

*Imperfect Victories: The Legal Tenacity of the Omaha Tribe, 1945–1995*, by Mark R. Scherer. Law in the American West, vol. 6. Lincoln: University of Nebraska Press, 1999. xvii, 166 pages. Illustrations, maps, table, index. \$35.00 cloth.

REVIEWED BY WILLIAM HEWITT, WEST CHESTER UNIVERSITY OF PENNSYLVANIA

This brief book tells an important story about a narrowly focused topic. The Omaha Tribe of Nebraska fought for decades after World War II to redress wrongs committed by the federal government's wildly oscillating Indian policy. Mark Scherer's *Imperfect Victories* provides a well-documented examination of the Omahas' tenacious legal struggles to undo the damaging effects of post-World War II federal legislation that transferred control over Indian affairs to state authorities as a precursor to the wholesale termination of Indian tribalism. On September 15, 1953, President Dwight Eisenhower signed Public Law 83-280 (PL 280), which provided that "the state of Nebraska and four other 'mandatory' states were to assume both civil and criminal jurisdiction over all 'Indian country' within their boundaries" (7). The legislation brought jurisdictional turmoil to the Omaha reservation and plunged the Omahas into chronic conflict with local law enforcement agencies.

Fighting racism and an increasingly hostile federal bureaucracy, the tribe sought to become the first Indian group in the nation to escape the effects of that law through retrocession. They waged equally notable struggles to redress past wrongs with the Indian Claims Commission (ICC) and in the federal courts. In June 1962, almost eleven years after filing the original ICC case, the Omahas were awarded per capita payments to buy clothes, furniture, appliances, and bicycles for their children, in addition to payment of debts and home improvements. The effects of the payments soon faded as a result of harsh intra-tribal fights over spending. Scherer suggests that the most important outcome was unforeseen: "the successful resolution of the tribe's ICC litigation may have given it valuable insight into the rewards available to it on the judicial battleground" (87).

In the continuing zigzag of federal policy, President Lyndon Johnson reversed termination in 1968, when he sent to Congress a speech titled *The Forgotten American*. "The speech marked the Johnson administration's formal repudiation of the termination policy as Johnson's new direction was embraced with surprising vigor by the incoming Nixon administration" (39). These changes provided the context for the Omahas' struggle to retain its lands. In addition, Scherer suggests that the American Indian Movement (AIM) played a role, which is less well developed here, in increasing Indian activism, both legal and extralegal.

The Omahas' new struggle centered on land called Blackbird Bend, largely defined by the shifting of the Missouri River channel between 1867 and the early 1970s. To help make their case, an "occupying force" of twelve carloads of Indians moved onto a portion of Blackbird Bend, pitched several teepees, and displayed a large framed copy of the 1854 treaty on which their claim was based. This occupation followed the pattern set by Indian activists around the country, most notably by AIM at Wounded Knee, South Dakota. A suit by one of the former Iowa owners of the land resulted in a court order requiring the Omahas "to vacate the land pending further hearings on the question of title to the property" (96). The Indians reoccupied the Blackbird Bend lands in the spring of 1975. Scherer observes that, "whatever AIM presence may have remained from 1973 was no longer visible in 1975, and the tribe presented a unified and cohesive front in asserting its right to the land" (97).

Scherer answers many questions about the Omahas' efforts to regain lost sovereignty and territory. However, his study lacks needed context. For example, how did the Omahas' efforts fit into the larger context of post-World War II Indian activism generally, and specifically the rise and fall of AIM's influence? How successfully did the other states included in the PL-280 mandate—California, Minnesota, Oregon, Wisconsin, and, in 1958, Alaska—respond to termination?

The Omahas did not regain all of the lands they claimed, but, "on a more positive note," Scherer concludes, "it may certainly be said that the struggle for Blackbird Bend represents one of the most significant steps taken by the Omaha Tribe in the last few decades to resurrect itself as a vibrant and economically viable political and cultural entity. . . . the Omahas take a measure of satisfaction in the fact that a portion of the land that they recovered in Iowa is now the site of the tribe's successful gaming operation, CasinOmaha" (113). Whether or not the casino turns out to be the Omahas' modern bison remains to be seen.

*Alone among Friends: A Biography of W. Robert Parks*, by Robert Underhill. Ames: Iowa State University Press, 1999. xvii, 315 pp. Illustrations, tables, graphs, notes, chronology, bibliography, index. \$39.95 cloth.

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W. Robert Parks was president of Iowa State University from 1965 to 1986. The author of this biography is an emeritus professor of English and speech at the same institution. The title of the book was apparently chosen to convey the author's impression that the president of a

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