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The Crucible of American Indian Identity: Native Tradition versus Colonial Imposition in Postconquest North America

WARD CHURCHILL

Don't we have enough headaches trying to unite without . . . additional headaches? Why must people be categorized as full-bloods, mixed-bloods, etc.? Many years ago, the Bureau of Indian Affairs decided to establish blood quantum for the purpose of [tribal] enrollment. At the time, blood quantum was set at one-quarter degree, [a matter which] caused many people on the reservation to be categorized and labeled. The situation was caused solely by the BIA, with the able assistance of the Interior Department.

—Tim Giago¹

Among the most vexing issues afflicting Native North America at the dawn of the twenty-first century are the questions of who does or does not hold a legitimate right to say he or she is American Indian, and by what criteria—whose definition—this may or may not be true. Such queries, and the answers to them, hold an obvious and deeply important bearing not only upon the personal sense of identity inhering in millions of individuals scattered throughout the continent, but in terms of the degree to which some form of genuine self-determination can be exercised by indigenous nations in coming years. Conversely, they represent both an accurate gauge of the extent to which the sovereignty of North America's Native peoples has been historically eroded or usurped by the continent's two preeminent settler-states, the United States and Canada, and a preview of how the remainder stands to be eradicated altogether in the not so distant future.²

Defining for itself the composition of its membership (citizenry), in whatever terms and in accordance with whatever standards it freely chooses, is, of course, the very bedrock expression of self-determination by any nation or

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people. The ability to maintain this prerogative is thus a vital measure of its sovereign standing.³ By the same token, intervention in or preemption of this plainly internal function by an external entity may be taken as signifying the abridgment of a nation's right to self-determination and a corresponding diminishment of its sovereignty. For that very reason, under conditions of colonialism—where one nation is directly subordinated to the politico-economic or strategic interests of another, and most especially in the kind of “internal colonial” systems prevailing in North America, where the colonizing powers have quite literally subsumed the territoriality of the colonized within their own claimed geographies⁴—such domination assumes the weight of a structural imperative.⁵

Things cannot be put so straightforwardly in contemporary practice, however, since colonialism in all forms has been flatly prohibited by international law since at least as early as 1960.⁶ In these circumstances, the kinds of subterfuge designed to create false appearances are an essential aspect of colonial technique. Hence, it is necessary for the colonizer not merely to preempt the sovereignty of the colonized, but to co-opt it, inculcating a comprador consciousness among some segment of the subaltern population in which the forms of dominion imposed by colonization will be advocated as a self-determining expression of will emanating from the colonized themselves.⁷

At this point, with the codes of colonial domination embraced by many Native people as comprising their own traditions, and articulation of the latter often perceived as a contravention of indigenous sovereignty, the colonized become for all practical intents and purposes self-colonizing.⁸ In this most advanced and refined iteration of imperialism, confusion accomplishes much more cheaply, quietly, and efficiently what raw force was once required to achieve.⁹ In these circumstances, the kinds of subterfuge designed to create false appearances are an essential aspect of maintaining and perfecting the order of colonial rule. Meaningful resistance, never mind decolonization, among those so thoroughly indoctrinated and deluded as to accept and enforce the terms of their own subjugation in the name of liberation is, on its face, quite impossible. Yet both resistance and decolonization are not simply rights but obligations under international law and most other recent philosophical and moral schemas of justice.¹⁰

The situation presents a serious dilemma. Resolving it, and thereby actualizing the potential for a coherent and constructive indigenous response to the realities which now confront us, and which will confront our future generations, requires a systematic unraveling of the web of mystification through which North America's Native peoples have been bound ever more tightly into the carefully crafted mechanisms of oppression and eventual negation.¹¹ The purpose of the present essay is to make a contribution in this regard by sorting out that which has traditionally been part of the “Indian way” of identifying member/citizens from that which has not, and to sketch the mechanisms through which the latter has supplanted the former. From the resulting vantage point it should prove possible to ascertain with some clarity the methods that must be (re)asserted if we are ever to throw off the yoke of colonial bondage.

THE TRADITIONAL WAY

There is not, and has never been, much of a genetic (“hereditary”) distinction to be drawn between indigenous peoples in the Americas. In part, this devolves upon the probability that the great proliferation of culturally distinct groups evident in the hemisphere by the time the European invasions commenced around 1500 had all evolved from three, or perhaps four, discernible gene stocks, figures correlating rather well to the evident number of root linguistic variants.¹² More to the point, Native peoples have for the most part always maintained relatively high degrees of sociocultural inclusiveness and consequent reproductive interactivity (interbreeding) among one another.

Since time immemorial, the Cheyenne (or their precursors) have intermarried with Arapaho, Ojibwa with Cree, Cayuga with Onondaga, Yaquis with Turamara, Choctaw with Chickasaw, and so on. In such instances, depending on whether the cultures in question were matrilinear or patrilinear, either the male or female spouse would become a part of the other’s society, as would their offspring. Genealogy rather than genetics was the core component of societal composition, although procedures for incorporation of individuals and sometimes whole groups by adoption, naturalization, and occasional merger were similarly well established and practiced with varying degrees of scale and frequency by most peoples, either periodically or continuously.¹³

Whatever else may be said of such processes, they served over time to erase any meaningful genetic distinctions between the groups involved. Indeed, there are recorded instances—as when the Mohawk absorbed significant portions of both the Huron and the Susquahannock during the seventeenth century—in which the number of outsiders incorporated into a given society noticeably exceeded that of the original members.¹⁴ Given these historical circumstances, the contemporary notion of somehow being Mohawk “by blood” is self-evidently ludicrous, albeit no more so than similar claims advanced with respect to the Pawnee, Cherokee, Apache, Paiute, or virtually any other Native people.¹⁵

Once non-Indians began to appear in substantial numbers across the hemisphere, the same time-honored principles prevailed. Probably the earliest group of English to have simply melted into a Native society were the inhabitants of Raleigh’s “lost colony” of Roanoke in 1590.¹⁶ A century later, there were literally thousands of “white Indians”—mostly English and French, but also Swedes, Scots, Irish, Dutch, and others as well—who, dis-eased with aspects of their own cultures, had either married into, been adopted by, or petitioned for naturalization as member/citizens of indigenous nations.¹⁷ By then, the phenomenon had become pronounced enough that it had long since precipitated a crisis among the Puritans of Plymouth Colony and figured in their waging of a war of extermination against the Pequots in 1637.¹⁸

The attraction of “going native” remained so strong, and the willingness of indigenous peoples to accept Europeans into their societies so apparent, that it prevailed even among those captured in Indian-white warfare.¹⁹ During the 1770s, George Croghan and Guy Johnson, both acknowledged authorities on the Native peoples of the mid-Atlantic region, estimated that the great bulk of the several hundred English prisoners of all ages and both genders

taken by the Indians had been adopted by them rather than being put to death.²⁰ At about the same time, Benjamin Franklin lamented that:

[W]hen white persons of either sex have been taken prisoners young by the Indians, and lived a while among them, tho' ransomed by their Friends, and treated with all imaginable tenderness to prevail with them to stay among the English, yet in a Short time they become disgusted with our manner of life, and the care and pains that are necessary to support it, and take the first good Opportunity of escaping again into the Woods, from thence there is no reclaiming them.²¹

The literature of the period is filled with similar observations. Virginia's Lieutenant Governor Francis Fauquier, for example, noted that whites "recovered" from Indians had to be "closely watched [lest] they will certainly return to the Barbarians."²² Colonel Henry Bouquet, who headed a 1764 expedition to take charge of "captives" returned under terms of a treaty with England by the Shawnee, Miami, and other peoples of the Ohio River Valley, issued orders that "they are to be closely watched and well Secured [as] most of them, particularly those who have been a long time among the Indians, will take the first Opportunity to run away."²³ The Reverend William Smith, chaplain and chronicler of Bouquet's foray, noted that most younger whites seemed to view their "liberators" as captors and "parted from the savages with tears."²⁴

Some, like fourteen-year-old John McCullough, managed to escape Bouquet's column and quickly reunited himself with his Native family.²⁵ Adults often expressed the same sentiments, as with the English wife of a Native leader who shortly slipped away to rejoin her husband and their children.²⁶

Although most of the returned captives did not try to escape, the emotional torment caused by the separation from their adopted families deeply impressed the colonists. The Indians "delivered up their beloved captives with the utmost reluctance; shed torrents of tears over them, recommending them to the care and protection of the commanding officer." One young woman "cried and roared when asked to come and begged to Stay a little longer." "Some, who could not make their escape, clung to their savage acquaintance at parting, and continued many days in bitter lamentations, even refusing sustenance." Children "cried as if they would die when they were presented to us." With only small exaggeration an observer . . . could report that "every captive left the Indians with regret."²⁷

Many Indians reciprocated by refusing to surrender those they had married, adopted, or otherwise accepted, especially children, under any but the most coercive circumstances.²⁸ In cases where there was no viable alternative, the record is replete with examples of adoptive Native parents regularly visiting and otherwise maintaining familial relations with such children for the remainder of their own lives.²⁹ And, of course, children born of a union between Indian and non-Indian were almost invariably never relinquished at all (not least because whites, not Indians, tended to frown upon such mixed-

blood offspring and thus made little or no effort to claim them).³⁰ One upshot is a marked proliferation of European surnames among indigenous peoples, not only in the East but the West as well; witness such sizable contemporary mixed-blood families as Morriseau, Robideau, Peltier, and Bellecourt among the Chippewa, and the Poirier, Garnier, Amiott, Roubideaux, Archambault, and Mousseau among the Lakota.³¹

With respect to blacks—mostly Africans brought to the southeastern quadrant of North America as chattel slaves, but the occasional free man as well—the situation was not dissimilar, albeit the imperative for them to reject a return to Euro-American society was obviously greater than for whites, and a much larger proportion of adults was involved. Escaped slaves were typically accepted among the Native peoples they encountered, marrying and producing children who were fully integrated into indigenous societies.³² So prominent was this process of intermingling that at some point around 1750 an entire people, the Seminole, was constituted as an amalgamation of the remnants of several thoroughly decimated indigenous nations and a very substantial element, about one-third of the whole, of blacks.³³

Hence, by 1830 at the latest, the notion of defining “Indianness” in terms of race had been rendered patently absurd. It has been reliably estimated that something approaching half of all Native people still residing east of the Mississippi River were at that point genetically intermixed not only with one another, but with “Negroid and Caucasoid racial stock,” a demographic pattern which would spread rapidly westward during the next half-century.³⁴ There is little if any indication, moreover, that most indigenous societies viewed this increasing admixture as untoward or peculiar, much less threatening, in and of itself (this is as opposed to their often bitter resistance to the cultural, political, and material encroachments of Euro-American “civilization”).

ON THE MATTER OF FIDELITY

It has become an article of faith among historical interpreters that mixed-bloods served as something of a Trojan Horse within indigenous societies during the era of Euro-American conquest, undermining their cohesion and thereby eroding their ability to resist the onslaught effectively.³⁵ While it is true that the colonizing powers, especially the United States, often sought to use those of mixed ancestry in precisely this fashion, the realities of mixed-blood performance were rather different. Indeed, their aggregate record in mounting a defense of Native rights is not only equal in most respects to those who were of the “pure” variety, it was plainly stronger in certain instances. Examples abound, beginning with the above-mentioned Seminole, who proved to be the U.S. army’s most successful adversaries east of the Mississippi.³⁶

During the twenty-year period leading up to the Cherokee Removal of 1838, it was John Ross, a man “seven-eighths Scotch-Irish and one-eighth Cherokee by descent,” who served as the primary leader of his people’s effort to revitalize their traditional culture, prevent the loss of their homelands in the Georgia-Tennessee area, and thereby avert mass relocation to Oklahoma Territory.³⁷ On the other hand, it was John Ridge—son of a full-blood leader

called "Major" Ridge by whites, and himself only one-eighth white by pedigree—who headed the accommodationist ("sell-out") faction of Cherokee society. The dilution of unity that weakened Cherokee resistance, as well as the internal strife plaguing this nation for generations after its Trail of Tears, were thus demonstrably attributable to Ridge and his generally well-blooded followers rather than the "genetically marginal" Ross.³⁸

Far to the west, a comparable example may be found in Quannah (Parker), "half-breed" son of Peta Nacona, principal leader of the Quahadi Comanche, and Cynthia Ann Parker, a white captive who was his wife.³⁹ Beginning in the late 1860s, after his father had been killed and his mother "recovered" by white raiders, Quannah emerged as a major galvanizer of military resistance to the United States, not just among the Quahadi but with respect to all Comanche and allied Kiowa, Kiowa Apache, Southern Cheyenne, and Arapaho. After consummation of the U.S. conquest of the Southern Plains during the mid-1870s—the Quahadis were last to lay down their arms—Quannah shifted to a position of political leadership, a role which included introduction of the peyote religion, charting the Comanche course through the perilous waters of the early reservation period and on into the twentieth century.⁴⁰

Among the Cheyenne were the brothers George, Robert, and Charlie Bent, sons of William Bent, a noted white trader, and his Cheyenne wife. While each struggled for their people's rights in his own way—George, for instance, fought briefly against the white invaders and testified on three separate occasions against perpetrators of the Colorado militia's infamous 1864 massacre of noncombatant Cheyennes and Arapahos at Sand Creek—Charlie is the better example (or at least the most reviled among mainstream commentators).⁴¹ Accepted into the Cheyenne elite Crazy Dog Society (or Dog Soldiers), he acquired an almost legendary status because of his courage in physically defending his homeland. Ultimately, Charlie Bent gave his all, dying an agonizing, lingering death in 1868 of wounds suffered during a skirmish with Pawnees fighting for the United States.⁴²

To the north, among the Oglala Lakota, there was the all but mythic figure of Crazy Horse, the man who vanquished both Crook and Custer, establishing himself in the process as perhaps the preeminent symbol of Native valor and integrity, both to his own people and to many others as well.⁴³ Slight, pale-complexioned, with fair, wavy hair—he was actually named Curly as a youth—the "strange man of the Oglalas" may well have been of mixed racial descent.⁴⁴ Regardless of Crazy Horse's ancestry, it is clear that men like Red Cloud, who figured most prominently in undercutting his ability to sustain the Lakota resistance, were themselves full-bloods.⁴⁵ So too was Little Big Man, the former friend who pinned Crazy Horse's arms, allowing William Gentles, a U.S. army private, to get close enough to bayonet him to death during the fall of 1877.⁴⁶

The same could be said of Bull Head and the rest of the contingent of Indian police who murdered Sitting Bull in December 1890, the Arikara, Crow, and Pawnee scouts who guided Custer and Colonel Ranald Mackenzie on their bloody paths across the plains, and the bulk of those who finally ran Geronimo to ground in the upper Sonora Desert.⁴⁷ Nor was it a question of genetics that

prompted Crow Dog, a noted “recalcitrant,” to kill the government-sponsored Brûlé Lakota chief, Spotted Tail, whom the former viewed as having sacrificed his people’s interest in favor of personal gain (both materially and in terms of imagined prestige).⁴⁸ The list goes on and on, with deadly repetition.

At the same time, it wasn’t necessarily required that one be of any part Indian blood to assume a position of importance within an indigenous society. A salient example is that of Jim Beckwourth (variously spelled as Beckworth or Beckwith), who was by all accounts of exclusively African descent. Having been adopted by the Crow during the mid-1820s and marrying a woman named Still Water shortly thereafter, he was elevated first to the station of counselor to the headmen and eventually to serving as a headman in his own right. Although he left the Crow for a time after the death of his second wife, he remained unstinting in his defense of Indian rights and returned in 1866 to die among the people who had accepted him as a naturalized leader.⁴⁹

On balance, then, it is both fair and accurate to observe that questions concerning the likelihood an individual might display a strong loyalty to Indian interests never devolved upon his or her genetic makeup. Unquestionably, mixed-bloods and persons lacking even the pretense of a Native gene stood among the foremost exemplars of patriotism in a number of indigenous nations during the nineteenth century (and earlier). By the same token, many Native people “untainted” by any hint of admixture with whites or blacks conducted themselves with all the fidelity of Vidkun Quisling.⁵⁰ Such matters were well understood in traditional societies, which is precisely why they never considered blood quantum to be a useful factor in determining citizenship or cultural identity.

THE RACIAL DIMENSION OF DIVIDE AND RULE

The intellectual establishment of the United States played a major role in pioneering such pseudoscientific “disciplines” as ethnology, craniometry, phrenology, and eugenics from the early nineteenth century onwards.⁵¹ In essence, although it has evidenced a variety of offshoots and subtexts over the years, the entire project—which has lasted into the present moment—has been devoted to devising “objective” criteria by which the human species may be subdivided into races according to certain “heritable” and “empirically demonstrable” characteristics. Values are then assigned to these genetically transmitted attributes in order to create the appearance of a natural hierarchy of humanity, ranging upward from Negroid at the lowest level to Caucasoid at the highest.⁵²

With publication of Samuel George Morton’s *Crania Americana* in 1839, it is no overstatement to suggest that the Euro-American intelligentsia stood at the cutting edge of “scholarly” efforts to lend both a patina of academic respectability and an aura of sheer inevitability to the white supremacist ideology attending European imperialism.⁵³ While it was put to various uses abroad, such material was utilized in the United States to justify both a domestic order of which black chattel slavery was an integral aspect and a continental trajectory of national expansion—America’s “manifest destiny” to extend

uninterruptedly “from sea to shining sea”—which could be consummated only at the direct expense of North America’s indigenous population.⁵⁴

It is instructive that while U.S. policymakers professed to embrace racism on both scientific and philosophical grounds, standpoints implying an at least minimal consistency in application, their implementation of its principles was at once transparently self-serving and utterly contradictory. Since blacks were considered to be property, yielding value not only in their labor but as commodities which could be bought and sold, it was profitable not only to employ but to breed them in ever larger numbers.⁵⁵ To this end, an elaborate system of quantifying their racial admixture was devised—classifications such as maroon, quadroon, and octoroon—by which to assess their relative worth.⁵⁶ The overriding premise, however, was the one-drop rule: A person with any amount of “Negroid blood” could be considered black for purposes of law, even if computation of their quantum revealed them to be 127/128 white.⁵⁷

Native people, by contrast, were legally understood to own property—mainly land, and minerals within that land—coveted by whites.⁵⁸ It followed then, as it still does, that reductions in the number of Indians at large in North America corresponded directly to diminishment of the cloud surrounding the dominant society’s claims of clear title to, and jurisdictional rights over, its purported land base.⁵⁹ Hence, any racial admixture at all, especially with blacks, was often deemed sufficient to warrant individuals, and sometimes entire groups to be legally classified as non-Indians, regardless of their actual standing in indigenous society.⁶⁰ On this basis, most noticeably in the South but elsewhere as well, whole Native peoples were declared extinct via the expedient of simply reclassifying them as mulattos or coloreds.⁶¹

While the intermingling of Natives with blacks was invariably cast in a negative light, the mixing of Indian with white “stock” came to be viewed more favorably. As no less than Thomas Jefferson observed in 1803, a calculated policy of subsuming Native genetics within a much larger white gene pool might serve as an alternative to outright extermination in answering what he termed the “Indian Question.”

In truth, the ultimate point of rest and happiness for them is to let our settlements and theirs meet and blend together, to intermix, and become one people. Incorporating themselves with us as citizens of the United States, this is what the natural progress of things will, of course, bring on, and it will be better to promote than retard it.⁶²

Completely oblivious to the reality of North America’s abundant indigenous agriculture, and to the fact that whites had learned to cultivate corn and other crops from Indians rather than the other way round, America’s “most admired ... slaveholding philosopher of freedom” actually urged a delegation of Munsee, Lenni Lenape, and Mohican leaders to adopt a farming way of life when they visited him in 1808.⁶³ “You will become one people with us,” he went on to tell the astonished Indians, “your blood will mix with ours, and will spread with ours across this great land.”⁶⁴

The sentiments underlying Jefferson's "humanitarian" strategy were framed less pleasantly, but with remarkable clarity, by J. C. Nott, a racial theorist whose views were endorsed by Morton and other prominent scientists of the day. With reference to the idea that at least five southern peoples—Cherokee, Choctaw, Chickasaw, Creek, and Seminole—had become "civilized" in their own right before being forcibly evicted from their homelands during the 1830s,⁶⁵ he argued:

It has been falsely asserted that the Choctaw and Cherokee Indians have made great progress in civilization. I assert positively, after the most ample investigation of the facts, that the pure-blooded Indians are everywhere unchanged in their habits. Many white persons, settling among the above tribes, have intermarried with them; and all such trumpeted progress exists among these whites and their mixed breeds alone. The pure-blooded savage still skulks untamed through the forest, or gallops athwart the prairie. Can any one call the name of a single pure Indian of the Barbarous tribes who—except in death, like a wild cat—has done anything worthy of remembrance?⁶⁶

It followed, according to the noted phrenologist Charles Caldwell, that the "only efficient scheme to civilize the Indians is to cross the breed. Attempt any other and you [will have no alternative] but to *extinguish the race* [emphasis in the original]."⁶⁷ Such views, posing the alternative of genetic and cultural absorption to literal extirpation, were avidly embraced by Lewis Henry Morgan, the "founding giant" of American anthropology. Indeed, Morgan was of the express opinion that the former option was preferable to the latter mainly because a blending of minute quantities of Indian blood into that of the white "mainstream" would serve to "toughen our race" even while it "painlessly" eradicated the indigenous population as such.⁶⁸

All told, by 1860 or shortly thereafter, Euro-American academicians had forged the full range of conceptual tools necessary for their government to use the traditionally inclusive structures of Native societies in a manner that would facilitate their rapid division, fragmentation, and, so it was thought at the time, ultimate dissipation.⁶⁹ Slowly but steadily, a national consensus was emerging to the effect that this represented the most appropriate (and final) solution to what was by then being called "The Indian Problem."⁷⁰ What remained necessary was for these tools to be applied systematically, through the design and implementation of a comprehensive set of policies. And, to this end, experimentation had long since begun.

THE IMPOSITIONS OF U.S. POLICY

Probably the first concerted effort by U.S. officialdom to use the incorporation of whites and their mixed-blood offspring as a wedge with which to pry indigenous societies apart began in the late 1700s, when Moravian missionaries were asked to serve as *de facto* federal emissaries to the Cherokee Nation.⁷¹ Imbued with the mystical notion that Aryan genetics correlated to such innate endowments as intellect and moral capacity—which in their minds corre-

sponded with the potential to adopt “civilized” (Christian) outlooks and values—the Moravians and, after 1803, their Presbyterian colleagues “went out of their way to befriend” mixed-bloods rather than “pure” Indians while pursuing their goals of obtaining religious converts cum political allies.⁷²

Predictably, this racial bias translated into a privileging of mixed-bloods in both political and material terms, regardless of their rank within the Cherokee polity and irrespective of whether they desired such “benefits,” a situation which was quite reasonably resented by other Cherokees (most especially those whose authority was undermined or supplanted by such external manipulation). The result, obviously intended by the United States, was the opening of deep cleavages among Cherokees that greatly weakened them in military as well as political and cultural terms, circumstances which amplified considerably the decisive advantages the United States already enjoyed in its drive to dispossess them of their property.⁷³ Meanwhile, similar initiatives had been undertaken vis-à-vis the Creek, Choctaw, Chickasaw, and others.⁷⁴

The United States largely refrained from attempting such maneuvers in a more formal sense during the first thirty years of its treaty making with indigenous nations. This interval roughly corresponds to the period in which the young republic, a veritable revolutionary outlaw state, desperately required the legitimation which could be bestowed through Native recognition of its sovereign status (indigenous sovereignty having already been recognized through treaties with the European powers).⁷⁵ Nonetheless, special provisions pertaining to mixed-bloods soon entered U.S. diplomacy with Indians, beginning with an 1817 treaty with the Wyandot and several other peoples of the Ohio-Pennsylvania region.⁷⁶ Thereafter, the performance was repeated in compact after compact, at least fifty-three times by 1868.⁷⁷

In only a few instances—such as the 1847 treaty with the Chippewa of the Mississippi and Lake Superior, in which it is recognized by the United States that “half of mixed bloods of the Chippewas residing with them [should simply] be considered Chippewas”—is there acknowledgment of the right of indigenous nations to naturalize citizens as they saw fit.⁷⁸ In most cases, such treaty provisions are plainly designed to accomplish the opposite effect, distinguishing those of mixed ancestry from the rest of their people, almost always by unilaterally privileging them in a material fashion. Usually this followed upon the model established in the 1817 treaty, the eighth article of which provided that while the Indians themselves would hold certain lands in common, those “connected with said Indians, by blood or adoption” would receive individual tracts averaging 640 acres each.⁷⁹

There were several variations on the theme. In one, exemplified by the 1818 treaty with the Miami, chiefs as well as mixed-bloods and intermarried whites were assigned individual parcels, one to six sections each in this case, while the rest of the people were assigned a tract in common. Thus, not only were mixed-bloods figuratively elevated to the same standing as chiefs by external fiat, but the Miamis’ actual leaders were implicitly linked to them rather than to their people as a whole.⁸⁰ On other occasions, as in the 1855 treaty with the Winnebago, missionaries were substituted for chiefs.⁸¹ On still others, as in the 1837 treaty with the Sioux, money and/or other special pro-

visions were substituted for land.⁸² Even in cases like that of the 1861 treaty with the Cheyenne and Arapaho, where full-bloods and mixed-bloods were nominally treated the same (i.e., everyone was allotted a parcel and/or monetary award), mixed-bloods were singled out to receive larger quantities.⁸³

In a number of instances, as in the 1857 treaty with the Pawnee, provisions were explicitly designed to induce an outright physical separation of mixed-bloods from their people, a particularly odious practice in cases such as that addressed by the 1865 treaty with the Osage where “breeds” were the only group allowed (or coerced) to remain within a traditional homeland from which the rest of their nation was removed.⁸⁴ In the 1831 treaty with the Shawnee, the notion of blood quantum was first applied in a formal way to determine who would—or, more importantly, who would not—be recognized by the United States as a “real” Indian.⁸⁵

And, racism aside, the treaties often employed a virulent sexist bias, tracing descent, acknowledging authority, and bestowing land titles along decidedly patriarchal lines even (or especially) in contexts where female property ownership, political leadership, and matrilinearity were the indigenous norms. When combined with the usual racial manipulations, such gender criteria represented an extraordinarily potent means of subverting the integrity of Native cultures, undermining their sociopolitical cohesion, and confusing or nullifying their procedures for identifying member/citizens.⁸⁶

In 1871, sensing that the capacity of most indigenous nations to offer effective military resistance was nearing an end, Congress suspended further treaty making with Indians.⁸⁷ There then followed a decade of reorganization during which the government shifted from what had been primarily a policy of subjugating Native peoples to an emphasis upon assimilating what remained of them, both geographically and demographically.⁸⁸ There were a number of aspects to this transition, notably the extension of U.S. criminal jurisdiction over reserved Native territories via the Major Crimes Act of 1885.⁸⁹ Its hallmark, however, was passage of the 1887 General Allotment Act, a measure expressly intended to dissolve the collective relationship to land that was the fundament of traditional cultures by imposing the allegedly superior Anglo-Saxon system of individuated property ownership.⁹⁰

The main ingredient of the allotment act was that each Indian recognized as such by the United States would be assigned an individually deeded parcel of land within existing reservation boundaries. These varied in size, depending on whether the Indian was a child (40 acres), unmarried adult (80 acres), or head of a family (160 acres). Once each Indian had received his or her personal allotment, becoming a U.S. citizen in the process, the law prescribed that the balance of reserved territory be declared surplus and opened up to homesteading by non-Indians, corporate usage, or placed in some form of perpetual federal trust status (e.g., designated as national parks and forests, military installations, etc.). In this manner, about two-thirds of the approximately 150 million acres of land still retained by indigenous nations at the outset passed to whites by 1934.⁹¹

The bedrock upon which the allotment process was built was the compilation of formal rolls listing those belonging to each reservation-based Native

people.⁹² While the act itself posited no specific criteria by which this would be accomplished, responsibility for completing the task was ultimately vested in the individual federal agents assigned to preside over the reservations. Endowed as they were with staunchly racist perspectives, and fully aware that whatever definitional constraints might be applied in determining the overall number of Indians would translate directly into an increased availability of property to their own society, it was predictable that these men would rely heavily upon the sort of blood quantum standards already evident in treaty language.⁹³

In practice, it was typically required that potential enrollees or allottees be able to demonstrate that they possessed “not less than one-half degree of blood” in the particular group in which they wished to be enrolled (intertribal pedigrees were seldom accepted, even for ostensible full-bloods, and the overall standard was almost never allowed to slip below quarter-blood).⁹⁴ The upshot was that anywhere from one-third to two-thirds of all those who might otherwise have been eligible to receive allotments were denied not only land but federal recognition as member/citizens of their nations.⁹⁵ In sum, government functionaries admitted to the existence of only 237,196 Native people within U.S. borders by the late 1890s, of whom only a small percentage were less than half-blood members of specific groups.⁹⁶

To complete this racist reshaping of Indian identity, the act provided that those enrolled as full-bloods would be placed under the legal presumption of being genetically incompetent to manage their own affairs. Hence, they were issued “trust patents” for their allotments, to be “administered in their behalf by the Secretary of the Interior or his delegate” (local Indian agents) for a quarter-century.⁹⁷ Mixed-bloods, by virtue of their white genetics, were deemed to be competent and issued patents in fee simple. This, along with other blatantly preferential treatment bestowed as a matter of policy upon those of mixed ancestry, drove the final wedges into many once harmonious indigenous societies.⁹⁸ In the more extreme instances, such as that of the Kaw in Kansas, the full-bloods’ visceral response was to repudiate mixed-bloods altogether, demanding their elimination from the tribal roll and seeking to expel them as a body from their society.⁹⁹

By the turn of the century, virtually every indigenous nation within the United States had, by way of an unrelenting substitution of federal definitions for their own, been stripped of the ability to determine for themselves in any meaningful way the internal composition of their polities. The manner in which this had been accomplished, moreover, ensured that rifts even among those still acknowledged as being Indians were of a nature that would all but guarantee eventual dissolution of Native societies, at least in the sense they had traditionally understood themselves. Allotment and the broader assimilation policy of which it was part had truly proven to be, in the words of Indian Commissioner Francis E. Leupp, “a mighty pulverizing engine for breaking up the tribal mass.”¹⁰⁰

INTERNALIZATION

The break-up and diminishment of the reservation land base were not the only factors leading to confident predictions that there would be no Indians

culturally recognizable as such in the United States by some point around 1935.¹⁰¹ Beginning in the 1860s, there had been an increasing emphasis on educating Native youth in the ways of the dominant society, a trend that was consolidated in the 1880s as a key aspect of assimilationist technique.¹⁰² While there were several other options available, all of them less expensive and more humane, the mode selected for delivery of such instruction was primarily that of off-reservation boarding schools located in places as remote as possible from Native communities.¹⁰³

The model for what became an entire system was Pennsylvania's Carlisle Indian School, established in 1875 by Captain Richard Henry Pratt, a man whose main qualification for the task seems to have been that he had earlier served as warden of a military prison at Fort Marion, Florida.¹⁰⁴ Following Pratt's stated objective of "killing the Indian" in each student, Carlisle and other such facilities—Chilocco, Albuquerque, Phoenix, Haskell, Riverside (by 1902, there were two dozen of them)—systematically "deculturated" their pupils.¹⁰⁵ Children brought to the schools as young as age six were denied most or all direct contact with their families and societies for years on end. They were shorn of their hair and required to dress in the manner of Euro-America, forbidden to speak their languages or practice their religions, and prevented from learning their own histories or being in any other way socialized among their people.¹⁰⁶

Simultaneously, all students were subjected to a grueling regimen of indoctrination in Christian morality, mainly the "virtues" of private property, sexual repression, and patriarchy; "proper" English and arithmetic; and officially approved versions of history, civics, and natural science, the latter devoted mostly to inculcating prevailing notions of racial hierarchy.¹⁰⁷ To instill the work ethic—that is, to prepare students for the lot assigned their racial group once it had been fully digested by Euro-America—they were also required to spend half of each day during the school year engaged in "industrial vocational training" (i.e., uncompensated manual labor). During the summers, most of the older boys were "jobbed out" at very low wages to work on white-owned farms or local businesses; girls were assigned as domestics and the like.¹⁰⁸

Individual Native families and often whole societies resisted the process.¹⁰⁹ As a result, in 1891 and again in 1893, Congress authorized the use of police, troops, and other forcible means to compel the transfer of children from reservations to boarding schools and to keep them there once they'd arrived.¹¹⁰ Hence, despite the best efforts of their elders, and not infrequently of the students themselves, a total of 21,568 indigenous children—about a third of the targeted age group—were confined in the schools in 1900.¹¹¹ As of the late 1920s, the system had been diversified and expanded to the point that upwards of 80 percent of each successive generation of Native youth was being comprehensively "acculturated" in a more or less uniform fashion.¹¹²

By 1924, assimilation had progressed to the point that a "clean-up bill" was passed through which the responsibilities, though not necessarily the rights, of U.S. citizenship were imposed upon all Indians who had not already been naturalized under the allotment act or other federal initiatives.¹¹³ Although it appeared that this might represent the culminating statutory

ingredient necessary to bring about a final absorption of Native America, fate intervened in a most unexpected fashion to avert any such outcome (formally, if not in terms of more practical cultural, political, and economic realities). This, rather ironically, took the form of resources: The mostly barren tracts of land left to Indians after allotment, thought to be worthless by nineteenth-century policymakers, had by the late 1920s been revealed as some of the more mineral-rich territory in the world.¹¹⁴

Loath to see these newfound assets thrown into the public domain (many had strategic value, real or potential), the more forward-looking federal economic planners quickly perceived the utility of retaining them in trust, where they might be exploited at controlled rates by preferred corporations for designated purposes. This resulted, in 1925, in the recommendation by a committee of one hundred officially selected academic experts and business leaders that allotment and the more draconian objectives of assimilation policy be abandoned in favor of preserving the reservations in some permanently subordinated capacity and inaugurating a policy of carefully calibrated economic development therein.¹¹⁵

This, in turn, led to passage of the 1934 Indian Reorganization Act (IRA), through which what remained of traditional Native governments were for the most part supplanted by federally designed tribal councils meant to serve as the medium for long-term administration of the freshly conceived internal colonial domain.¹¹⁶ Although the IRA was imposed behind the democratic facade of reservation-by-reservation referenda, the record reveals that BIA field representatives obtained favorable results by presenting skewed or patently false information to voters in a number of instances, flatly rigging the outcomes in others.¹¹⁷ And, while democratic appearances were reinforced by the fact that the government of each reorganized reservation functioned on the basis of its own "tribal constitution," the reality is that these "founding" documents were essentially boilerplate contraptions resembling corporate charters hammered out on an assembly line basis by bureau personnel.¹¹⁸

Nowhere is this last more obvious than in the language of the IRA constitutions pertaining to criteria of tribal membership. While there are certain variations between instruments, most simply aped the prevailing federal quantum standard of quarter-blood minimum, while all of them, regardless of the degree of blood required, advanced genetics as the linchpin of identity.¹¹⁹ That there was no noteworthy resistance among Native supporters of the IRA to this conspicuous usurpation of indigenous tradition is unsurprising, given that such persons were all but invariably drawn from the ranks of those indoctrinated in the boarding schools to see themselves in racial rather than national, political, or cultural terms.¹²⁰

With the embrace of the IRA constitutions by what were proclaimed as solid majorities on most reservations, Euro-American definitions of and constraints upon Indian identity were formally as well as psychologically and intellectually internalized by Native America. From there on, the government could increasingly rely upon Indians themselves to enforce its race codes. Consequently, whenever racial formulations of Native identity have been challenged, Washington has been able to lay the onus of responsibility directly at the

feet of the IRA councils it not only invented and installed, but which remain utterly and perpetually dependent upon federal patronage for their base funding and whatever limited authority they might wield.¹²¹ In turn, the councils defend Washington's negation of indigenous sovereignty in the name of maintaining it.¹²² A more perfect shell game is impossible to imagine.

ENTER THE "PURITY POLICE"

The reconfiguration and structural assimilation of the mechanisms of indigenous governance—by the early 1990s, IRA-style councils were openly referred to as a "third level" of the federal government itself—were facilitated and reinforced, through both the increasingly pervasive indoctrination of Native students via the educational system and by lingering effects of allotment.¹²³ Foremost in this respect was the "heirship problem" created by the fact that the reserved Native land base had been reduced to a size corresponding to the number of Indians recognized as existing during the 1890s. No provision was made for a population rebound of any sort.¹²⁴ As the matter was politely explained in 1994:

Upon the death of the original allottees the allotments, or portions of them, have descended to heirs or devisees. As these heirs in turn have died, their holdings have been subdivided among their heirs or devisees, and so on through the years. As a result, about half of the allotted Indian lands are in heirship status. The authors of the original legislation failed to anticipate the problems that would be caused by the partitioning of an individual's land following his death. Thousands of the allotments in an heirship status are subject to so many undivided interests that they can be utilized only with great difficulty by their Indian owners. . . . Undivided interests in a single allotment can often be expressed by fractions with a common denominator of 1,000,000 or more [by this point].¹²⁵

In other words, there was no reservation land available to accommodate the 50-percent increase in the number of recognized Indians recorded by the U.S. Census between 1900 and 1950.¹²⁶ Rather than correcting the problem by transferring some portion of the territory unlawfully stripped from Native people back to its rightful owners,¹²⁷ the government launched a massive and sustained program to relocate the Native "population surplus" from the land altogether, dispersing them for the most part into major urban areas. At the same time, as an incentive for them to leave, funding for on-reservation programming of all sorts was sliced to the bone and sometimes deeper.¹²⁸ One result is that, while well over 90 percent of federally recognized Indians lived on the reservations in 1900, fewer than 45 percent do so today.¹²⁹

Another cost-cutting measure, inaugurated in the mid-1950s, was for the Congress to simply "terminate" its recognition of entire nations whose reservations were found to be devoid of minerals, or who were deemed to be too small and insignificant to warrant the expenditures necessary to administer them.¹³⁰ A total of 103 peoples, ranging from large groups like the

Menominee in Wisconsin and Klamath in Oregon to the tiny “mission bands” of Southern California, were thereby dissolved, their remaining lands absorbed into the U.S. territorial corpus and their population effectively declared to be non-Indians before the process ran its course in the early sixties.¹³¹ Only a handful, including the Menominee but not the Klamath, were ever reinstated.¹³²

Predictably, far from seeking to combat such trends, federally installed and supported tribal councils amplified them. In the face of declining federal appropriations to the BIA, the councils by and large set out to reduce the number of Indians eligible to draw upon them. Arguing that the fewer people entitled to receive benefits such as health care and commodity foodstuffs—or to receive per-capita payments against mineral extraction, water diversions, and past land transfers—the larger the share for those who remained, the councils were able to peddle their bill of goods to many of their increasingly impoverished reservation constituents.¹³³ In short order, the IRA constitutions on many reservations were amended or rewritten to reflect higher blood quantum requirements for tribal enrollment.¹³⁴ In a number of instances, reservation residency was required as well, a stipulation that excluded the children of relocatees, regardless of their documentable degree of Indian blood.¹³⁵

The council heads, through a federally funded lobbying organization dubbed the National Tribal Chairmen’s Association (NTCA), then launched an aggressive campaign to once again recast the definition of “Indian” in the public consciousness—and, they made it clear, in law—this time as being only those “enrolled in a federally-recognized tribe.”¹³⁶ Consigned to the status of non-Indians in this perverse scenario was everyone from terminated peoples like the Klamath to the unenrolled traditionals still living on and about many reservations, from nations like the Abnaki of Vermont who had never consented to a treaty with the United States—and who were thus officially unrecognized—to the NTCA members’ own nieces and nephews residing in cities.¹³⁷ Also sacrificed in the proposed ethnic purge were thousands of hapless children, orphaned and otherwise, whom federal welfare agencies had caused to be adopted by non-Indian families.¹³⁸

The government initially declined to accept the NTCA’s simplistic nomenclature of Indianness. Instead, it conjured up a proliferation of what by now amount to at least eighty different and often conflicting definitions of its own, each of them conforming to some particular bureaucratic or policy agenda and sporting a larger or smaller clique of Indian subscribers queued up to defend it under the presumption they will somehow benefit by their endorsement.¹³⁹ Under such conditions, it is possible to challenge the legitimacy of virtually anyone identifying as Indian on one or several grounds (often having little or nothing to do with genuine concerns about identity, *per se*).¹⁴⁰ The result has been a steadily rising tide of infighting, occasioned in most instances by outright race-baiting, between and among Native peoples during the past forty years.¹⁴¹

Things did not become truly pathological until 1990, however, when the NTCA’s reactionary vision was at least partially realized at the federal level. With passage of the so-called Act for the Protection of American Indian Arts

and Crafts in this year, it became a criminal offense punishable by fines of \$250,000 to \$1 million and imprisonment of up to fifteen years for anyone not enrolled in a federally recognized tribe to identify as an Indian “for purposes of selling artwork.”¹⁴² Although Congress did not provide the statute an enabling clause to allow its enforcement until 1996—not least because of concerns that to do so might technically require the arrest and prosecution of individuals deemed to be Indian under other elements of federal law—its very existence unleashed an utter frenzy of witch-hunting among Indians themselves.¹⁴³

Within months, ad hoc patrols of “identity monitors” were prowling selected museums and galleries, demanding to see documentation of the pedigrees of the Native artists exhibited therein, while freelance Indian spokespersons advocated that comparable legislation pertaining to “ethnic fraud” should be enacted with respect to writers, educators, filmmakers, and journalists, among many others.¹⁴⁴ The theme was quickly picked up, tabloid-style, by papers like *Indian Country Today* and *News From Indian Country*, while the Internet came figuratively alive with a swarm of essentially anonymous rumors that dozens of Native America’s most distinguished artists, authors, thinkers, and activists weren’t “really” Indians after all.¹⁴⁵

Perhaps most disgustingly, a literal flying squad of self-appointed “purity police” in the San Francisco Bay Area took it upon itself to systematically disrupt the functioning of all manner of community service organizations in 1992 and 1993—their targets ranged from Native programming on radio station KPFA, to an AIDS clinic administered by the Indian Health Service, to the local school district’s Indian education project—to ensure that everyone involved fit their particular notion of what an Indian should be (children as young as eight years of age were buttonholed and ordered to prove they were “genuine” Indians).¹⁴⁶ Meanwhile, back on the “rez,” at least some IRA leaders were arguing that the tribal constitutions should be amended yet again, this time to disenroll members who married non-Indians, on the premise that such measures had become vital “to protect the purity of our Indian blood.”¹⁴⁷

THE WAY AHEAD

The internalization of Euro-Americans’ conception of race by Native peoples, the virulence with which it is now manifested in all too many sectors of the indigenous community, and the ubiquity of the confusion and divisiveness it has generated among Indians and their potential supporters represent a culmination of federal policy initiatives originating nearly two hundred years ago. To all appearances, Native North America has been rendered effectively self-colonizing and, if present attitudes persist, it stands to become self-liquidating as well. The tale is told in the demographic data pertaining to those who are federally recognized.

During the twentieth century population recovery of American Indians there has been an increasing mixture between them and non-Indian peoples. Data concerning this may be obtained from the 1910 and 1930 U.S. censuses of American Indians. . . . [In 1910] 56.5 percent of American Indians enumerated in the United States were full-blood—150,053 out of 265,682—with the blood quantum of 8.4 percent (22,207) not reported. . . . In the U.S. census of 1930, however, 46.3 percent—153,933 out of 332,397—were enumerated as full-bloods and 42.4 percent (141,101) were enumerated as mixed-bloods, with the degree of Indian blood of 11.2 percent (37,363) not reported. Thus, whereas the American Indian population size increased by slightly over 66,000 from 1910 to 1930, the number of full-blood American Indians increased by only 4,000; most of the increase was among mixed-blood Indians.¹⁴⁸

Such trends have not only continued but accelerated. By 1970, approximately two-thirds of the marriages of those on the tribal rolls were to people who were not, with the result that only 59 percent of births reflected a situation in which both parents registered themselves as possessing any Indian blood at all.¹⁴⁹ The number of supposed full-bloods has correspondingly dropped to almost nothing—among populous peoples like the Minnesota-Wisconsin Chippewa, they now represent only 5 percent of the whole—while the proportion and composition of mixed-bloods have climbed dramatically.¹⁵⁰ At present rates of intermarriage, the segment of the federally recognized Native population evidencing less than one-quarter-degree blood quantum, presently about 4 percent, will have climbed to 59 percent or more by 2080.¹⁵¹ To tighten or even adhere to quantum requirements in the face of such realities is to engage in a sort of autogenocide by definitional and statistical extermination.¹⁵² As historian Patricia Nelson Limerick has observed in this connection:

Set the blood quantum at one-quarter, hold to it as a rigid definition of Indians, let intermarriage proceed as it [has] for centuries, and eventually Indians will be defined out of existence. When that happens, the federal government will be freed of its persistent “Indian problem.”¹⁵³

Cognizant of this, some peoples with smaller numbers, like the Umatilla in Oregon, have already undertaken to preserve racial cant while offsetting the consequent prospect of definitional self-extinguishment by proposing revision of their constitutions to require that future enrollees demonstrate some degree of Umatilla blood, no matter how minute, in addition to “at least one-quarter degree of blood . . . in another federally-recognized tribe or tribes.”¹⁵⁴ Left conspicuously unexplained in such convoluted formulations is exactly how being a quarter-blood Lakota or Mohawk supposedly makes a person one whit more Umatilla than does being a full-blood Irishman, Ibo, or Han. Nor is it explained why a person genealogically connected to the group should be less Umatilla in orientation, absent some sort of generic “Indian” genetic structure, than a person who has it.

The implications of such nonsense become most striking when it is considered in juxtaposition to the actual—rather than federally recognized—size of the present indigenous population of the United States, and the potential power deriving from its scale. Jack Forbes, perhaps the closest examiner of the issue, has noted that since 1969,

The Bureau of the Census, conspiring with the Office of Management and Budget and political special interests, has [deliberately obfuscated] the “racial” character of the U.S. population and, as part of the process, has “lost” some six to eight million persons of Native American ancestry and appearance with a scientifically useless “Hispanic/Spanish” category. In addition, [seven million or more] persons of mixed African and Native American ancestry remain uncounted as such because of the way census questions were asked and the answers tallied.¹⁵⁵

Forbes estimates that, even using standard blood-quantum criteria, the actual Native population of the “lower 48” in 1980 was well over 15 million rather than the 1.4 million officially admitted by the census bureau.¹⁵⁶ Employing traditional indigenous methods of identifying population rather than racial criteria would have resulted in an even higher number. And, as of 1990, when the official count reached nearly 2 million, inclusion of these most rapidly growing sectors of the Native population results in an aggregate of as many as 30 million persons overall.¹⁵⁷ The ability to wield political and economic clout inherent to the latter tally, as opposed to the former—which comes to less than 0.5 percent of the overall U.S. population—is self-evident.

Fortunately, there is at least one concrete example of how things might be taken in the direction of realizing this potential. The Cherokee Nation of Oklahoma (CNO), in its 1975 constitution, took the unprecedented step, still unparalleled by other twentieth-century indigenous governments, of completely dispensing with blood-quantum requirements in its enrollment procedures. Instead, the CNO placed its reliance upon the more traditional genealogical mode of determining citizenship.¹⁵⁸ This had the effect of increasing the number of persons formally identified as Cherokee from fewer than 10,000 during the late 1950s to slightly over 232,000 by 1980 (and about 300,000 today).¹⁵⁹

On this basis, the Cherokee, whose reservation was dissolved pursuant to the 1898 Curtis Act, have been able to assert what amounts to a split jurisdiction over their former territory.¹⁶⁰ Moreover, while much has been made by assorted race mongers about how this course of action was “diluting” whatever was left of “real” Cherokee culture and society, the precise opposite result has obtained in practice.

The Oklahoma Cherokee, without a reservation landbase, have been able to survive tribally by an inclusive definition of what it is to be Cherokee. Their definition allowed relatively large numbers of people with Cherokee lineage but relatively small amounts of Cherokee

blood into the tribe. This allowed the tribe to reestablish itself after virtual "dissolution" and to achieve political power in Oklahoma. The tribe, in turn, has protected a smaller group of full-blood, more traditional Cherokee from American non-Indian ways of life.¹⁶¹

Plainly, in and of itself, the CNO initiative has neither ended the internecine bickering over identity which has precluded anything resembling unity among Native people, much less established the basis upon which to free even the Cherokee from internal colonial domination by the United States. It does, however, represent a substantial stride in the right direction. If the model it embodies is ultimately seized and acted upon by a broadening spectrum of indigenous nations in the years ahead, the tools required for liberating Native North America may at long last be forged. In the alternative, should the currently predominating racialist perspectives associated with the IRA regimes prevail, the road to extinction can be traversed rather quickly.¹⁶²

NOTES

1. Tim Giago, "Blood Quantum Is a Degree of Discrimination," *Notes from Indian Country* (rpt. from *Lakota Times*; Pierre, SD: State Publishing, 1984), 337.

2. On the general concept of the settler-state, see, e.g., J. Sakai, *Settlers: The Myth of the White Proletariat* (Chicago: Morning Star Press, 1983).

3. For discussion, see Andres Rigo Sureda, *The Evolution of the Right to Self-Determination* (Leyden: A. W. Sythoff, 1973).

4. For the most extensive explanation of the concept at issue, see Michael Hector, *Internal Colonialism: The Celtic Fringe in British National Development, 1536-1966* (Berkeley: University of California Press, 1975).

5. An excellent and succinct analysis is presented in Aimé Césaire's *Discourse on Colonialism* (New York: Monthly Review Press, 1972).

6. Burns H. Weston, Richard A. Falk, and Anthony D'Amato, eds., *Basic Documents in International Law and World Order* (St. Paul, MN: West Publishing, 1990), 16-32, 343-4.

7. Albert Memmi, *The Colonizer and the Colonized* (Boston: Beacon Press, 1965), 89.

8. Probably the best examination of this phenomenon will be found in Frantz Fanon, *Black Skin, White Masks: The Experiences of a Black Man in a White World* (New York: Grove Press, 1967).

9. In external rather than internal contexts, the principle is manifested in the form of neocolonialism; see, e.g., Jack Woodis, *Introduction to Neocolonialism* (New York: International Publishers, 1967).

10. A good overview is provided in Richard Falk, *Human Rights and State Sovereignty* (New York: Holmes & Meier, 1981).

11. For useful theoretical discourses on the necessity of "demystification" as a predicate to concrete activity, see J. G. Merquior, *The Veil and the Mask: Essays on Culture and Ideology* (London: Routledge & Kegan Paul, 1979).

12. The three groupings are designated by linguists and geneticists alike as being Amerind, Na-Dene, and Eskimo-Aleut; Joseph H. Greenberg, *Language in the Americas* (Stanford, CA: Stanford University Press, 1988).

13. See generally, Fred Egan, ed., *The Social Anthropology of American Indian Tribes*

(Chicago: University of Chicago Press, 1955).

14. See generally, Francis Jennings, *The Ambiguous Iroquois Empire: The Covenant Chain Confederation of Indian Tribes with the New England Colonies* (New York: W.W. Norton, 1984).

15. Probably the most succinct observation on this matter I ever heard was made by the revered Oglala Lakota leader, Frank Fools Crow, then ninety years old, during the 1981 Wounded Knee Memorial conducted in the village of Manderson on the Pine Ridge Reservation. He did not know who might be a "full-blood" Lakota, Fools Crow said, before observing that he doubted there were any. His reasoning? He himself admitted to having a Cheyenne grandmother, a matter which in his opinion made him a "mixed-blood" in terms of his biological "Lakotanness." It should be noted that the elder's statement was clearly intended to impress the younger members of his audience about the ridiculousness of their preoccupation with blood quantum.

16. Ted Morgan, *Wilderness at Dawn: The Settling of the North American Continent* (New York: Simon and Schuster, 1993), 82.

17. See, e.g., James Axtell, "The White Indians of Colonial America," in his *The European and the Indian: Essays in the Ethnohistory of North America* (New York: Oxford University Press, 1981), 168–206.

18. Richard Drinnon, *Facing West: The Metaphysics of Indian-Hating and Empire-Building*, 2d. ed. (New York: Schocken, 1990), 3–34.

19. See generally, J. Norman Heard, *White into Red: A Study of the Assimilation of White Persons Captured by the Indians* (Meyuchen, NJ: Scarecrow Press, 1973). Also see Richard Drinnon, *White Savage: The Case of John Dunn Hunter* (New York: Schocken Books, 1972).

20. "The Opinions of George Croughan on the American Indian," *Pennsylvania Magazine of History and Biography* 71 (1947): 157; "Guy Johnson's Opinions on the American Indians," *Pennsylvania Magazine of History and Biography* 77 (1953): 322.

21. Benjamin Franklin, letter to Peter Collinson, May 9, 1753; in Leonard W. Larabee, et al., eds., *The Papers of Benjamin Franklin*, Vol. 4 (New Haven, CT: Yale University Press, 1959), 481–82.

22. Sylvester K. Stevens and Donald H. Kent, eds., *The Papers of Col. Henry Bouquet*, Vol. 17 (Harrisburg: Pennsylvania State Historical Society, 1940–43), 51.

23. *Ibid.*, 38.

24. William Smith, D.D., *Historical Account of Colonel Bouquet's Expedition Against the Ohio Indians, 1764* (Philadelphia, 1765), 80.

25. *A Narrative of the Captivity of John McCullough, Esq.*, in Archibald Loudon, ed., *A Selection, of Some of the Most Interesting Narratives, of Outrages, Committed by the Indians, in Their Wars, with the White People*, Vol. 1 (Carlisle, PA, 1808–11), 326–27.

26. James Sullivan, et al., eds., *The Papers of Sir William Johnson*, Vol. 11 (Albany: State Historical Society of New York, 1921–62), 496–98.

27. Axtell, "White Indians," op. cit., 177.

28. William Walton, *The Captivity and Sufferings of Benjamin Gilbert and His Family, 1780–83* (Philadelphia, 1784), 103, 107.

29. Johnson Papers, op. cit., Vol. 10, 160; Vol. 11, 728.

30. Brewton Berry, *Almost White: A Study of Certain Racial Hybrids in the Eastern United States* (New York: Macmillan, 1963).

31. Robert F. Berkhofer, Jr., *Salvation and the Savage: An Analysis of Protestant Missions and American Indian Response, 1787–1862* (New York: Atheneum, 1972); Clyde A. Milner II and Floyd A. O'Neil, eds., *Churchmen and the Western Indians, 1820–1920* (Norman:

University of Oklahoma Press, 1985).

32. See Jack D. Forbes, *Black Africans and Native Americans: Race, Color and Caste in the Making of Red-Black Peoples* (London: Routledge, 1988).

33. Peter H. Wood, "The Changing Population of the Colonial South: An Overview by Race and Region," *Powhatan's Mantle: Indians in the Colonial Southeast*, eds. Peter H. Wood, Gregory A. Waselkov, and M. Thomas Hatley (Lincoln: University of Nebraska Press, 1989).

34. Jack D. Forbes, *Africans and Native Americans: The Language of Race and the Evolution of Red-Black Peoples*, 2d. ed. (Urbana: University of Illinois Press, 1993), 249–64.

35. Edward Lazarus, *Black Hills, White Justice: The Sioux Nation versus the United States, 1775 to the Present* (New York: HarperCollins, 1991).

36. John K. Mahon, *History of the Second Seminole War, 1835–1842* (Gainesville: University of Florida Press, 1967); Alan Axelrod, *Chronicle of the Indian Wars from Colonial Times to Wounded Knee* (New York: Prentice Hall, 1993), 146–47.

37. Rachael E. Eaton, *John Ross and the Cherokee People* (Muskogee, OK: Cherokee National Museum, 1921).

38. Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation of a People*, 2d ed. (Norman: University of Oklahoma Press, 1986).

39. Cynthia Schmidt Hacker, *Cynthia Ann Parker: The Life and the Legend* (El Paso: Texas Western Press, 1990).

40. Bill Neeley, *The Last Comanche Chief: The Life and Times of Quanah Parker* (New York: John Wiley, 1995).

41. David Lavender, *Bent's Fort* (Garden City, NY: Doubleday, 1954).

42. George Bird Grinnell, *The Fighting Cheyennes* (Norman: University of Oklahoma Press, 1956).

43. John E. Gray, *The Centennial Campaign: The Sioux War of 1876* (Norman: University of Oklahoma Press, 1988).

44. Mari Sandoz, *Crazy Horse: Strange Man of the Oglalas* (Lincoln: University of Nebraska Press, 1961).

45. See, e.g., James C. Olsen, *Red Cloud and the Sioux Problem* (Lincoln: University of Nebraska Press, 1965).

46. Robert A. Clark, ed., *The Killing of Chief Crazy Horse* (Lincoln: University of Nebraska Press, 1976).

47. John M. Carroll, ed., *The Arrest and Killing of Sitting Bull* (Glendale, CA: Arthur H. Clark, 1986); Thomas Dunlay, *Wolves for the Blue Soldiers: Indian Scouts and Auxiliaries with the U.S. Army, 1860–90* (Lincoln: University of Nebraska Press, 1982); Obie B. Faulk, *The Geronimo Campaign* (New York: Oxford University Press, 1969).

48. Leonard Crow Dog and Richard Erdoes, *Crow Dog: Four Generations of Sioux Medicine Men* (New York: HarperCollins, 1995), 27–39.

49. Jim Beckwourth as told to Thomas D. Bonner, *The Life and Adventures of James P. Beckwourth* (Lincoln: University of Nebraska Press, 1971 reprint of 1866 original).

50. Quisling was a leading Norwegian collaborator with the German invaders of his country during the Second World War. Executed in October 1945, his name continues to be associated with treason; Paul M. Hayes, *Quisling: The Career and Political Ideas of Vidkun Quisling, 1887–1945* (Bloomington: Indiana University Press, 1972).

51. William Stanton, *The Leopard's Spots: Scientific Attitudes Towards Race in America,*

1815–1859 (Chicago: University of Chicago Press, 1960).

52. Richard J. Herrnstein and Charles Murray, *The Bell Curve: Intelligence and Class Structure in American Life* (New York: Free Press, 1994).

53. Samuel George Morton, *Crania Americana, or, A Comparative View of the Skulls of Various Aboriginal Nations of North and South America to Which is Prefixed an Essay on the Varieties of the Human Species* (Philadelphia: John Pennington, 1839).

54. Reginald Horsman, *Race and Manifest Destiny: The Origins of Racial Anglo-Saxonism* (Cambridge: Harvard University Press, 1981).

55. Seymour Drescher, "The Ending of the Slave Trade and the Evolution of European Scientific Racism," in *The Atlantic Slave Trade: Effects on Economies, Societies, and Peoples in Africa, the Americas, and Europe*, eds. Joseph E. Inikori and Stanley L. Engerman (Durham, NC: Duke University Press, 1992).

56. Magnus Mörner, *Race Mixture in the History of Latin America* (Boston: Little, Brown, 1967), 58; Nicolás Sánchez-Albornoz, *The Population of Latin America: A History* (Berkeley: University of California Press, 1974), 129–30.

57. John Codman Hurd, *The Law of Freedom and Bondage in the United States* (New York: Negro Universities Press, 1968).

58. Robert A. Williams, Jr., *The American Indian in Western Legal Thought: The Discourses of Conquest* (New York: Oxford University Press, 1990).

59. See Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas* (San Francisco: City Lights, 1997).

60. See, e.g., chapters 7 and 8 in Forbes, *Africans and Native Americans*, op. cit.

61. George M. Frederickson, *White Supremacy: A Comparative Study in American and South African History* (New York: Oxford University Press, 1981); Joel Williamson, *The New People: Miscegenation and Mulattoes in the United States* (New York: Free Press, 1980).

62. Julie Schimmel, "Inventing the Indian," in *The West as America: Reinterpreting Images of the Frontier, 1820–1920*, ed. William H. Truettner (Washington, DC: Smithsonian Institution Press, 1991), 174.

63. Stannard, *American Holocaust*, op. cit., 120.

64. Horsman, *Race and Manifest Destiny*, op. cit., 108.

65. Lewis Hanke, *Aristotle and the Indians: A Study in Race Prejudice in the Modern World* (Chicago: Henry Regnery, 1959).

66. Robert F. Berkhofer, Jr., *The White Man's Indian: Images of the American Indian from Columbus to the Present* (New York: Vintage, 1979), 58–59.

67. R. W. Haskins, *History and Progress of Phrenology* (Buffalo, NY: n.p., 1839), 110–11.

68. Robert E. Beider, *Science Encounters the Indian, 1820–1880: The Early Years of American Ethnology* (Norman: University of Oklahoma Press, 1986), 220.

69. Morgan has generally been cast as a "progressive," given that Karl Marx and Friedrich Engels were heavily influenced by his *League of the Ho-de-no-sau-nee or Iroquois* (New York: Dodd Meade, 1851) while preparing their book, *The Origins of the Family, Private Property and the State* (1884), included in Marx and Engels, *Selected Writings*, Vol. 3 (Moscow: Foreign Language Publishers, 1973); William S. Willis, "Divide and Rule: Red, White and Black in the Southeast," *Journal of Negro History* 48 (1963).

70. Francis Paul Prucha, *Americanizing the American Indian: Writings of the "Friends of the Indian," 1800–1900* (Lincoln: University of Nebraska Press, 1973).

71. Edmund Schwarz, *History of the Moravian Missions among the Southern Indian*

Tribes of the United States (Bethlehem, PA: Times Publishing, 1923).

72. William G. McLoughlin, *Cherokees and Missionaries, 1789–1839* (New Haven: Yale University Press, 1984), 26.

73. W. G. McLoughlin and Walter H. Conser, Jr., "The Cherokees in Transition," *Journal of American History* 64:3 (1977).

74. See, e.g., Berkhofer, *Salvation and the Savage*, op. cit..

75. Vine Deloria, Jr., "Self-Determination and the Concept of Sovereignty," in *Economic Development in American Indian Reservations*, eds. Roxanne Dunbar Ortiz and Larry Emerson (Albuquerque: Native American Studies Center, University of New Mexico, 1979).

76. 7 Stat. 160; proc. Jan. 4, 1819; text in Kappler, *Indian Treaties*, op. cit., 145–52. The other indigenous peoples were the Seneca, Lenni Lenape (Delaware), Shawnee, Potawatomi, Ottawa, and Chippewa.

77. There are fifty-three such instances in the incomplete compilation of 371 ratified treaty texts assembled by Kappler. There may, of course, be other examples among the dozen or so uncompiled instruments. More than four hundred additional treaties went unratified for one reason or another. The pattern evident in the ratified instruments is doubtless reflected in these as well; conversation with Vine Deloria, Jr., April 1993.

78. 9 Stat. 904, proc. Apr. 3, 1848; Kappler, *Indian Treaties*, op. cit., 567–68. Other examples include 1866 treaties with the Seminole (14 Stat. 755, proclaimed Aug. 16, 1866; *ibid.*, 910–15), Choctaw and Chickasaw (14 Stat. 769, proc. July 10, 1866; *ibid.*, 918–31); Creek (14 Stat. 785, proc. Aug. 11, 1866; *ibid.*, 931–37) and Cherokee (14 Stat. 799, proc. Aug. 11, 1866; *ibid.* 942–50).

79. 7 Stat. 160.

80. 7 Stat. 189, proc. Jan. 15, 1819; *ibid.*, 171–74.

81. 10 Stat. 1172, proc. Mar. 3, 1855; *ibid.*, 690–93.

82. Under Article 2d, \$300,000 was placed in trust as compensation to the people as a whole for a land cession, while an additional \$110,000 was allocated for payment to individual mixed-bloods of "one-quarter or more degree"; 7 Stat. 538, proc. June 15, 1838; *ibid.*, 493–94.

83. Article 2 provides that each Indian will be assigned an individual forty-acre plot, while a "P.S.," added by the Senate post hoc, provides that two mixed-bloods, George Bent and Jack Smith, would be allotted 640 acres apiece; 12 Stat. 1163, proc. Dec. 5, 1861; *ibid.*, 807–11.

84. Under Article 9, individually titled parcels are set aside for mixed-bloods wishing to live apart from their people; 11 Stat. 729, proc. Mar. 31, 1858; *ibid.*, 764–67.

85. Article XIII sets aside 640 acres for Joseph Parks, described as being of "one-quarter blood"; 7 Stat. 355, proc. Apr. 6, 1832; *ibid.*, 331–34.

86. See, e.g., the 1863 Treaty with the Red Lake and Pembina Bands of Chippewa (note 78, above).

87. This was accomplished by attachment of a rider to the annual Appropriations Act (ch. 120, 16 Stat. 544, 566, now codified as 25 U.S.C. 71). While canceling the government's prerogative to enter into new treaties, the rider provided that "nothing contained herein shall be construed to invalidate or impair the obligation of any treaty heretofore made with any such Indian tribe or nation."

88. Elsie M. Rushmore, *The Indian Policy During Grant's Administration* (New York: Marion Press, 1914).

89. Ch. 341, 24 Stat. 362, 385, now codified as 18 U.S.C. 1153; also known as the Seven Major Crimes Act.

90. Ch. 119, 24 Stat. 388, now codified as amended at 25 U.S.C. 331 et seq., also known as the Dawes Act or Dawes Severalty Act, in honor of Massachusetts Senator Henry M. Dawes, its prime sponsor and supposed "Friend of the Indian"; D. S. Otis, *The Dawes Act and the Allotment of Indian Land* (Norman: University of Oklahoma Press, 1973).

91. Kirke Kickingbird and Karen Ducheneaux, *One Hundred Million Acres* (New York: Macmillan, 1973); Janet A. McDonnell, *The Dispossession of the American Indian, 1887-1934* (Bloomington: Indian University Press, 1991).

92. Charles C. Royce, *The Cherokee Nation of Indians, A Narrative of their Official Relations with the Colonial and U.S. Governments* (Washington, DC: Bureau of American Ethnology, Smithsonian Institution, 1887).

93. While blood quantum was seldom mentioned directly in treaty language—"half-breed" being a standard American colloquialism by which to describe persons of obvious Indian-white admixture regardless of actual proportion—U.S. treaty commissioners and Indian agents habitually employed a quarter-blood minimum standard in compiling their lists of mixed-bloods scheduled to receive land titles, monetary awards, etc. Persons of less than one-quarter Indian blood were thus legally construed as being non-Indian by the United States, even though they were often considered full members of Native societies and discriminated against as non-whites by Euro-Americans.

94. Emmett Starr, *A History of the Cherokee Indians* (Oklahoma City: Warden, 1922).

95. Conversation with Jack D. Forbes, April 1993 (notes on file).

96. U.S. Bureau of the Census, "Table 2: Indian Population by Divisions and States, 1890-1930," *Fifteenth Census of the United States, 1930: The Indian Population of the United States and Alaska* (Washington, DC: U.S. Government Printing Office, 1937), 3.

97. Vine Deloria, Jr. and Clifford M. Lytle, *American Indians, American Justice* (Austin: University of Texas Press, 1983), 10.

98. Mixed-bloods also tended to be allotted better properties—e.g., riverfront parcels—than were those enrolled as full-bloods.

99. William E. Unrau, *Mixed Bloods and Tribal Dissolution: Charles Curtis and the Quest for Indian Identity* (Lawrence: University Press of Kansas, 1989).

100. Francis E. Leupp, *The Indian and His Problem* (New York: Scribner's, 1910), 93.

101. Turn-of-the-century literature is replete with such references. See, e.g., "An Interesting Representative of a Vanishing Race," *Arena* (July 1896); Simon Pokagon, "The Future of the Red Man," *Forum* (August 1897).

102. Robert Land, "Henrico and Its College," *William and Mary Quarterly* XXIV (1938).

103. David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University Press of Kansas, 1995), 26-27.

104. Frederick J. Stefon, "Richard Henry Pratt and His Indians," *Journal of Ethnic Studies* 15 (1987).

105. Richard Henry Pratt, "The Advantage of Mingling Indians with Whites," speech delivered to the National Conference on Charities and Corrections, 1892, repeated in Pratt's *Battlefield and Classroom: Four Decades with the American Indian, 1867-1904* (New Haven, CT: Yale University Press, 1964 reprint of 1905 original).

106. Adams, *Education for Extinction*, op. cit.; Sally J. McBride, *Ethnic Identity and the Boarding School Experience of West-Central Oklahoma American Indians* (Washington, DC: University Press of America, 1983).

107. *Annual Report of the Commissioner of Indian Affairs, 1890* (Washington, DC: U.S. Government Printing Office, 1890), cxlvi.
108. *Annual Report of the Indian Commissioner* (Washington, DC: U.S. Government Printing Office, 1892), 617.
109. Hamlin Garland, "The Red Man's Present Needs," *North American Review* 174 (1902).
110. *The Statutes at Large of the United States of America*, Vol. 26, 1014.
111. Lawrence F. Schmeickebeir, *The Office of Indian Affairs* (Baltimore: Johns Hopkins University Press, 1927), 216.
112. Evelyn C. Adams, *American Indian Education: Government Schools and Economic Progress* (New York: King's Crown Press, 1946).
113. The Indian Citizenship Act of 1924, ch. 233, 43 Stat. 25.
114. Ronald L. Trosper, "Appendix I: Indian Minerals," in American Indian Policy Review Commission, *Task Force 7 Final Report: Reservation Resource Development and Protection* (Washington, DC: U.S. Government Printing Office, 1977).
115. Lewis Meriam, et al., *The Indian Problem: Resolution of the Committee of One Hundred by the Secretary of the Interior and Review of the Indian Problem* (Washington, DC: U.S. Government Printing Office, 1925); *The Problem of Indian Administration* (Baltimore: Johns Hopkins University Press, 1928).
116. Ch. 576, 48 Stat. 948, now codified at 25 U.S.C. 461-279; also known as the Wheeler-Howard Act after its main congressional sponsors, Senator Burton K. Wheeler and Representative Edgar Howard.
117. Rupert Costo, "Federal Indian Policy, 1933-1945," in Kenneth R. Philp, ed., *Indian Self-Rule: First-Hand Accounts of Indian-White Relations from Roosevelt to Reagan* (Salt Lake City: Howe Bros., 1986).
118. Kenneth R. Philp, "The Indian Reorganization Act Fifty Years Later," in his *Indian Self-Rule*, op.cit.
119. Thornton, *American Indian Holocaust and Survival*, op. cit., 190-200.
120. Oliver LaFarge, *Running Narrative of the Organization of the Hopi Tribe of Indians*, Unpublished manuscript (the LaFarge Collection, University of Texas at Austin).
121. Editors, *B.I.A., I'm Not Your Indian Any More: The Trail of Broken Treaties*, 3rd ed. (Mohawk Nation via Roosevelttown, NY: Akwesasne Notes, 1976), 76.
122. *B.I.A., I'm Not Your Indian Any More*, op. cit., 31-32.
123. U.S. Senate, Select Committee on Indian Affairs, 101st Cong., 2d Sess., *Final Report and Legislative Recommendations: A Report of the Special Committee on Investigations* (Washington, DC: U.S. Government Printing Office, 1989).
124. Ward Shepard, "Land Problems of an Expanding Population," and Allan G. Harper, "Salvaging the Wreckage of Indian Land Allotment," both in *The Changing Indian*, ed. Oliver LaFarge (Norman: University of Oklahoma Press, 1943).
125. Wilcomb Washburn, *Red Man's Land, White Man's Law*, 2d ed. (Norman: University of Oklahoma Press, 1994), 150-51.
126. There were 343,410 "official" Indians in the United States in 1950, up from less than 250,000 fifty years earlier; U.S. Bureau of the Census, "Part 1: United States Summary," *Census of 1950, Vol. 2: Characteristics of the Population* (Washington, DC: U.S. Government Printing Office, 1953).
127. Indian Claims Commission, *Final Report* (Washington, DC: U.S. Government Printing Office, 1978); Russel Barsh, "Indian Land Claims Policy in the United States," *North Dakota Law Review* 58 (1982)

128. Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945–1960* (Albuquerque: University of New Mexico Press, 1986).

129. Thornton, *American Indian Holocaust and Survival*, op. cit., 227; U.S. Bureau of the Census, *1990 Census of the Population, Preliminary Report* (Washington, DC: U.S. Government Printing Office, 1991).

130. The complete text appears in Part II of Edward H. Spicer's *A Short History of the Indians of the United States* (New York: Van Nostrand Rinehold, 1969).

131. Fixico, *Termination and Relocation*, op. cit. Also see Larry W. Burt, *Tribalism in Crisis: Federal Indian Policy, 1953–1961* (Albuquerque: University of New Mexico Press, 1982).

132. Nicholas Peroff, *Menominee DRUMS: Tribal Termination and Restoration, 1954–1974* (Norman: University of Oklahoma Press, 1982).

133. Cheryl McCall, "Life at Pine Ridge Bleak," *Colorado Daily*, May 16, 1975.

134. Thornton, *American Indian Holocaust and Survival*, op. cit., 197–98.

135. C. Matthew Snipp, Appendix 1 of his *American Indians: The First of This Land* (New York: Russell Sage Foundation, 1989).

136. Robert Burnette, *The Tortured Americans* (Englewood Cliffs, NJ: Prentice-Hall, 1971).

137. At a meeting with members of the Abnaki National Council in 1991, it was explained to me that, in their view, the question of federal recognition put things exactly backwards. "The question is not whether we are recognized by the federal government," as one elder put it, "but whether we recognize *it*. After all, we Abnakis, not the United States or the State of Vermont, were the first people here. Unless they can show us a treaty in which our ancestors recognized their right to land which unquestionably belonged to the Abnaki—which they can't—then it's still our land by law. Our law, their law, international law, it all comes out the same on this point."

138. Tillie Blackbear Walker, "American Indian Children: Foster Care and Adoption," in U.S. Department of Education, Office of Educational Research and Development, National Institute of Education, *Conference on Educational and Occupational Needs of American Indian Women, October 1976* (Washington, DC: U.S. Government Printing Office, 1980).

139. In 1993, I had the misfortune to attend a so-called Workshop on Identity put on by an entity calling itself the American Indian Advocacy Group at my home institution, the University of Colorado at Boulder. At no point was there discussion of such traditional concepts as lineage and genealogy, naturalization, and loyalty to the people.

140. The only reasonable conclusion I can draw from my own experience is that the question of my identity was never really at issue. Rather, it was raised quite cynically, for purposes of grinding other axes entirely.

141. Patricia Penn Hilden, *When Nickels Were Indians: An Urban Mixed-Blood Story* (Washington, DC: Smithsonian Institution Press, 1995).

142. Public Law 101-644, enacted Nov. 29, 1990; Herman J. Viola, *Ben Nighthorse Campbell: An American Warrior* (New York: Orion Books, 1993).

143. Gail K. Sheffield, *The Arbitrary Indian: The Indian Arts and Crafts Act of 1990* (Norman: University of Oklahoma Press, 1997).

144. James J. Kilpatrick, "Government Playing the Indian Game," syndicated column ©1992, distributed by the Thomas Jefferson Center, Charlottesville, VA. On Suzan Harjo's role as a "prime mover" behind the act, see Jonathan Tilove, "Who's an Indian Artist?"

Newhouse News Service, March 25, 1993. On Harjo's stated desire to expand the act, see Sheffield, *The Arbitrary Indian*, op. cit., 52.

145. See, e.g., the 1993 series by Jerry Reynolds in *Indian Country Today* entitled "Indian Writers: The Good, the Bad, and the Could Be."

146. Faith Attaguile, *Why Do You Think We Call It Struggle? The Bellecourt Brothers' Smear Campaign Against Ward Churchill* (Winnepeg: Arbitrator Ring, forthcoming).

147. Marc Hillel and Clarissa Henry, *Of Pure Blood: Hitler's Secret Program to Breed the "Master Race"* (New York: McGraw-Hill, 1976).

148. Thornton, *American Indian Holocaust and Survival*, op. cit., 174–75.

149. U.S. Department of Health, Education and Welfare, *A Study of Selected Socio-Economic Characteristics of Ethnic Minorities Based on the 1970 Census, Vol. 3: American Indians* (Washington, DC: U.S. Government Printing Office, 1974), 74, 78.

150. Lenore Siffarm and Phil Lane, Jr., "The Demography of Native North America: A Question of American Indian Survival," in M. Annette Jaimes, ed., *The State of Native America: Genocide, Colonization and Resistance* (Boston: South End Press, 1992), 45.

151. U.S. Congress, Office of Technology Assessment, *Indian Health Care* (Washington, DC: U.S. Government Printing Office, 1986), 78.

152. Some tribal councils have increased quantum requirements to one-half; Thornton, *American Indian Holocaust and Survival*, op. cit., 190.

153. Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W. W. Norton, 1987), 338.

154. During the early 1990s, the Umatilla tribal council commissioned University of Colorado anthropologist Deward E. Walker to conduct a study of what would happen if it simply adhered to its present quarter-blood Umatilla requirement for enrollment. The prognosis was that, given the present rate of "outmarriage," there would be virtually no one enrollable as a Umatilla by some point around 2050. It was then that discussion of constitutional revisions began in earnest; conversation with Deward E. Walker, April 1997 (notes on file).

155. Jack D. Forbes, "Undercounting Native Americans: The 1980 Census and Manipulation of Racial Identity in the United States," *Wicazo Sa Review* VI:1 (1980): 23. The census bureau itself inadvertently confirms the thrust of the argument, explaining that it construes the racial category "white" to include "all persons reporting Spanish origin. About 97 percent of persons of Spanish origin, about 99 percent of persons of Mexican origin, and 96 percent of Puerto Rican origin were classified white in the 1970 census; U.S. Bureau of the Census, *Selected Characteristics of Persons and Families of Mexican, Puerto Rican and Other Spanish Origin: March 1971* (Washington, DC: U.S. Government Printing Office, 1971), 15. That only 3,678 Mexican immigrants should have been classified as Indians in 1970—coming as they do from a population deriving overwhelmingly from indigenous gene stocks (Mörner, *Race Mixture*, op. cit.)—should speak for itself. Similarly, that only 1.9 percent (15,988 people) of the several million strong Mexican-American population should be so categorized is a travesty; U.S. Bureau of the Census, *Current Population Report: Characteristics of the Population by Ethnic Origin, November 1979* (Washington, DC: U.S. Government Printing Office, 1979).

156. Forbes, "Undercounting Native Americans," op. cit.; U.S. Bureau of the Census, *Ancestry of the Population by State, 1980* (Washington, DC: U.S. Government Printing Office, 1983), 3.

157. For the official count, see U.S. Bureau of the Population, *General Characteristics of the Population, 1990* (Washington, DC: U.S. Government Printing Office, 1991), 9. A good in-depth discussion of such demographic trends will be found in Joane Nagel's *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture* (New York: Oxford University Press, 1996).

158. Even this instrument fails to go the whole distance, making no provision for naturalization by marriage, adoption, or petition. Moreover, since it takes as its point of departure the Dawes Rolls, it explicitly excludes the descendants of Cherokee resisters who refused to move to Oklahoma from Arkansas, Missouri, Kansas, and Texas at the outset of the twentieth century. Still, the present CNO constitution accords much more closely with actual indigenous tradition than any other presently in existence. The constitution of my own Keetoowah Band follows not far behind, providing for enrollment based upon genealogy to anyone who can document it, but restricting voting, the holding of office, and receipt of benefits to those of one-quarter or greater blood quantum. The band also makes provision for "Honorary Members" who demonstrate no genealogical connection, but who provide service or display loyalty to the group; Georgia Rae Leeds, *The United Keetoowah Band of Cherokee Indians in Oklahoma* (New York: Peter Lang, 1996), 215–16.

159. U.S. Bureau of the Census, *1980 Census of the Population, Vol. II, Subject Reports: American Indians, Eskimos and Inuits on Identified Reservations and in Historic Use Areas of Oklahoma (excluding Urbanized Areas)* (Washington, DC: U.S. Government Printing Office, 1985), 99.

160. 30 Stat. 495; named in recognition of Charles Curtis, the mixed-blood Kaw who became vice president of the United States; Unrau, *Mixed Bloods and Tribal Dissolution*, op. cit., 119, 122–4.

161. Thornton, *American Indian Holocaust and Survival*, op. cit., 200.

162. Indeed, there are already those such as New York attorney Allan van Gestel, who have begun arguing on this basis that American Indians are and have always been "legal fictions" created by the U.S. government for its own purposes. Having outlived its usefulness, he says, the "Indian myth" should now be abolished "in fairness to the country's non-Indian citizens"; see, e.g., his "When Fictions Take Hostages," in James A. Clifton, ed., *The Invented Indian: Cultural Fictions and Government Policies* (New Brunswick, NJ: Transaction, 1990). Van Gestel's cant, which has been widely applauded, finds echoes in many quarters; see, e.g., Fergus M. Bordewich, *Killing the White Man's Indian: Reinventing Native Americans at the End of the Twentieth Century* (New York: Doubleday, 1996).