

Луиз БАРНЕТТ

ТРИЛОГИЯ ПРАВОСУДИЯ ЛУИЗ ЭРДРИЧ

Аннотация: В трех романах Луиз Эрдрич рассматриваются вопросы правосудия / справедливости как в господствующей белой культуре, так и в культуре коренных американцев. В романе «Голубиная чума» речь идет о последствиях преступлений, совершенных белыми против индейцев и оставшихся ненаказанными; подразумевается, что упадок белого городка, где произошло преступление, становится воздаянием за линчевание ни в чем не повинного индейца оджибве. В основу романа «Ритуальное очищение» был положен реальный факт – изнасилование няни-индеанки влиятельным белым политиком. О преступлении стало известно, началось расследование, но дело было замято. Эрдрич близко подходит к эмоциональной сути преступления: образ насильника в ее романе мелодраматичен и неправдоподобен. Поскольку юридическая система не может обеспечить правосудие, тринадцатилетний подросток вынужден сам отомстить за свою мать, убив белого насильника, – явно неудовлетворительное разрешение коллизии. В центре романа «Лароз», действие которого происходит в смешанном сообществе, где соседствуют белые и индейцы, – не преступление, а несчастный случай. Финал романа показывает, насколько переплетены обе культуры, белая и индейская, и подводит к выводу, что примирение, а не месть должно быть целью правосудия. Этот вывод, судя по всему, отражает авторскую позицию Эрдрич.

Ключевые слова: правосудие, юрисдикция, примирение, преступление, коренные американцы, Луиз Эрдрич, трилогия правосудия, «Голубиная чума», «Ритуал очищения», «Лароз».

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LOUISE ERDRICH'S TRILOGY OF JUSTICE

Abstract: In three novels Louise Erdrich explores issues of justice involving the dominant white culture and Native Americans. *A Plague of Doves* and *The Round House* concern the aftermath of unpunished crimes committed by whites against Native Americans. In *A Plague of Doves* the movement of the narrative suggests that the decline of the white town where the crime occurred is retribution for the lynchings of the innocent Ojibwe. *The Round House* was at least loosely inspired by an actual case where a powerful white political figure raped a young Native American babysitter. The crime was immediately reported and investigated but covered up. Erdrich may be too close to the emotional subject of white rape of Native American women: her fictional rapist is melodramatic and unbelievable. Because the judicial system is unable to render justice, a thirteen-year-old boy kills the white man who raped his mother— clearly an unsatisfactory solution. *LaRose*, instead, focuses on a tragic accident rather than a crime, and it occurs within a community where whites and Native Americans are mixed. The conclusion demonstrates that the two cultures are now so intertwined that reconciliation rather than vengeance should be the response in issues of justice. This seems to me to express Erdrich's own view.

Keywords: justice, jurisdiction, reconciliation, crime, Native American, Louise Erdrich, *Judge Coutts*, *The Plague of Doves*, *The Round House*, *LaRose*

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In three evenly spaced novels written between 2008 and 2016, Louise Erdrich composed narratives that address questions of justice: *A Plague of Doves* (2008), *The Round House* (2012), and *LaRose* (2016). Each book is constructed around a central incident, but behind each event is a much larger tableau of wrong that is explicitly formulated only in *LaRose*, the last volume of the trilogy: “Loss, dislocation, disease, addiction, and just feeling like the tattered remnants of a people with a complex history. What was in that history? What sort of knowledge? Who had they been? What were they now? Why so much fucked-upness wherever you turned?”¹ All of the novels explore these many interrelated issues, but only *LaRose* provides a viable solution.

The first two novels address miscarriages of justice in starkly polarized Native American-white relations: in *The Plague of Doves* some Ojibwe men were lynched for a crime they did not commit; in *The Round House* an Ojibwe woman is raped by a white man who cannot be touched by the law because of jurisdictional issues. Only in *LaRose* does Erdrich explore a case within a combined Ojibwe-white community where the conflict is not drawn in racial terms. Here the accidental killing of a five-year-old boy is expiated by the killer’s offering his own five-year-old son, *LaRose*, to the bereft family. This is a variation on an old-time practice in both Native American and American cultures of a family with a number of children allowing one to be adopted by kin who were childless or had lost a child. After a time the families work out a sharing arrangement, and *LaRose* ultimately brings the two formerly estranged families together.

The Plague of Doves refers back to an historical incident in a small South Dakota farming town: the Ojibwe men who discovered the murdered white family were hanged. The men were not guilty; they were simply convenient scapegoats because they were in the area and are Indians. One of those hanged was a thirteen-year-old boy named Paul Holy Track, known for his piety.² His death was particularly agonizing. And one, Mooshum, was spared, cut down before he died because he was the one who told a white man that the Ojibwe men had been at the farm. It was carelessness attributable to his drunkenness, not intentional malice.

In an interview Erdrich described the origin of the novel:

¹ Erdrich, Louise. *LaRose*. New York: HarperCollins, 2016: 51. Further page references will be given parenthetically in the text.

² See Beidler, Peter. *Murdering Indians: A Documentary History of the 1897 Killings That Inspired Louise Erdrich’s “The Plague of Doves”*. Jefferson, NC: McFarland, 2013.

The book revolves or spins off of a lynching of Native American – Native American men, young men. One boy was only thirteen years old. This particular incident, which occurred in 1897, haunted me. It really happened. . . . And this book talks about what it’s like for a community to come to terms with the lack of justice. There was never any justice done. This was an act of vengeance that reverberates throughout the whole community for generations. But by the end, people are so intertwined and intermixed that one of the descendants of both the lynchers and the victim says, you know, “There’s no unraveling the rope. We’re all in this together.”³

Erdrich’s final sentence sums up the central principle of her fiction: since the wrongful conquest of Native American land, the lives of Native Americans and whites have become so “intertwined and intermixed,” like her own ancestry, that the constructive response is to find a way of reconciling the two cultures, at least on the small scale possible in her novels.

Mooshum and his granddaughter Evelina make a pilgrimage to the hanging tree to leave Holy Track’s boots there. This is, she tells her grandfather, “sentiment instead of justice.” So long after the event, sentiment is all that is possible. Erdrich seldom punishes her characters severely, even when conventional wisdom would suggest that they deserve it. Part of this is her disposition as a person, but another part is realism: people do get away with terrible crimes, and the world will move on.

In *The Plague of Doves*, justice is impossible because the crime was long in the past, the perpetrators scattered and dead. Even small details are subject to distortion. Recounting how his ear was shot by his brother Shamengwa, Mooshum tells Evelina, “My brother pissed himself all the way down his legs that time.” His daughter corrects him: “Shame on you, Daddy. You’re the one who peed himself.”⁴ Mooshum may be self-serving, but he is now so old that he has become a figure of fun, carrying on an improbable romance. Erdrich wishes to set the record straight but not to punish him for the thoughtless betrayal that led to the death of three companions.

The real murderer of the white family is not punished either, nor is he revealed until the novel’s end. Suspicion had centered on a young white man who left town soon after the killings. The community is so certain of his guilt that his name is crossed out on the monument honoring those who

³ *Louise Erdrich Interview*. Online at https://www.democracynow.org/2008/6/6/native_american_writer_and_independent_bookseller

⁴ Erdrich, Louise. *The Plague of Doves*. New York: HarperCollins, 2008: 256. Further page references will be given parenthetically in the text.

served in World War One. This judgment, like the initial one of scapegoating the Ojibwe, is wrong.

The baby who was the unique survivor of the bloodbath, spared by the murderer and rescued from starvation by the Ojibwe, grows up to become a doctor. On one occasion this doctor, Cordelia Lochren, saves the life of an old farmer. Five years later, the man dies of natural causes and leaves the doctor a box of money, bills folded up like certain bills she had received anonymously during her youth. Only then does the doctor realize that he was the murderer of her family. She remembers, and now understands why, when she first visited the farmer, he shrank back “in a horror that seemed too personal, and pitiable. There had been something of a recalled nightmare in his face.” (310)

Pluto, the town where these events occurred, is now dying, like so many prairie towns abandoned by young people. The town historical society will cease to exist, and with it – an unspoken corollary – historical memory. The doctor announces her last act as the president of the historical society: “I would like to declare a town holiday to commemorate the year I saved the life of my family’s murderer” (311). This puzzling idea seems to be both a recognition of the difficulty of finding the truth and an acknowledgment of the profound irony of the situation –unknowingly, she saved the life of the man who murdered her family.

In larger terms, the ending signals the difficulty of achieving justice, an obsession with Erdrich. Justice must be based on facts, and these can be hard to obtain, especially for an event in the past. The innocent Ojibwe were executed, another innocent young man came under suspicion, and the murderer lived out his life in the community, unrecognized and unpunished, identified only after his death and by only one person. The surviving victim, Dr. Lochren, had never accepted Native Americans as patients because she believed that the Ojibwe were guilty. The truth was the opposite: the men who were hanged had saved her life.

The last sentence of *The Plague of Doves* recalls the central image of the great flocks of birds that blackened the skies in the year of the murders. The elderly doctor goes out for a night walk and says, “The air is so black I think already we are invisible” (311). These final words, uttered in the dying town, suggest a characteristic Native American perspective: the endurance of nature and the ultimate disappearance of people, perhaps, specifically, white people.

The central action of *The Round House* is another violent crime, the rape of a Native American woman by a white man. Erdrich cites in her Afterword to the novel the Amnesty International figure that more than one

in three Native American women are raped in contrast to under one in five for the United States as a whole.⁵ She adds, as the report also does, that the figure is probably higher because not all rapes are reported.

Erdrich claims that the rape of Geraldine Coutts in *The Round House* is fiction, but a case that received widespread attention was certainly in her mind, the 1967 rape of 15 year old Jancita Eagle Deer by William Janklow, then attorney for the Rosebud reservation.⁶



William Janklow

Jancita had been the Janklows' babysitter. Like so many crimes against Native Americans, this one was not prosecuted, but it was documented and publicized. Jancita immediately told her school principal, who informed the Bureau of Indian Affairs. She was examined at a hospital by a doctor and a nurse. A Bureau of Indian Affairs agent interviewed the doctor and nurse, who confirmed that sexual abuse had taken place.⁷ The FBI took over, however, and closed the case on grounds of insufficient evidence.⁸ Historically, this is what has overwhelmingly happened to rape charges brought by Native American women,

especially against non-Native American men, and Janklow was a person of consequence in his community.

In 1974, American Indian Movement leader Dennis Banks decided to revive the case and pursue it in tribal court. It was a politically sensitive time for Janklow, who was running for Attorney General of South Dakota. He ignored the subpoena issued by a tribal judge. Three days after the trial began, Janklow was elected Attorney General. Banks reports in his book that later efforts to try Janklow in federal court came to nothing: "Most documents

⁵ Erdrich, Louise. *The Round House*. New York: HarperCollins, 2012: 319–21. Further page references will be placed in parentheses in the text.

⁶ This was not the first accusation of rape against Janklow. Kermit Sande, the incumbent attorney general challenged by Janklow in 1974, accused him of raping a seventeen-year-old girl in 1955.— Banks, Dennis, Erdoes, Richard. *Ojibwa Warrior: Dennis Banks and the Rise of the American Indian Movement*. Norman: University of Oklahoma Press, 2004: 270.

⁷ These officials are all named in Matthiessen, Peter. *In the Spirit of Crazy Horse*. New York: Viking Press, 1980: 109. Seven years after the rape, all of them confirmed this account to Dennis Banks.

⁸ Banks, Dennis, Erdoes, Richard. *Ojibwa Warrior*: 270.



Jancita Eagle Deer

relating to the case simply disappeared.”⁹ That, too, is typical in such cases.

Not long afterwards, at the age of twenty-five, Jancita died mysteriously as a hit and run victim. Her brother said that she had been picked up by a dark-haired man in a blue Chevrolet. He was never identified. Her stepmother, Delphine Eagle Deer, was determined to pursue the case of Jancita’s mysterious death, and nine months later she herself was dead. Banks says that she was beaten to death by a BIA policeman who pled drunkenness. He was never charged.¹⁰ But in what universe would a man who admitted

beating a woman to death not be charged with at least a minor offense? The official record of Delphine Eagle Deer’s death makes no mention of any perpetrator. It says that she had been beaten and died of exposure.

In that time period the Lakota reservations of South Dakota were racked by violence. There were many unexplained and uninvestigated deaths, so one need not conclude that either woman’s death had anything to do with a powerful South Dakota politician. When Peter Matthiessen revisited the Eagle Deer deaths in his 1983 book *In The Spirit of Crazy Horse*, Janklow sued, but the courts affirmed Matthiessen’s free speech rights.

William Janklow became the longest serving governor in South Dakota history, at least in part because of the hostility of the dominant white community in that state to Native Americans. Janklow’s excessive behavior was tolerated because of his political power. He was known to habitually drive above the speed limit, as he admitted in his 1999 State of the State speech to the state legislature. He said, "Bill Janklow speeds when he drives – shouldn't, but he does. When he gets the ticket he pays it. If someone told me I was going to jail for two days for speeding, my driving habits would change. I can pay the ticket but I don't want to go to jail. It's that simple."¹¹ This arrogant admission seemed to be daring

⁹ Ibid.: 274.

¹⁰ Ibid.: 282–83; see also Matthiessen, Peter. *In the Spirit of Crazy Horse*: 121 and n.12, p. 589. This account is confirmed by Leonard Crow Dog, Delphine’s brother, and by Richard Erdoes, a white writer who has collaborated with a number of Native American authors.

¹¹ “‘Remorseful’ Janklow gets 100 Days in Jail.” Online at <http://articles.latimes.com/2004/jan/23/nation/na-janklow23>:

the legislature to make the penalty for speeding involve jail time – which it did not. His statement is notable for the shift from third person to first person, almost as if there are two people: one who is reckless but is willing to pay for his recklessness, the other who could change his driving habits if the penalty was too high. Early in his career Janklow accumulated speeding tickets, which he paid – as he said – but when he was governor, the police who stopped him seldom gave him a ticket, some because he was the governor, others because they were afraid of retaliation.

In 2003, Janklow's reckless driving caught up with him. He failed to stop at a stop sign and killed a white motorcyclist. Unlike the rape of a young Native American girl, this crime was too flagrant to overlook. Janklow was convicted of second-degree manslaughter and served a month in jail. By then, he had moved on from the governorship to the House of Representatives. Its rules forced him to resign, but he was able to pursue a lucrative law practice until his death in 2012.

The reemergence of the rape case in 1974 coincided with Erdrich's coming of age as a young woman studying her heritage in a time of increasing Native American militancy. Erdrich did not grow up on a reservation, nor does she live on one now, but – like many Native Americans – she maintains close ties with relatives on one, the Ojibwe reservation of Turtle Mountain in North Dakota. The name of the governor in *The Round House* is Yeltow, fairly close to Janklow.

Rape is rarely written about in American fiction although it can have a powerful emotional appeal in political discourse. Donald Trump began his successful presidential campaign with a speech excoriating illegal immigrants, whom he characterized as “Mexican rapists.” Many people wanted to hear this anti-immigration message although the reaction to actual rape in American society has often been one of indifference: victims treated without sensitivity, a huge backlog of rape kits stowed away and not tested.

Like *The Plague of Doves*, *The Round House* concerns an act of violence and the issue of justice, but it is a more complicated situation than that of the earlier work. For one thing, the year of the incident is the immediate present of the novel, 1988, rather than long ago. The rape of the narrator's mother is part of a complex narrative involving other Native American women, a child, and a governor. Above all, the novel is constructed on the issue of jurisdiction that has long undermined rape prosecutions on reservations.

The question of land underlies jurisdictional dispute. And the basic fact about the land is that Native Americans originally possessed it but now

have only limited rights over it. In *The Plague of Doves* a town historian asks Mooshum a question about the origin of the town, and he responds with a series of his own questions: “What you are asking . . . is how was it stolen? How has this great thievery become acceptable? How do we live right here beside you, knowing what we lost and how you took it?” (84) To enter the world of the Native American psyche is to invert the pillars of the American myth. Whatever the dominant culture praises as successful settlement of the land has been a defeat for Native Americans.

The United States government originally regarded American Indian tribes as sovereign nations, as indeed they had been in pre-Columbian times. Eventually, the balance of power changed. In 1831 the Chief Justice of the Supreme Court, John Marshall, stated that the tribes were “domestic dependent nations.” The United States reserved the right to investigate and prosecute important crimes that took place on reservations: that is, crimes involving white people. The reservation’s judicial system is thus almost toothless. This comes as a humiliating revelation to the narrator of *The Round House*, thirteen year old Joe Coutts. The son had always thought of his father, a reservation judge, as a figure of power. When he comes to Judge Coutts’s courtroom, Joe says, “I had imagined that my father decided great questions of the law, that he worked on treaty rights, land restoration, that he looked murderers in the eye. . . .” (48) He discovers that the only cases his father can rule on are trivial.

The judge’s wife, who has a position as tribal record keeper, was attacked in her office on a Sunday, taken somewhere else, beaten, and raped. Before any of the particulars of the attack are known, Joe’s father tells him that his mother does not know who attacked her. “But will we find him?” Joe asks: “We will find him,’ my father said. ‘And then what?’” (11) This last question is the crux of the matter: if the rapist is a white man, what can be done? The son naturally wants justice for his mother, but his father cannot honestly give him this reassurance. Geraldine Coutts has been raped, but whether or not she will receive justice depends on where the rape occurred and whether it was done by an Indian or a non-Indian; in other words, the judicial disposition will be determined by aspects that are irrelevant to the question of responsibility for the crime.

As usual in an Erdrich novel there are memorable characters and descriptions of the natural world, and intriguing sub-plots, but the major plot – the rape plot – is seriously flawed.

First of all, there is a simplistic doubling of characters. The white rapist, Linden Lark, is a fraternal twin, kept by his parents while his sister, Linda, was rejected at birth as deformed. She was raised by a Native

American family, who cared for her with love. She grows up to be a good person while he is a monster, seemingly guilty of every kind of crime. Mrs. Lark asks Linda to provide a kidney for Linden, who will otherwise die, but when Linda visits him in the hospital, he tells her, improbably, “I don’t want your kidney. I have an aversion to ugly people. . . . Frankly, you’re kind of a disgusting woman.” (125) Linda donates the kidney anyway. Afterwards, she feels that she has made a mistake and is saved from depression by her real family, that is, her Native American siblings. Linden, she tells Joe and his father, returned to South Dakota and began to “do things,” bad things understood.

We eventually get the backstory to the rape. Mayla Wolfskin was a promising young Native American girl who received an internship to work in the office of the governor, “the one who did all those bad things. Nothing stuck to him” (173). That would be an accurate description of Janklow, incidentally. Mayla, who was Linden Lark’s girlfriend, is seduced or raped by the governor and has a baby that Yeltow wants to adopt. Evidently, the governor gave Mayla \$40,000 to keep quiet or to give up the baby, which one is not clear.

Linden is an analytical madman whose implausible speech to Geraldine Coutts, after raping her, covers the issues that preoccupy Erdrich. He tells Geraldine, “I am really one sick fuck. I suppose I am one of those people who just hates Indians generally and especially for they were at odds with my folks way back. . . . I won’t get caught,” he said. ‘I’ve been boning up on law. . . . The strong should rule the weak. Instead of the weak the strong! It is the weak who pull down the strong. But I won’t get caught.’” (161) He decides to burn Geraldine alive, but says to her, “I’m not really a bad person.” (162)

Mayla and the baby are in the round house with Geraldine. Lark is planning to kill Mayla and take the baby to the governor. Somehow the baby ends up safe with its Indian grandparents although Mayla is presumed dead.

The main plot founders under a heavy weight of exposition, although it is necessary for readers to understand the tangled legal situation in order to appreciate the difficulty of obtaining justice for the rape. Judge Coutts explains to his son, “The round house is on the far edge of tribal trust, where our court has jurisdiction, though of course not over a white man. So federal law applies. Down to the lake, that is also tribal trust. But just to one side, a corner of that is state park, where state law applies.” (196) The precise location of the rape is actually immaterial since the rapist is a white man. The round house, a ceremonial place, is itself, according to a mythic story

embedded in the text, symbolic of the laws that once governed the Ojibwe. Its use as a place of white crime against two Native American women is further evidence of the now subordinate status of the Ojibwe people.

Joe decides to kill Lark, a plan he thinks of as justice, not vengeance. He tells himself, or Erdrich tells the reader, “If they could prosecute Linden Lark, I would not have to . . . do what someone had to do.” (261) When Joe shoots Lark, he causes him great suffering because he is a bad shot. His best friend Cappy finishes Lark off with a head shot. Cappy will die in a car crash shortly after this killing, a detail that seems heavy-handed. If Lark is executed by the son of his victim, should Cappy be the one to die for his part in the murder? The conclusion of the novel may be a tidy resolution, but it is hardly a satisfactory one. Erdrich is aware of this problem. She has said, “When people believe there is no justice to be attained, they behave in ways that are either defeated or vengeful.”¹²

A photograph by Rebecca Belmore, an Anishinaabe-Canadian artist, provides an analogue for Erdrich’s novel. Titled “The Fringe,” it displays the aestheticizing of a terrible wound. The knife slash across the woman’s back is beaded in red, a symbol of the blood that such a wound would produce. This wound is the raw material transformed into a work of art. The viewer experiences the wound and the fringe simultaneously.

Erdrich’s novel is also an imaginative construct based on an act of violence, but unlike the instantaneous impact of Belmore’s image, it must create its effect slowly, through many words, and this necessary effort to turn the wound into art is sabotaged by the need for a great deal of awkward exposition. It is further undermined by the representation of the rapist as a psychopathic monster and even a *windigo* (an Ojibwe spirit of devastation that takes possession of a



¹² Erdrich, Louise. “A Reading and a Conversation.” Montgomery Fellow Lecture, May 22, 2012. Online at <https://www.youtube.com/watch?v=vK9G0ydx12M>

human being). This is in the service of heightening the injustice of his escape from prosecution. Instead, it renders the crime atypical of the assaults that Native American women face.

In spite of its richness of character and incident, and its compelling central drama, *The Round House* is more of a polemic in the service of judicial reform than a fully realized fiction.

LaRose succeeds in addressing a problem of contemporary justice where *The Round House* fails because it avoids the complications of the judicial process and the limits imposed by history. In doing so, it gives a satisfying expression to the author's preference for reconciliation over vengeance. The crime here is not actually a crime: it is a freak accident, and, as such, escapes the workings of the judicial system. A boy falls from a tree into the trajectory of a bullet fired at the same moment at a buck. The hunter is unaware of the boy in the tree until he sees him dead where he has fallen. Although no recklessness or intentionality was involved, the man, Landreaux, feels obligated to do what he can to make amends. That turns out to be sharing his favorite child LaRose, also a five year old, with the bereaved family. Working out this fraught arrangement, with some mythicized interludes from the past, is the subject of the novel. There is also a villain, albeit a broken down man who has long cherished a wrong Landreaux did to him in the past, another unintentional "crime," but one the young Landreaux walked away from.

In *The Plague of Doves* nothing can be done to rectify an injustice long past except, Erdrich hints, the disappearance of the town where the perpetrators lived. In *The Round House*, the only way to achieve justice is to bypass the inadequate law and act as a vigilante. Both cases reflect the difficulty of achieving justice when Native Americans are within the judicial disposition of the dominant culture. In *LaRose*, the community is mixed but harmonious, and, as a result, the ending is not frustration or more violence but genuine resolution. Even the villain, who has done his best to get Landreaux killed, is forgiven and welcomed into the novel's celebration of community. Odds are that through his inclusion even he will be a better man in the future.

Where Belmore's *The Fringe*, like Erdrich's *The Round House*, creates a work that incorporates the violation of the body into its art and thus transforms it, making it a part in service to an aesthetic whole, *LaRose* accepts the complexity of good and evil and transcends the accidental death of the child. The community, without help from any judicial system, achieves reconciliation.

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