

Question 1—Discuss the primary problems facing American Indian tribes today. What are the origins of these problems (you should consider any relevant events and policies that we have discussed over the course of the semester)? What solutions have tribes been pursuing in the last several decades?

Savage History: Indian Identity in the Land of White Hegemony

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the *merciless Indian Savages*, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.¹

In 1776, listing the many grievances the united colonies held against King George III of Great Britain, Thomas Jefferson inscribed the line above into the Declaration of Independence.² As a formal document, one with which colonial Americans formalized their break from the imperial British metropole, these words are indelible, arguably engraved rather than penned onto the consciousness of the nation. Clearly, this complaint is loaded with cultural bias that bears no small portion of prejudicial, racialized underpinnings. Thus, these few words succinctly encompass some of the primary problems facing American Indian tribes then, as today. First, the verbiage Jefferson utilizes to describe the lands and the people indigenous to the country speak

¹ Thomas Jefferson. “The Declaration of Independence.” 1776. Retrieved from <https://etc.usf.edu/lit2go/133/historic-american-documents/4957/the-declaration-of-independence/> Emphasis on “merciless Indian Savages” mine.

² Stephen E. Lucas, “Justifying America: The Rhetorical Artistry of the Declaration of Independence,” in *Rhetoric, Independence, and Nationhood, 1760–1800*, edited by Stephen E. Lucas (Michigan State University Press, 2022), 170. Notionally listed as grievance no. 27, in conjunction with two other complaints leveling charges of tyrannical oppression of the colonials by Britain through their fomenting insurgency. This grievance has been subject to critique from the first moments of the Declaration’s publication.

to a mindset of absolute dominion. Second, in decrying Indians' undistinguished destruction in warfare, the document relates a belief in the relative superiority of Euroamericans and their civilization. Third, looking more concretely, enshrined as these convictions are in one founding document of the nation, how can Indians seek redress for the imperious belief in Euroamerican civilization that it conveys? Most especially, how can they remedy these hegemonic beliefs from within this biased system? Drawing from this document, one which is central to claims of nationhood for all "Americans" then as now, I argue that the major problems facing tribes today stem from the long history of ill treatment and denigration of Indians by Euroamericans and their descendants, and the inherited beliefs that have established imperial white authority throughout what, prior to the seventeenth century, was indisputably Indian country. These practices and beliefs have been propagated through the documents that have shaped colonizer attitudes, legitimized violence, misappropriation, and removal upon the Indians, and created a false narrative of standardized white hegemony that is manifest through the documents and actions of mainstream American society.

As David Graeber and David Wengrow point out in *The Dawn of Everything: A New History of Humanity*, the notion of property ownership, a cornerstone of white American hegemony, is "an individual's claim to exclusive access and control over all the soil, stones, grass, hedges, etc. within a specific territory," the practice of which means, "the legal right to keep anyone else off it."³ Enforcing this also boils down to a method of domination: should trespass upon private property occur, eventually someone will be given orders to remove the offender by force, and that means enacting violence (or the threat thereof) upon others. Reading the Declaration's complaint about the harassment of Indians on the borders of white settlements

³ David Graeber, and D. Wengrow, *The Dawn of Everything: A New History of Humanity*. First American edition (New York: Farrar, Straus and Giroux, 2021), 363.

means reframing the narrative, and placing the white notions of land ownership in sharp relief. As seen below, this map of Native American’s tribal lands as conveyed through “culture areas”⁴ and linguistic stocks attempts to demonstrate, if not the “ownership” of land by Indians before colonization, the span of pre-colonial Indian occupation and dominion over what would become the continental United States.⁵

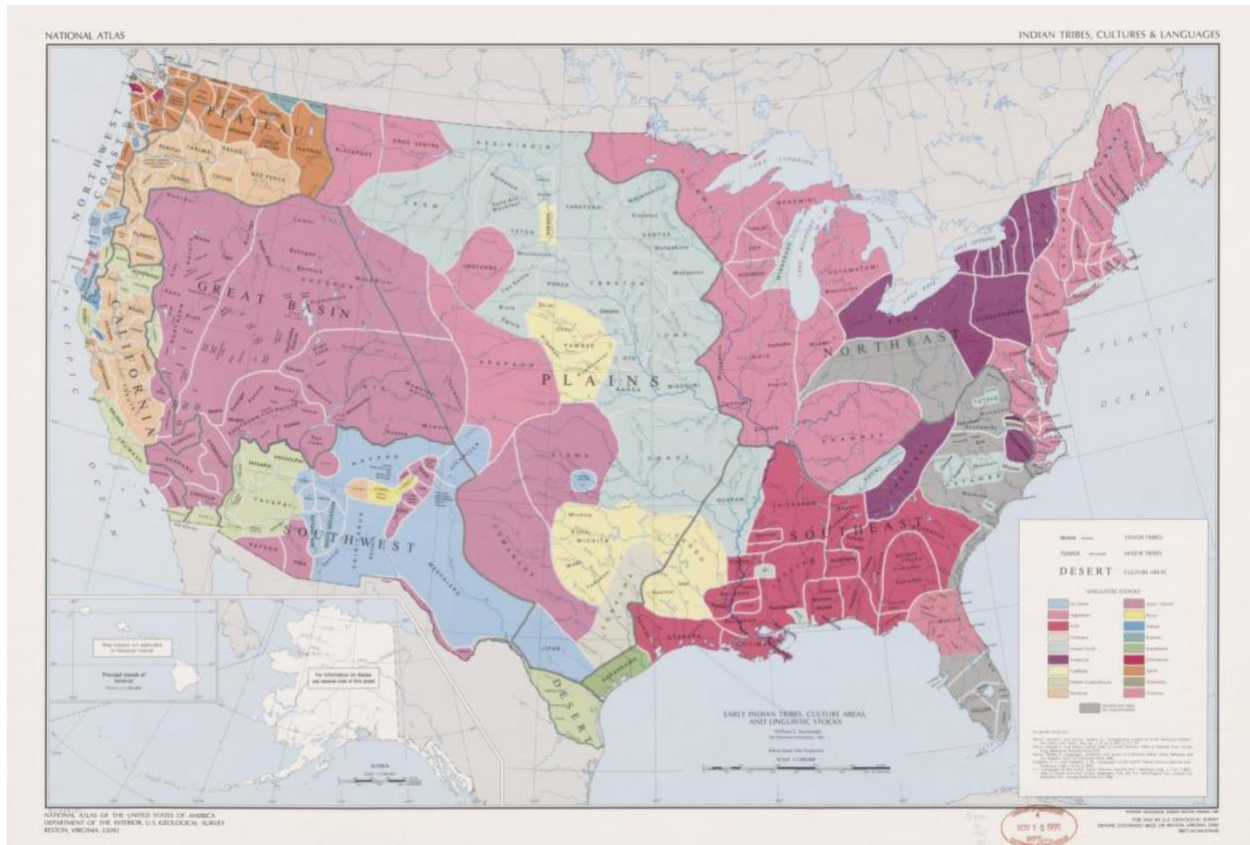


Figure 1: National atlas. Indian tribes, cultures & languages: United States. Reston, Va.: Interior, Geological Survey, 1967.

This map, therefore, demonstrates not only the geographical sovereignty of Indian nations across the continent prior to colonization, but also the variety of cultures and subcultures

⁴ For an excellent assessment of “culture areas” and the history of how ethnologists and museum curators utilized this now disreputable concept, see e.g. Graeber and Wengrow, *The Dawn of Everything*, 166, 170-72. “Culture areas”: that is, localized populations with their own characteristic styles of clothing, cooking, and architecture, and no doubt also their own stories about the origin of the universe, rules for the marriage of cousins, and so forth.”

⁵ William C. Sturtevant and U.S. Geological Survey, *National atlas. Indian tribes, cultures & languages: United States* (Reston, Va.: Interior, Geological Survey, 1967).

that flourished. Although the map only reflects scholarship up until latter decades of the twentieth century (1967), it can still prove as a starting point to understand the Indian distribution across the land from an Indian perspective before European incursion, and demonstrate the ramifications of the settler colonial mindset and their bias for land use: namely, the Doctrines of Discovery and the Right of Conquest.⁶ These concepts would pair to enable hegemonic Euroamerican attitudes like those seen in the Declaration of Independence.⁷ As Andrew Fitzmaurice points out, during the seventeenth century the English, French, and Dutch legitimated their expansion through their “occupation” of territory in addition to conquest.⁸ Thus, as I posited in a previous essay, the four pillars of colonization, trade, disease, settlement, and warfare enabled the expansion and occupation of hitherto Indian lands by Euroamerican settlers, as displaced Indians drew further back into hinterlands and colonists backfilled the vacated territory. By hook or by crook, Europeans’ concepts of land tenure tied to ownership became a de facto practice and legitimizing force in white hegemony and later U.S. law.

Following from the American War for Independence, many Indian nations had been displaced into the Ohio Valley. Article III of the Northwest Ordinance of 1787, a document which outlined the government’s plan for proposed settlement and prospective states in the territory to the north-west of the Ohio River, speaks to the caveats within which Indians needed to exist in order to remain in the good graces of the new nation:

⁶ While this essay does not allow for a full review of the Doctrine of Discovery, the paternalism of its underpinnings in Roman law, and the vast implications for Native Americans in twenty-first century America, one article that succinctly describes the legitimacy upon which it is predicated can be seen at “Doctrine of Discovery,” Upstander Project (Upstander Project, Inc.) <https://upstanderproject.org/learn/guides-and-resources/first-light/doctrine-of-discovery>. “The Doctrine of Discovery established a religious, political, and legal justification for colonization and seizure of land not inhabited by Christians.”

⁷ Theda Perdue and Michael D. Green, *The Cherokee Removal: A Brief History with Documents*, 2nd ed. (Boston: Bedford/St. Martin's, 2005) 7-8.

⁸ Andrew Fitzmaurice, *Sovereignty, Property and Empire, 1500-2000* (Cambridge: Cambridge University Press, 2014), 8.

The utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they never shall be invaded or disturbed, *unless* in just and lawful wars authorized by Congress;⁹

A few years later, the Treaty of Fort Stanwix (1784) between the United States and the Six Nations of the Iroquois forced these nations' cession of those lands to the U.S., even though those tribes did not necessarily claim rights over that territory.¹⁰ From this basis, in treating some Iroquois as "conquered" foes following from their collusion with the British during the war, Congress asserted ownership over lands through documents and force, and later, through occupation.¹¹

As Susan Sleeper-Smith demonstrates, after the war, white settlers poured across the Appalachian Mountains to this Northwest Territory, coming into conflict with the confederation of indigenous and displaced nations who had both settled and thrived there.¹² Like so many other land grabs by Euroamericans, this too was done disingenuously: promises of land parcels to Revolutionary War veterans as well as the illegal occupation by white settlers meant the federal government had an onus to protect their citizens and assert ownership of the territory through treaty and Right of Conquest.¹³ These concepts would be later tried and upheld in the Supreme Court Case *Johnson & Graham's Lessee v. McIntosh* (1823). The court of Chief Justice John Marshall adjudicated that, "from time immemorial...the authority of the chiefs so acting [in selling land] for the whole tribe is attested by the presence and assent of the individuals

⁹ "The United States Issues the Northwest Ordinance, 1787," in *Major Problems in American Indian History: Documents and Essays*, eds. Albert L. Hurtado, Peter Iverson, William J. Bauer, Jr., and Stephen Kent Amerman (Stamford, CT: Cengage Learning, 2015), 246-47. Emphasis mine.

¹⁰ "The Iroquois and the U.S. Make the Treaty of Fort Stanwix, 1784," in eds. Hurtado et al, *Major Problems in American Indian History*, 210-211.

¹¹ Perdue and Green, *The Cherokee Removal*, 8.

¹² Susan Sleeper-Smith, *Indigenous Prosperity and American Conquest: Indian Women of the Ohio River Valley, 1690-1792* (Williamsburg, Virginia: Chapel Hill: Omohundro Institute of Early American History and Culture; University of North Carolina Press, 2018), 5.

¹³ *Idem.*, 224-26.

composing the tribe, or some of them...” In other words, any Indian representing a tribe might be taken as giving consent for the tribe as a whole, especially in reference to land sales, opening the doors wide for misrepresentation, misappropriation, and corruption.¹⁴

Furthermore, Theda Perdue’s *The Cherokee Removal* demonstrates how adoption of Euroamerican “enlightened” values did nothing to quell white avarice. In the southeast, the Creek, Choctaw, Chickasaw, Seminole, and Cherokee tribes would embark upon a program of civilization that would, at least in the hopes of George Washington, John Adams, Henry Knox, and Thomas Jefferson, lead to the teleological belief in the seamless economic and cultural assimilation of the tribes into mainstream society.¹⁵ These nations would later become known as the “Five Civilized Tribes” due to their partial cultural, linguistic, religious, and economic integration with mainstream society.¹⁶ Perdue states that fearing an expansion of the warfare of the Old Northwest with these nations in the South,¹⁷ “Congress instead sought to negotiate peace treaties that would end the fighting and restrain [the expansion of] the states.”¹⁸ The Treaty of Hopewell (1785) aimed to end fighting and allow the Indians the right to expel unwanted Euroamerican settlement within their sovereign area, establishing a peaceful negotiation and foothold for the Indians on more equal terms with the United States. However, due to objections by the state governments of North Carolina and Georgia (chiefly), this treaty was mostly a failure, and white expansion into their territories continued.¹⁹

¹⁴ “Johnson & Graham’s Lessee v. McIntosh, 21 U.S. 543 (1823),” (Justia Law), 20-21, and Michelle LeMaster, “History of North American Indians,” Lecture presented at Lehigh University, October 19, 2022.

¹⁵ LeMaster, “History of North American Indians,” October 17, 2022, and Perdue and Green, *The Cherokee Removal*, 14-15.

¹⁶ LeMaster, “History of North American Indians,” October 17, 2022.

¹⁷ *Ibidem*.

¹⁸ Perdue and Green, *The Cherokee Removal*, 8-9.

¹⁹ *Idem.*, 9.

However, the Cherokee nation continued to build as an enlightened nation within and alongside the United States, *imperium in imperio*.²⁰ For example, some Cherokees began educating their children in white, missioning institutions, believing that perhaps older generations may be too “uncivilized,” but that children’s education within more mainstream learning would give the nation a greater chance at thriving in the United States in years to come.²¹ Elizabeth Taylor’s letter to Miss Abigail Parker (1828) conveys one girl’s plea for more missionaries in order to amend what she calls, “The unenlightened parts of this nation...”²² Yet, not every “enlightened” development sought to extinguish Indian traditions in the name of civilization, as can be seen in the development of a syllabary for writing the Cherokee language by Sequoyah, and the use of this language side-by-side with English in their newspaper: the *Cherokee Phoenix*.²³

These demonstrations of syncretism and adherence to mainstream ideals notwithstanding, the creation of the *Constitution of the Cherokee Nation* (1827) would signal the pinnacle of their “civilization,” but also prove anathema to the governing bodies of their neighboring states. The very first Article delineated their boundaries and asserted Cherokee sovereignty.²⁴ Not that enmity between the white politicians of those southern states and Cherokee elite had been previously absent,²⁵ but this exercise of Indian power within mainstream terms proved a bridge

²⁰ Perdue and Green, *The Cherokee Removal*, 105. “Empire within an empire.”

²¹ *Idem.*, 12. And Donald Lee Fixico, *Indian Resilience and Rebuilding: Indigenous Nations in the Modern American West* (Tucson: The University of Arizona Press, 2013) 47. “Dartmouth College, founded in 1769, originally started as a school for Indians.”

²² Perdue and Green, *The Cherokee Removal*, 44. “The unenlightened parts of this nation assemble for dances around a fire. The one that goes before sings; a woman follows after having herself adorned with shells which make a rattling noise when she dances. The others follow after, dancing around a fire in a ring, and keep up their amusements all night.”

²³ *Idem.*, 14. And Willard Walker and James Sarbaugh, “The Early History of the Cherokee Syllabary,” *Ethnohistory* 40, no. 1 (1993): 72.

²⁴ Perdue and Green, *The Cherokee Removal*, 60-61.

²⁵ *Idem.*, 71. “The immediate history of Georgia’s campaign for Indian removal begins in 1802 when the state and the federal government negotiated an arrangement by which Georgia surrendered its colonial charter claims to the region that now includes the states of Alabama and Mississippi.”

too far, especially for the Georgia General Assembly.²⁶ Their reaction was swift and ruthless, passing a series of draconian laws negating Cherokee jurisdiction,²⁷ and with the measures and countermeasures escalating hostility,²⁸ this eventually led to the forcible Cherokee Removal: the Trail of Tears (1838-1839).²⁹ Thus, the dispossession of Indian occupied land was again enacted through use of coercive force. The Indian Removal Act (1830) was signed into law by President Andrew Jackson, and in his State of the Union Address he declares:

And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children? Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.³⁰

Consequently, it may be seen that becoming “civilized” would not mean acceptance of Indian sovereignty by white interests. Indeed, as these examples from the Cherokee nation have shown, demonstrations of Indian enlightenment only infuriated Euroamericans. Writing in opposition to Cherokee Removal, Elias Boudinot’s comment in the *Cherokee Phoenix* neatly encompasses this white hypocrisy in one question: “Where have we an example in the whole history of man, of a Nation or tribe, removing in a body, from a land of civil and religious means, to a perfect wilderness, in order to be civilized[?]”³¹ Therefore, drawing back to the white imperial mindset

²⁶ Perdue and Green, *The Cherokee Removal*, 71-73, and LeMaster, “History of North American Indians,” October 19, 2022.

²⁷ Perdue and Green, *The Cherokee Removal*, 73, 76-78.

²⁸ *Idem.*, 73, 79-82, and LeMaster, “History of North American Indians,” October 19, 2022. For example, the supreme court case of *Worcester v. Georgia* in 1832 that Georgia actually lost, but did not recognize.

²⁹ Perdue and Green, *The Cherokee Removal*, 189.

³⁰ *Idem.*, 121.

³¹ “Elias Boudinot (Cherokee) Opposes Removal, 1828,” in eds. Hurtado et al, *Major Problems in American Indian History*, 248-49.

that etched “merciless Indian Savages” in the Declaration of Independence, even when eschewing violence and stepping out from the mantle of “savagery,” Indians would be dispossessed of their ancestral homes.

In the 1930s, poet John G. Neihardt interviewed and transcribed the history of Black Elk, an Oglala Sioux medicine man who had come of age during the wars between the Plains Indians and the United States. Unsurprisingly, these Indians, who had been displaced into the Plains at minimum from Minnesota, came into conflict with Euroamericans and the U.S. Government especially because gold had been found on their reservation in the Black Hills. Their reservation at Pine Ridge had been established between the federal government and Red Cloud in 1868, and the land was promised to them “as long as grass should grow and water flow.”³² George A. Custer, it seems, had found and spread word of the mineral wealth to be found on the Indian lands, and white people streamed in from as far as the Missouri River to dig and delve. Indeed, Black Elk states that from the Indian point-of-view, it “makes the Wasichus crazy; and that is what made the bad trouble,” though his people “did not bother with it, because it was not good for anything.”³³

Black Elk’s account demonstrates the worst of white greed. While punctuated with cosmological visions, a first-person account of the Battle of Little Big Horn (1876), ethnographical set-pieces, and cultural anecdotes, it ultimately conveys a tragic tale of displacement, warfare, starvation, and the outright massacre of women, children, and the elderly along with Indian warriors at Wounded Knee (1890).³⁴ All that said, it is threaded through with the metaphysical understanding of the world that is intrinsic to Black Elk’s Indian religion.

³² Black Elk, Raymond J. DeMallie, Philip Joseph Deloria, John G. Neihardt, and A. Shahan, *Black Elk Speaks*, Complete edition (Lincoln, Nebraska: University of Nebraska Press, Bison Books, 2014), 49.

³³ *Ibidem*.

³⁴ *Idem.*, 160-64.

Neihardt's interview of Black Elk was predicated on his research into the Messianic Craze and advent of the Ghost Dance that swept the Plains tribes during this era. Indeed, Black Elk's vision is something of a messianic revelation as it presages the advent of true pan-Indianism. While watching the Ghost Dance he states that it "was exactly like the part of my vision where the holy tree was dying, and the circle of men and women holding hands was like the sacred hoop that should have power to make the tree bloom again."³⁵ Therefore, Black Elk claims that the characteristics of the Ghost Dance were manifestations of his complex prophecy. Tellingly, in a shocking assertion of hypocritical bias, even this expression of protest by the Indians was interfered with by the whites, contributing directly to the massacre at Wounded Knee, and demonstrating the violent oppression of cultural and spiritual practice in a country that is meant to offer religious freedom.³⁶

Further erosion of what Indians' had been promised by whites manifested in the General Allotment Act (Dawes Act) of 1887. Massachusetts politician Henry Dawes, in peak white hegemonic paternalism, proposed to make "something of" the Indians by forcing them into the privatization of their lands.³⁷ Although his rhetoric speaks to the discursive tool of "progress," and the Indians' defective stagnation due to holding land in common, what this legislation would amount to is the forfeiture of land holdings and sovereign tribal rights on a massive scale. Importantly, ostensibly in the name of equality, this act places Indians under civil and criminal laws of the territory in which their land resides.³⁸

³⁵ Neihardt et al, *Black Elk Speaks*, 148.

³⁶ *Idem.*, 156-57.

³⁷ "Henry Dawes Supports the Allotment of the Cherokee Nation, 1885," in eds. Hurtado et al, *Major Problems in American Indian History*, 363.

³⁸ "The General Allotment Act (Dawes Act), 1887," in eds. Hurtado et al, *Major Problems in American Indian History*, 368-69.

One form of Indian resistance to this act came through in a letter to the Senate and House of Representatives from the Cherokee.³⁹ In response to Dawes' measurement of their progress by hypocritical and imperialist metrics, they demonstrate how they are in fact "enlightened" by way of the white example and accuse Dawes of greed. They eloquently state:

We earnestly ask that before laying the axe to the root of the tree you yourselves have planted and carefully attended, that you examine the fruits thereof and take not the word of some persons controlled by envy, and in a moment of irritability against us for not blindly following their suggestion, consent to and advise our destruction.⁴⁰

However, despite their articulate and persuasive protests, the Dawes Act would pass, breaking up reservation lands into smaller parcels, and foisting the foreign concept of private land ownership and its concomitant economic complications upon Indians. Additionally, this created even more paternalistic and potentially corrupt bureaucracy that would sell excess lands to whites, and take the proceeds from these sales to assist in Indians' process of "Americanization."⁴¹ Speaking to the experiences with this allotment of Ojibwes in Minnesota, Brenda Child states that "corruption and fraud at White Earth was not exclusive to the reservation or even to Minnesota, but instead became part of a larger pattern of tribal dispossession in the nation."⁴²

³⁹ "Cherokee Delegates Defend Their Land and Institutions, 1895," in eds. Hurtado et al, *Major Problems in American Indian History*, 364-367.

⁴⁰ *Idem.*, 365.

⁴¹ LeMaster, "History of North American Indians," November 3, 2022.

⁴² Brenda Child, "Ojibwe Children and Boarding Schools," in eds. Hurtado et al, *Major Problems in American Indian History*, 377.

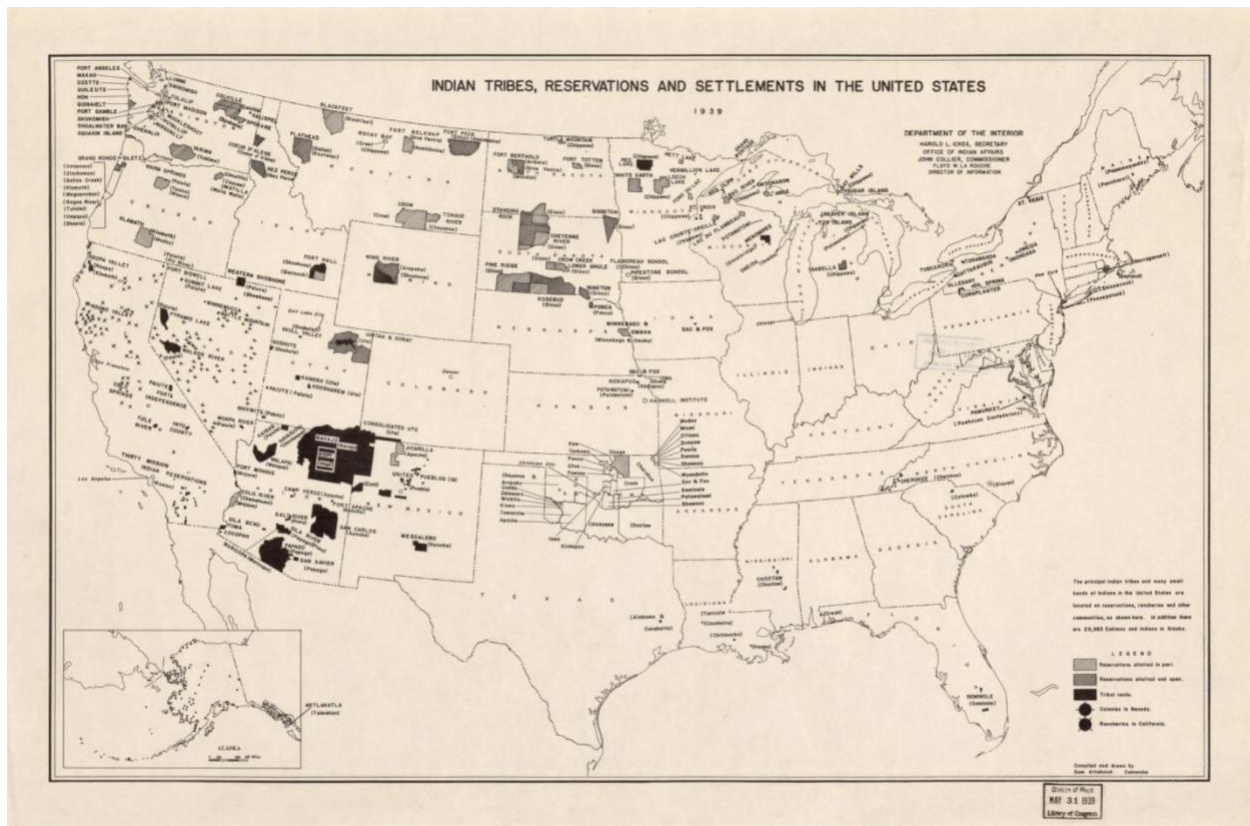


Figure 2: Sam Attahvich and United States Office of Indian Affairs. *Indian tribes, reservations and settlements in the United States*. [Washington, D.C.: Dept. of the Interior, Office of Indian Affairs, 1939] Compared with Figure 1, this map demonstrates the loss of land Indians suffered in contrast.

It can be seen then that as the nineteenth century ended, the Indian way of life as tied to the land had been piece-by-piece eroded through displacement and the imposition of Americanization in order for Indians to assimilate in the name of *progress*. Progress from their savage state towards an enlightened, Christianized standard of civilization, the hallmarks of which only really counted if they weren't actually racially Indian in the first place. These policies and practices, ironically, would dismantle the economies of self-sufficient Indian people who had successfully aligned their education with their own cultural values in tune with their local environments.⁴³ The changes enforced upon them would be written into treaties, legislation,

⁴³ Child, "Ojibwe Children and Boarding Schools," in eds. Hurtado et al, *Major Problems in American Indian History*, 377.

litigation, and articles of governance, and all enacted by coercion and violence. The program of government boarding schools whittled even more away from the generational inheritance of culture as children were sent to institutions specifically to cull the “Indianness” from them.⁴⁴

Dorothy Peche recalls the literal and metaphorical stripping of indigeneity from her and fellow classmates through prohibition of Indian language, clothing, and hygiene practices such that, “we totally forgot that we was Indians.”⁴⁵ This was the goal. Indeed, in a speech by Captain Richard H. Pratt, the founder of the Carlisle Indian School (founded 1879), he states his philosophy of Indian assimilation: “Kill the Indian in him, and save the man.”⁴⁶ Furthermore, attendance for American Indians was made compulsory in an act of Congress in 1891.⁴⁷

Without a doubt, abuses, corruption, and vile acts were perpetrated against the children in Indian boarding schools throughout the nineteenth and twentieth centuries. Donald Fixico states that between “1870 and 1934, an estimated five hundred boarding, mission, and day schools existed.”⁴⁸ Furthermore, he demonstrates that funding of the Indian education plan grew exponentially between 1877 and 1900, sequestering a substantial portion of government resources to educate and “civilize” Indian Children.⁴⁹ As Mary Annette Pember’s article about the Jesuit-run Red Cloud Indian School on the Pine Ridge reservation in South Dakota reveals, “evidence of at least one unmarked grave and at least 20 student deaths, and harsh, dehumanizing treatment of students at a time when the Catholic Church was accumulating

⁴⁴ Fixico, *Indian Resilience and Rebuilding*, 47, 50.

⁴⁵ “Dorothy Peche (Shoshone) Recalls Attending a Government Boarding School, c. 1917” in eds. Hurtado et al, *Major Problems in American Indian History*, 371.

⁴⁶ “Kill the Indian in Him, and Save the Man”: R.H. Pratt on the Education of Native Americans,” Carlisle Indian School Digital Resource Center. This speech was delivered in 1892 during the National Conference of Charities and Correction, held in Denver.

⁴⁷ Child, “Ojibwe Children and Boarding Schools,” in eds. Hurtado et al, *Major Problems in American Indian History*, 379.

⁴⁸ Fixico, *Indian Resilience and Rebuilding*, 47.

⁴⁹ *Idem.*, 53. “In 1877, Congress appropriated \$20,000 for Indian education and increased this in large amounts yearly, so that \$2,936,080 was spent in 1900.”

thousands of dollars in government payments and hundreds of acres of land at the expense of the Oglala Lakota people.”⁵⁰ Currently, more evidence and eyewitness accounts of child abuse in Indian boarding schools are emerging, with increasing widespread acceptance and sensitivity, especially since Deb Haaland, current Secretary of the Interior, is a member of the Pueblo of Laguna, and is the first Native American to serve as a member of the cabinet.⁵¹ This is all the more poignant as she has claimed, “My ancestors endured the horrors of the Indian boarding school assimilation policies carried out by the same department that I now lead. This is the first time in history that a cabinet secretary comes to the table with this shared trauma.”⁵² Stated thus, this collective suffering stemming from systemic marginalization and cultural belittlement from childhood can be understood as pan-Indian, and to have affected multiple generations of Native Americans. Squaring up to the realities of these abuses and subsequent traumas can be seen as one method to purge and heal. But this is only the latest technique Indians have adopted in order to raise their voice in this very mainstream, white American society.

From the mid-twentieth century, in tandem with other civil rights movements, the rise of the “Red Power Movement” can be seen to enact Indian Activism.⁵³ By taking control of their education, land, and lives—especially in fighting further insidious U.S. government policies such as Termination, Indians are speaking to the institutionalized American imperial authority and petitioning for self-determinism.⁵⁴ The growth of pan-Indianism, and foundation of multiple

⁵⁰ Mary Annette Pember, “Buried Secrets: Red Cloud Takes the Lead in Uncovering Boarding School Past,” ICT (ICT, October 15, 2022), <https://indiancountrytoday.com/news/buried-secrets-red-cloud-takes-the-lead-in-uncovering-boarding-school-past>.

⁵¹ “Secretary Deb Haaland,” U.S. Department of the Interior, February 9, 2022, <https://www.doi.gov/secretary-deb-haaland>.

⁵² “Native American Elders Recall Abuse at U.S. Government Boarding Schools,” *The Guardian* (Guardian News and Media, July 9, 2022), <https://www.theguardian.com/us-news/2022/jul/09/native-american-elders-us-government-schools-oklahoma>.

⁵³ LeMaster, “History of North American Indians,” November 16, 2022.

⁵⁴ “House Concurrent Resolution 108 Terminates the Trust Relationship, 1953,” eds. Hurtado et al, *Major Problems in American Indian History*, 453-457.

Native Civil Rights organizations such as the National Congress of American Indians (NCAI), American Indian Movement (AIM), National Indian Youth Council (NIYC), and the Native American Church, have collectively bridged the gap in asserting more Indian rights, seeking reparations, and fighting wrongful processes in the Supreme Court.⁵⁵ As this essay has demonstrated, these most recent proclamations of rights such as through the judiciary are not novel to twentieth and twenty-first century Indian activism, however, in many ways, socially and politically, the latest developments in repatriation of lands and American sympathies demonstrates promising results. Perhaps, as Fixico suggests, under certain conditions Indians' innate ability to adapt, adjust, and overcome hardship can be seen as a reverse colonization of sorts.⁵⁶ "Colonialism implies a greater authority oppressing another people and changing them, but arguably Indians recreated their identities and changed themselves as they navigated the urban cultural system."⁵⁷

That is not to say these selective instances of Indian rebuilding within the American political process have all been completely successful. As Chilton Tippin points out, especially for Indians on western reservations, "rights to water constitute a means to power," such that the Pueblo Action Alliance states, "here in the southwest, we can't have #landback without #waterback."⁵⁸ Water rights have been contested for at least the last hundred years, especially since the federal government stepped in to institute water cuts. Under interrogation are aboriginal water rights versus the loss of rights while colonized by a succession of colonial governments,

⁵⁵ See e.g. Peter Iverson, "Building Toward Self-Determination: Plains and Southwestern Indians in the Mid-Twentieth Century," in eds. Hurtado et al, *Major Problems in American Indian History*, 464-471, Fixico, *Indian Resilience and Rebuilding*, 121-150, and LeMaster, "History of North American Indians," November 16, 2022.

⁵⁶ E.g. Fixico, *Indian Resilience and Rebuilding*, 50.

⁵⁷ *Idem.*, 118.

⁵⁸ Chilton Tippin, "A Tale of Two Waterscapes: American Indian Water Law and the Question of Quantification in Neighboring Western States," *Journal of the Southwest* 63, no. 2 (2021): 231, 232.

with mixed judicial results.⁵⁹ The demand for clean water can be seen to the north as well. The Standing Rock Sioux launched a major protest against the potential contamination of their water by the installation of the Dakota Access Pipeline which has lasted from 2015 to the present.⁶⁰ As late as the summer of 2022, challenges and countermeasures between the Indians and pipeline operator Energy Transfer have risen to the Supreme Court, with a surprising about-face in the perception of the Indian complaint on the part of federal judge James Boasberg.⁶¹ As these articles demonstrate, in 2017 Boasberg's decision explained that "tribes will be unlikely to prevail in their lawsuit" at that point, their requests to either halt construction or stop the flow of oil denied, whereas in 2020 he claims "the company's abysmal safety record" inspired a lack of confidence in their environmental analysis and therefore their processes and procedures that would ensure safety for the Indians' water source.

Attempting to relate this metanarrative of problems facing Indians from the beginning of colonization until today brings this essay full-circle. Furthermore, this approach of selectively skipping across centuries of cultural genocide, misappropriation, and institutionalized systemic trauma in search of one concrete reason for this response is highlights the overall futility; dissecting this history to find a dispassionate, beating heart of an answer in the corpus of sources under review feels cruel and unnecessary, specifically because collectively, what Indians and Indian scholars claim to want is their own self-determination, their land and water back, to be able to construct their own identity on their own terms, along with a measure of respect.⁶²

Despite Andrew Jackson's claims to the contrary in his 1830 State of the Union Address as

⁵⁹ LeMaster, "History of North American Indians," November 30, 2022.

⁶⁰ Rebecca Hersher, "Key Moments in the Dakota Access Pipeline Fight," NPR, February 22, 2017, <https://www.npr.org/sections/thetwo-way/2017/02/22/514988040/key-moments-in-the-dakota-access-pipeline-fight>.

⁶¹ "U.S. Supreme Court Rejects Dakota Access Pipeline Appeal," The Guardian, February 22, 2022, <https://www.theguardian.com/us-news/2022/feb/22/us-supreme-court-dakota-access-pipeline>.

⁶² Tippin, "A Tale of Two Waterscapes," 231-254.

excerpted above, the reservation system disconnected Indians from many of their sacred sites, meaning as a religious practice, Indians indeed felt the multiple removals from their ancestral lands as a spiritual rendering from self and cultural identity, rather than simply an individual physical uprooting.⁶³

Native spiritual belief aligns in these places, such that the energy Indians experience in situ is akin to an umbilical alignment with the earth, manifesting in multisensory physical experiences.⁶⁴ As can be seen from the repatriation of sacred sites during the Nixon Administration through to the renaming of geographical landmarks, sensitivity to Indian culture is beginning to become more accepted in mainstream society.⁶⁵ The *Cherokee Phoenix*, still in publication, reported just this month on a Colorado state panel that recommended the renaming of Mount Evans to Mount Blue Sky at the request of the Cheyenne and Arapaho tribes.⁶⁶ Named for a formal territorial governor of Colorado who subsequently resigned after a massacre of over 200 Arapaho and Cheyenne people at Sand Creek, this renaming comes in the wake of other changes enacted by Secretary Haaland. Additionally, recently after declaring “squaw” as a derogatory term, Haaland successfully changed Squaw Mountain to Mestaa’èhehe Mountain (mess-taw-HAY), after the influential translator, Owl Woman.

As this essay has attempted to demonstrate, words, whether used to culturally designate difference, to name landmarks, or to formalize concepts through legislation and governance, fundamentally have power and meaning. Take savage, for instance. According to the *Oxford English Dictionary*, “savage” can appear as a noun, adjective, or verb. In every instance, the

⁶³ E.g. Fixico, *Indian Resilience and Rebuilding*, 23.

⁶⁴ Fixico, *Indian Resilience and Rebuilding*, 199.

⁶⁵ *Idem.*, 205-208.

⁶⁶ Thomas Peipert, “Panel OKs Name Change of Colorado Mountain Tied to Massacre,” *cherokeephoenix.org*, December 2, 2022, https://www.cherokeephoenix.org/news/panel-oks-name-change-of-colorado-mountain-tied-to-massacre/article_1412a5e6-71ce-11ed-8d66-a3162409fc2b.html#tncms-source=block-contextual-fallback_

underlying nuance signifies something wild, untamed, or even barbarous. As such, the connotations of comparison are implied. Thus, a “savage, *adj.*” person, a “savage, *n.*” or to “savage, *v.*” all signify conditions of relative incivility, indicative of an inferior state. Etymologically hailing from Anglo-Norman and Old French, “savage” can be understood to have once, over 5 centuries earlier during the domination of English by the Normans, been used to convey the relative barbarity of the Anglo-Saxons: Englishmen.⁶⁷ In the excerpt from the Declaration of Independence shown at the beginning of this essay, “Savages” word functions as a collective noun, the terms “merciless” and “Indian” employed to modify only, offering a deepening of antagonism to the overall meaning. Indeed, the capitalization of “Savages” in tandem with Indian can be read as a reiteration of the moniker for the Native people, elevating it to a typological form indicative of proper noun status. Cherry-picked from this exemplar it is difficult to advance a hypothesis of deep-seated racism as extant from the first moments of our nation’s formation, however, its presence does certainly suggest racialized stereotypes as being sufficiently extant to become enshrined in an official government document, not to mention an underlying subtext of racism present enough to utilize the terms together in leveraging complaints against a tyrannical king.

Looking back further, as early as the initial moments of colonization, Indians were described as savage. In his depiction of Powhatan Women and Men (1624), Captain John Smith states, “Some are of disposition fearfull, some bold, most cautelous, all Savage.”⁶⁸ Here, the use

⁶⁷ “savage, *n.* (B3a),” *OED Online*, December 2022, Oxford University Press, <http://www.oed.com/viewdictionaryentry/Entry/171433> (accessed December 8, 2022).

⁶⁸ “Captain John Smith Describes Powhatan Women and Men, 1624,” in eds. Hurtado et al, *Major Problems in American Indian History*, 136-37. However, for the fuller relation, the first printing I can find is in John Smith, *A Map of Virginia VVith a Description of the Countrey, the Commodities, People, Government and Religion. VVritten by Captaine Smith, Sometimes Governour of the Countrey. Whereunto is Annexed the Proceedings of those Colonies, since their First Departure from England, with the Discourses, Orations, and Relations of the Salvages, and the Accidents that Befell them in all their Iournies and Discoveries. Taken Faithfully as they were Written Out of the Writings of Doctor Russell. Tho. Studley. Anas Todkill. Ieffra Abot. Richard Wiefin. Will. Phettiplace.*

reflects more of a descriptor of culture rather than a racialized denigration.⁶⁹ However, the leveling of all Indians to this “Savage” condition suggests a mass grouping of the Native Americans into this category, perhaps a precursor to racialization. That this state applies to all in comparison to “some” or “most” is also telling. While Indians’ dispositions may vary from Indian to Indian in Smith’s view, that all present as “Savage” is meaningful, especially within the context of this document’s creation—as a conveyance of intelligence and travelogue about Virginia.⁷⁰ On other words, Smith’s colorful descriptions of the Powhatans, for all their contemporary entertainment value, still functioned to inform early modern people—most especially colonists—of what Indians were like, affirming prejudicial biases from the first moments of contact.

A definite negative racialized turn can be seen within the next decades of the Virginian colonization project. The account of Edward Waterhouse leaves no room for subtlety in interpretation. As a survivor of Opechancanough’s massacre of the Virginia colonists, his account is written in response to extreme violence, therefore the brutality of his language can be seen to be reflective of fear and enmity. However, in no uncertain terms he states that the “naked, tanned, deformed Savages” may be easily mistaken for “wilde beasts,” and in the context of this massacre, any civility the English may have had can now be put aside, the rules of warfare now shelved in favor of extirpative measures.⁷¹ The adoption of extirpative warfare can thus be seen in early colonial / Indian contact. As John Grenier points out in *The First Way of War*, due to the consistent influx of colonists displacing Indians from their lands, conflict inevitably and

Nathaniel Povvell. *Richard Potts. and the Relations of Divers Other Diligent Observers there Present then, and Now Many of them in England.* by VV.S. Oxford: 1612, <https://www.proquest.com/books/map-virginia-vvith-description-countrey/docview/2240894581/se-2>.

⁶⁹ LeMaster, “History of North American Indians,” October 17, 2022.

⁷⁰ Smith, *A Map of Virginia*, 20.

⁷¹ “An Englishman Reports on Violence in Virginia, 1622,” in eds. Hurtado et al, *Major Problems in American Indian History*, 139, 138.

regularly ensued. Hand-in-glove with this eventuality is also the linkage of violence and race, as in the examples from Smith and Waterhouse above, all Indians are treated as one group: the people threatening Euroamerican settlers. Therefore, these accounts in particular seem to bolster Grenier's conjecture that early American violence led directly to racism.⁷²

From these early colonial years, therefore, can be seen to emerge an unhelpful paradigm wherein Euroamericans view Indians as one racial group, rather than the many distinct nations that comprise Native Americans. Though difference may be leveraged in specific examples of conflict, the ossification of Indian as a race transpired from the ever-increasing interactions as European nations attempted to establish colonies along the eastern seaboard, and these settlers became Americanized. Indeed, well into the nineteenth century, Supreme Court rulings impacting Indians reached back to these early colonial years in order to legitimize white imperial interests.⁷³ As is seen in Indians' assertion of aboriginal water rights in the southwest, tracing back to the early Spanish colonial period to reveal centuries-old treaties from defunct regimes has proven necessary to establish long-contested environmental justice.⁷⁴ These examples and so many others convey the chronic and habitual disenfranchisement of the Indian people in North

⁷² John Grenier, *The First Way of War: American War Making on the Frontier, 1607-1814* (Cambridge, UK; New York: Cambridge University Press, 2005), 12.

⁷³ "Johnson & Graham's Lessee v. McIntosh, 21 U.S. 543 (1823)," (Justia Law), 20-21. "1st. That on 23 May, 1609, James I, King of England, by his letters patent of that date, under the great seal of England, did erect, form, and establish Robert, Earl of Salisbury and others, his associates, in the letters patent named and their successors into a body corporate and politic by the name and style of 'The Treasurer and Company of Adventurers and Planters of the City of London for the first Colony in Virginia,' with perpetual succession and power to make, have, and use a common seal, and did give, grant, and confirm unto this company, and their successors, under certain reservations and limitation in the letters patent expressed, 'All the lands, countries, and territories situate, lying, and being in that part of North America called Virginia, from the point of land called Cape or Point Comfort all along the seacoast to the northward two hundred miles, and from the said Cape or Point Comfort all along the seacoast to the southward two hundred miles, and all that space and circuit of land lying from the seacoast of precinct aforesaid up into the land throughout from the sea, west and northwest, and also all the islands lying within one hundred miles along the coast of both seas of the precinct aforesaid, with all the soil, grounds, rights, privileges, and appurtenances to these territories belonging and in the letters patent particularly enumerated,' and did grant to this corporation and their successors various powers of government in the letters patent particularly expressed."

⁷⁴ Tippin, "A Tale of Two Waterscapes," 249.

America since the colonial period. “Savage,” freighted with all its etymological baggage from the Norman Conquest period, was weaponized both literally and conceptually against the Indians of North America just as it had been 550 years beforehand as England itself was colonized by another dominating, imperial regime. The “savage” racism that grew from Euroamerican cultural bias and subsequent violence paired with loss of territory and regional dominance trickled into government documents, legislation, and jurisprudence, and sits enshrined in American museums, schools, and libraries. As has been demonstrated in this essay, from the point-of-view of the Indians on far-flung, systemically impoverished and marginalized reservations, this fraudulent conceptual binary is one major historical and continual cause of problems plaguing their existence since the commencement of North American colonization.

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