted effort.

Psychologists call this “learned helplessness.” If the malady is concentrated on reservations, that’s because patronizing government policies are so entrenched there—shielded by white romanticism and, on the Native side, an us-versus-them mentality that summarily dismisses criticism as racist. Dependency is not part of any Native American culture, Riley notes. But stifling government policies have now made it the norm.

STILL, RILEY’S BOOK IS NOT BLEAK. ON the contrary, she profiles several heroic individuals who are today fighting the odds—and often fighting tribal governments—to improve the lives of Native Americans.

There’s Whispering Pines Chief Mike Lebourdais, who is pushing for legislation to roll back restrictions on native land ownership in Canada. Sadly, the obstacles seem enormous. “The biggest opposition, Lebourdais says, has come from other First Nations.... Aboriginal people in Canada ‘think property ownership is a white thing.’”

There’s Minnesota Chippewa lawyer Mark Fiddler, who defends the rights of children subject to the 1978 Indian Child Welfare Act. That Act imposes a separate set of rules for child welfare and adoption proceedings in-

New Books from TEXAS A&M

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In the White House with George H. W. Bush

Chase Untermeyer

Ambassador Untermeyer’s third in a series of books is based on his journals compiled during his tenure in the service of George H. W. Bush, first as vice president, then as president. The present work begins with Bush’s election in November 1988 and concludes with Untermeyer’s service as director of the Voice of America in 1992. 352 pp. 14 b&w photos. Bib. Index \$35.00 cloth

TEXAS AGGIES IN VIETNAM

War Stories

Edited by Michael Lee Lanning

Michael Lee Lanning, Texas A&M University class of 1968, has gathered over three dozen recollections from fellow alumni who served in Vietnam. The tales they relate about the paddies, the jungles, the highlands, the waterways, and the airways provide these veterans with an even greater understanding of the war they survived. They also allow glimpses into the frequent dangers of firefights, the camaraderie of patrol, and often humorous responses to inexplicable situations. These revelations provide insight not only into the realities of war but also speak to the character of the graduates of Texas A&M University. 328pp. Map. Glossary. Index. \$30.00 cloth

TO BATAAN AND BACK

The World War II Diary of Major Thomas Dooley

Transcribed and Edited by Jerry C. Cooper

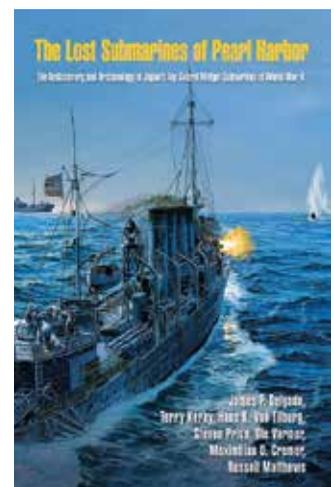
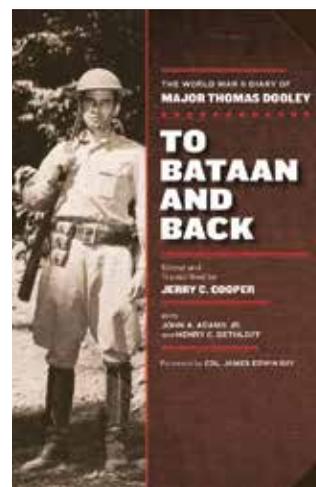
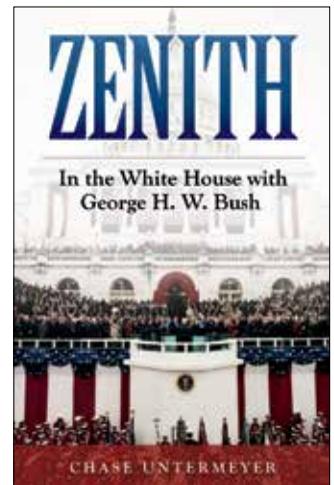
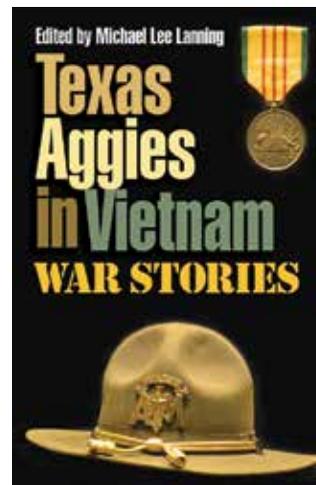
Major Thomas Dooley’s diaries reveal the inside story of the battles of Bataan and Corregidor and with it the capture, imprisonment, and struggle for survival of tens of thousands of American prisoners of war. Edited by Cooper, Dooley’s diary—six notebooks of more than five hundred handwritten pages, dutifully maintained even as he was a prisoner—is at once witty, articulate, stark, and often reflective. 192 pp. 37 b&w photos. 4 maps. Glossary. Bib. Index \$30.00 cloth

THE LOST SUBMARINES OF PEARL HARBOR

James P. Delgado, Terry Kerby, Steven Price, Hans K. Van Tilburg, Ole Varmer, and Russell Matthews

In the pre-dawn darkness of December 7, 1941, five Imperial Japanese Navy submarines surfaced off the coast of Oahu. Secured to the decks of these vessels were secret weapons to be deployed for the first time in modern warfare: two-man midget submarines, intended to enter Pearl Harbor without being detected and torpedo the US Navy battleships lying at anchor there. None of them would return from their mission. James P. Delgado and his coauthors have worked on the story of these incredible craft for decades and have woven a tapestry of scholarship, historical sleuthing, scientific insight, and good storytelling that will enthrall specialists and history enthusiasts alike.

240 pp. 158 color photos. 87 b&w photos. 7 line art. 5 maps. Bib. Index. \$45.00 hardcover



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volving children of Native ancestry—and is often a powerful tool for ideologues who think abused or neglected Indian kids should never be adopted by people of other races. It even bars state courts from using the “best interests of the child” test that ordinarily governs cases involving children. In 2013, Fiddler successfully represented the adoptive couple in the headline-grabbing “Baby Veronica” case, in which a Cherokee father who abandoned his child *in utero* tried to veto the adoption arranged by the child’s non-Indian, unwed mother. “The theory behind [the Act] is that Indian children won’t be screwed up as long as they’re parented by Indians,” says Fiddler. But what matters to children isn’t race-matching; it’s loving, permanent homes.

And there’s Ben Chavis in California, a Lumbee who worked his way from poverty to earn three Ph.D.s, a fortune in real estate, and a successful tenure as principal of the American Indian Public Charter School (AIPCS) in Oakland. Thanks to his strict discipline and traditional teaching, AIPCS was rated the best high school in the United States, all of its students passing at least one Advanced Placement test. He now runs a school on a North Carolina farm. “Chavis sees American Indians as immigrants to the dominant American culture,” writes Riley. “They’re poor, just like

immigrants, and starting from behind, so he’s proposing strategies that have helped immigrants succeed.”

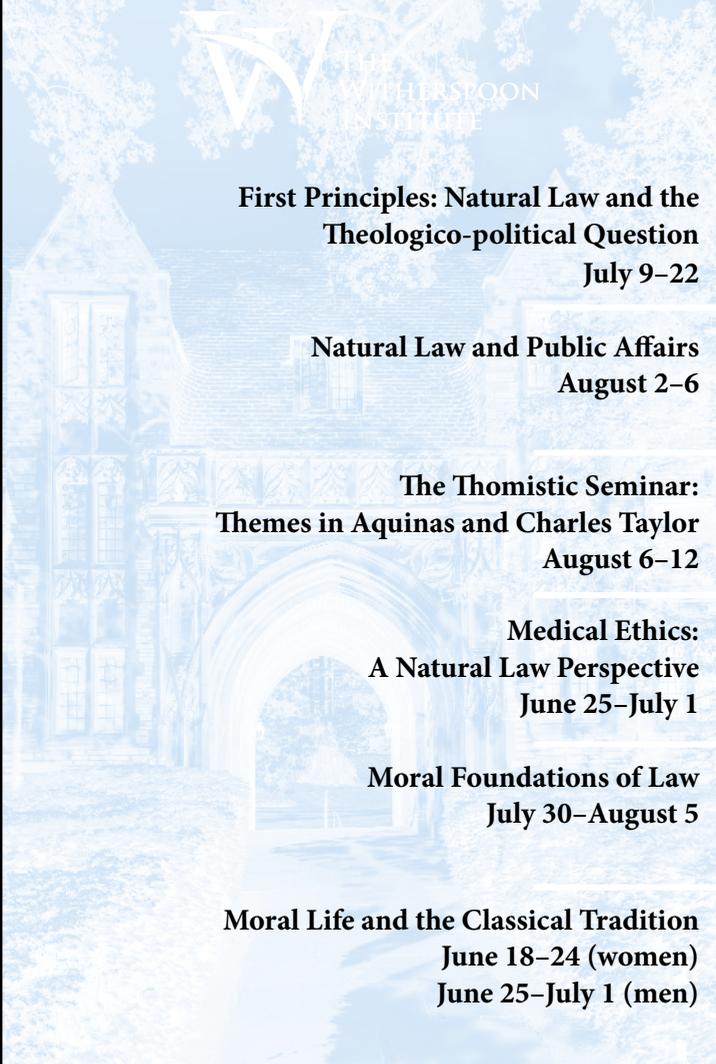
SADLY, SOME INDIANS HAVE WHAT Riley calls “the opposite of an immigrant mentality.” Where immigrants typically hope their children will move up the economic ladder, some Indian parents and activists preach against the American Dream. This is partly an understandable reaction to unjust government policies that until recently outlawed Native religions, forced kids into boarding schools, and sought—in the infamous words of Richard Pratt, founder of the Carlisle Indian School—to “kill the Indian to save the man.” But insularity is a major obstacle to the improvement of life for Native people. Consider Blackfeet lawyer Gyasi Ross’s warning to Native students that “western education is assimilation,” and that “when Native people go away...from the rez for education, and then... just live in middle class splendor away from their homelands...that’s not positive.” Living a fulfilling life of one’s own, Ross thinks, means “buying fully into the assimilation lie.”

Jules, Fiddler, and Chavis prove that such race-first collectivism isn’t shared by all Native Americans, but it’s common enough to sap the ambition of countless youth and to

breed hopeless alienation. And such dogma isn’t just reactionary, it’s fundamentally racist. It classifies Natives as the property of tribal communes—just as imperialists and white supremacists regarded them in past ages—rather than as equal individuals in charge of their own destinies. Whether offered by Jacksonians in the 1830s or race-obsessed activists in 2016, it’s the same old serpent that says the pursuit of happiness is for other people.

Nothing today can undo the Sand Creek Massacre or the Trail of Tears. But it *is* within our power to open the door of opportunity for our fellow citizens. Doing so requires that they cease to be regarded as a separate people. “[Y]ou ask yourselves, ‘What do they, the Indians, want?’” wrote William Apress. “[Y]ou have only to look at the unjust laws made for them, and say, ‘They want what I want,’ in order to make men of them, good and wholesome citizens.”

Timothy Sandefur holds the Clarence J. & Katherine P. Duncan Chair in Constitutional Government at the Goldwater Institute, which is litigating a constitutional challenge to the Indian Child Welfare Act. He is the author, most recently, of The Permission Society: How the Ruling Class Turns Our Freedoms Into Privileges and What We Can Do About It (Encounter Books).



2017 SUMMER SEMINARS

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<p>Natural Law and Public Affairs August 2–6</p>	<p><i>A seminar for advanced undergraduates and graduate students</i> Faculty: Robert P. George, Christopher Tollefsen, Ryan T. Anderson, and Sherif Girgis</p>
<p>The Thomistic Seminar: Themes in Aquinas and Charles Taylor August 6–12</p>	<p><i>A seminar for graduate students in philosophy and related fields</i> Faculty: John Haldane, Candace Vogler, John O’Callaghan, Sarah Broadie, and others to be announced</p>
<p>Medical Ethics: A Natural Law Perspective June 25–July 1</p>	<p><i>A seminar for students of medicine</i> Faculty: Christopher Tollefsen and Farr Curlin</p>
<p>Moral Foundations of Law July 30–August 5</p>	<p><i>A seminar for students of law</i> Faculty: Gerard Bradley, John Finnis, Robert P. George, Adam MacLeod, and Matthew Franck</p>
<p>Moral Life and the Classical Tradition June 18–24 (women) June 25–July 1 (men)</p>	<p><i>A seminar for rising high school juniors and seniors</i> Faculty: Ana Samuel, Janice Chik Breidenbach, Micah Watson, and John Rose</p>

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