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Unearthing Indian Land: Living with the Legacies of Allotment. By Kristin T. Ruppel.

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I also had misgivings about the photograph “Tyler, ritual cleansing after the birth of his daughter,” and I should add that it, too, is a beautiful photograph (187). I felt that as a reader, I was invading this person’s privacy; in turning the pages and coming upon this photo of Tyler, I inadvertently became a voyeur.

I don’t know what the publisher(s)/editor(s) at the Museum of New Mexico Press thought about the photograph of Goldtooth in his casket, and/or if they held any misgivings upon publishing this particular photograph. Perhaps they are not sensitive to the cultural infringement exercised in these two instances. In general, this book honors the Navajo people, and it does so with the exception of these two photographs.

Despite this book’s overall beauty and its tribute to the family, I believe the publisher and author still have much to learn about working with indigenous peoples of this area. Perhaps the publisher should include a disclaimer on its cover for us, Navajo readers, forewarning us of photographs that are invasive of our cultural privacy, a disclaimer that admits its disregard for our deep cultural taboo. It may be that the author-photographer and the publisher felt they had been responsible to the Navajo readers by issuing the initial statement that “many Navajos consider it taboo to show photographs of the deceased” (12). However, in my opinion, this does not suffice. I should add that I am seventy-one years of age, and my age is a factor in this expressed judgment. I do represent an older generation and might be considered overly sensitive to the more modern and savvy younger Diné generation. However, the younger Navajo I do know would agree with my sentiments. I cannot emphasize enough to readers of this review that visitors to our Diné Nation must respect that they are “outsiders,” no matter how much time they spend here. Certain cultural zones exist where artistic licenses are null and void. In conclusion, I choose to believe that Spragg-Braude intended no ill will; she simply exercised poor judgment with a family who obviously cared about her. I regret the negative reaction shared in this review, as *To Walk in Beauty* has so much else to offer.

*Gloria J. Emerson*

Navajo artist, poet, retired educator/business owner

**Unearthing Indian Land: Living with the Legacies of Allotment.** By Kristin T. Ruppel. Tucson: University of Arizona Press, 2008. 240 pages. \$35.00 paper.

As Kristen Ruppel demonstrates in her fine book *Unearthing Indian Land: Living with the Legacies of Allotment*, “unearthing” is the perfect metaphor for her analysis of the insidious bureaucratic process meant to commodify Indian land, to disjoin it from its local indigenous meanings and its own state of existence as an integral part of Indian community life. The 1887 General Allotment Act, or Dawes Act, Ruppel explains, was to “impose the ‘spaces’ of private property ownership on the ‘places’ of indigenous being” (70). But if allotment was to “pulverize” the “tribal mass,” as Theodore Roosevelt crudely theorized, by instilling a love of private property and extracting individuated Indians from the tribal collectivity (for which the ancestral land base is no

mere metaphor for community but rather a living relative), then “it seems poetic justice,” Ruppel contends, “that individual Indian landowners—both individually and collectively—have been among the most irritating thorns in the side of the U.S. federal government” (70).

Ruppel also unearths the historical and political significance of struggles for Indian rights and the defense of indigenous land waged by owners of allotted lands who generally possess, through inheritance from an original allottee, a fraction of an interest in a collectively owned parcel. Although landowners like Shoshone-Bannock elder and activist Ernestine Broncho Werelus have been told by Bureau of Indian Affairs (BIA) officials that they “don’t own enough land to care about,” Ruppel’s book—which is a kind of ethnography that builds from the author’s dialogue with Indian landowner-activists and exemplifies the power of activist-academic research—illuminates the complex and unpredictable meanings of “ownership” and “property” to members of Native nations who have lived with, and fought against, the appalling legacy of governmental corruption spawned by the General Allotment Act (3).

In what is for the most part eloquent and in many places poetic prose, Ruppel traces the legal history of allotted Indian lands, offering in chapters 1 through 3 a deconstruction of the core imperialist concepts and governmental strategies that have masked the brute realities of indigenous dispossession and have underpinned and sustained the colonial construction of “Indian land” as an object to be controlled and “managed” by Euro-Americans. For instance, Ruppel excises discovery, right of conquest, and *terra nullius*, paving the way to a discussion of US Supreme Court Justice John Marshall’s 1831 rendering of Native nations as “domestic dependent nations” and the subsequent governmental manipulations of this notion of dependency that allowed for what Ruppel describes as a gross twisting of the federal trust relationship, particularly with regard to the outright chicanery of the government’s (mis)handling of the increasingly dire problem of “fractionated” Indian lands.

“Fractionation,” as Ruppel explains it, is part of “the story of Indian land” as the US government has sought to appropriate it: “a story of the smothering of earth as person beneath the bureaucratic weight and economic utilitarianism of earth as property” (7). In the bureaucratic/“legal” sense, fractionation is a cumbersome thing to explain: it refers to the division of an allotment into multiple individually owned interests, of decreasing size, through the process of perpetual inheritance (among multiple kin and descendants of an original allottee). In her introduction, Ruppel offers Werelus’s explanation of fractionation to demystify it: like the federally imposed notion of blood quantum, it is simply another way to “get rid of Indians,” as well as their federal trust lands, through bureaucratization (8). When both become too “small” and tedious for the government to “measure” or “account for,” they may be declared “insignificant” and ultimately nonexistent.

A central lesson of Ruppel’s book is not only that US “Indian policy” has always entailed many internal contradictions, but also that it may (still) produce conditions that incite unpredicted forms of resistance and provide the seedbed for political and cultural innovations (disruptive to the colonial claims and compulsions of “Indian policy”) among those it has meant to “pacify,” destroy,

and, perhaps most insidiously, “help.” In chapters 3 through 5, Ruppel reveals the ways in which Indian landowners have confronted and disrupted the legacies of allotment through grassroots activism (which includes knocking on local BIA agency doors to demand accountings of earnings on leased allotments against relentless bureaucratic tactics of deflection and manipulation) and more direct demands for justice in the courts, including what has now become known as the “Indian Trust” suit, or *Cobell* case, and the lesser known *U.S. v. Mitchell* cases (*I and II*), which also charged the US government with gross violations of its federal trust responsibility in its failure to manage allotted Indian lands properly and ensure that Indian landowners receive fair compensation for extraction of resources from their allotted lands (discussed in chapter 3).

Native landowners and activists speak throughout the book: their words, their struggles, are the explanatory models for politico-legal and historical dilemmas that may seem inexplicable to many readers on first exposure (as fractionation certainly will). What their words do most powerfully—and most jarringly as they stand against what Ruppel calls the “weird, tangled legacy” of allotment—is to direct the reader to the clarity and persistent logic of indigenous knowledge of the land and understanding of its value—which the General Allotment Act was intended to undermine (4). “The land is still trying to take care of us”: these words of Shoshone-Bannock elder Walter Nevada—owner of an original allotment—are a crucial example (89), as are the words of Simon Ortiz, which thread through the second half of the book constituting, to borrow Ruppel’s phrasing, a counternarrative that contests and transcends the discourse of conquest that has buttressed Euro-American claims to authority over Native lands.

Ruppel takes on massive political issues in this book, not the least of which is the question of what it takes to convey the historical and contemporary significance of individual and collective Indian rights to a non-Native audience that remains largely ignorant of indigenous struggles for justice, and of the enduring centrality of land to those struggles (a question Ruppel responds to brilliantly in her final chapter, “Encounters”). Moreover, her book asks us to consider what it means for Indian people to assert their rights in the realm of a global superpower that has denied its own treaty-enshrined promises—its own “law of the land”—and to struggle to defend those rights against a still intact white supremacist ideology that posits the inevitable “defeat” and “insignificance” of Indians. Ruppel shows how Native landowners defy such notions, in ways that appropriate and redefine notions of “property” and thus, as she argues, “speak power’s truth to power” (101). For those to whom the history of allotted Indian land and the political and legal morass in which it is embedded constitute “foreign” terrain, Ruppel’s account conveys a feeling for indigenous rights struggles and suggests possibilities for different kinds of encounters—however partial and indeterminate—with those who know and live the complex and contentious experience of kinship with an invaded land. *Unearthing Indian Land* offers much that should be learned by those who are foreigners to these struggles and homelands.

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