

**Remapping the World: Vine Deloria, Jr. and the Ends of Settler
Sovereignty**

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Abstract

This dissertation reconstructs the political thought of Yankton Dakota activist-intellectual Vine Deloria, Jr. (1933-2005) in order to explore how Indigenous peoples in the Americas have developed a tradition of politically engaged, anti-colonial critique—a politics of decolonization. Since World War II, democratic theorists have mounted accounts of civic inclusion and multicultural representation to both invigorate projects of democratic state- and nation-building and to respond to legacies of racial and cultural injustice. Against these accounts, I argue that settler democracies make their boundaries through colonial projects of replacement and normalized incorporation that disavow and dissolve Indigenous peoples’ separate polities. Beginning with his leadership in the National Congress of American Indians in 1964, Deloria provided a) an analysis of narratives of civic inclusion and multicultural representation as colonial and b) translated practices of decolonization emergent from the Indigenous sovereignty movement into an evolving framework of shared Indigenous concepts. The project traces Deloria’s counter-proposals through three phases: First, Deloria confidently re-theorized democratic state-building as “empire” so as to promote among Indigenous peoples an anti-colonial politics of self-determination (1964-1969). Second, Deloria aggressively reimagined Indigenous sovereignty as a distinctive variant of constituent power (1969-1975). Third, Deloria disappointedly reckoned with the durability of colonialism and capitalism as twin engines of destruction and re-described Indigenous conceptions of sacred territory, relationship, and responsibility as the ethical-political foundations of decolonization (1975-2005). Through this reconstruction of Deloria’s work in conversation with contemporary Indigenous and Settler-Colonial Studies, my project provides a basis for refashioning political theory’s core interpretive commitments to address the questions of dispossession, landlessness, self-determination, and sovereignty most apt for decolonization struggles in settler-colonial contexts.

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Preface

Are we colonizers? When I first began researching this dissertation project in early 2013, I started with a set of questions that danced around this first, pointed question. I was instead first interested in the role of empire in the history of political thought. Then I became curious about the way that Indigenous activists mobilized politically and the histories of intellectual production that emerged within these political movements. To be sure, I still came to the project with a background understanding of the structures of violence and oppression against which these actors mobilized. Still, my questions did not quite respond to this first, blunt question. Over the course of staring at the trees of my research forest up close, I started asking questions like: How did American Indian activists and theorists forge the concept of “tribal sovereignty” through a balancing act between Indigenous traditions of self-government and strategic engagements with post-war US liberalism? How have such activists articulated Indigenous sovereignty as related to but distinct from other anti-racist and anti-colonial struggles in a transnational context? What have been the important successes as well as the limitations to these formidable critiques of US colonialism?

A formative experience has continually reminded me, though, that it is this very first question—*are we colonizers?*—that must guide (or risk lurking in the background of) non-Indigenous peoples’ responses to colonialism and Indigenous politics: In late June of 2013, I, like millions of Jews in their teens and 20s, embarked on a 10-day guided

tour of Israel-Palestine as part of the “Taglit-Birthright” program.¹ I remain haunted by one particular exchange from my time there: A few days into the trip, we traveled to the hills overlooking Jerusalem, from which you can see the massive “barrier” or “separation” wall that the Israeli government built during the second Intifada in September of 2000 to seal off the West Bank from Jerusalem. As our Israeli guide began to explain why Israel considered the wall necessary to national security (with the help of the Israeli soldiers who travelled with us chiming in), a few of the liberals and progressives in the group thankfully began raising some of the many humanitarian objections that international lawyers and even the Israeli supreme court have voiced to the wall—among them, it displaces Palestinians like those in the town of Qalqilyah (population 45,000); chokes Palestinians off from resources, travel, health care, etc.; annexes Palestinian land; and, though it functions somewhat differently with respect to the labor question, it is a material symbol of Apartheid rule.

In response to these objections, our guide patiently explained that what Israel was doing to the Palestinians was no different than what the US had done to Native Americans. He meant that the two projects were equally justified; the US, he implied, had simply done it better and more completely. At the time, I could only feel voiceless rage

¹ I will leave aside here the perverse ideology of this program, its baked-in presumption of a Jewish “birthright” to the land. The Hebrew term “*taglit*,” too—meaning discovery—has these colonial resonances built right in to the mission of the program. On the one hand, I found it strange and unsettling to find peers with even less of a formal affiliation with Jewish life than me—i.e. those who did not grow up with any of the ritual that I did—come to think of themselves as having a “birthright” to a place they knew so little about. The avowed goal of the program is to cultivate these very affective connections that will result in making committed Zionists of perhaps otherwise apathetic American Jews. On the other hand, I was lucky enough to be on a trip with some critically oriented fellow-travelers who were not buying it.

and anger on hearing this. I could only muster in response: “I study that, and you’re talking about genocide.” It was appalling and disturbing enough to hear his comments in what some have called an “age of apology.” After all, we critical scholars often spend more time talking about the limits of liberal politics to redress deeper structures of injustice and less time engaging these more unvarnished defenses of conquest and occupation.

But in retrospect, I think the scene of this exchange proves even more revealing than I initially believed: Now, what remains so haunting about this justification is the very fact that he was appealing to my sensibilities as an *American* who might actually *agree* with this interpretation of my own history. It was this appeal to me as an American Jew who might actually assent to this interpretation of my own history that has left me continually astonished at the naked defense of genocide on which this relies. In other words, *his* view of American history—and this is someone whose wife is American and has lived in the US, not a distant observer—was that it provided a successful lesson for Israel to carry out a relentless assault on the savages, the Palestinian people.² In other words, he was interpolating me as an American—even though I am an American Jew whose own life experience is about as distant from Puritan discourses of who is a Christian to be saved and who an infidel Native to be killed as one could imagine. That moment of interpolation still surprises and even shocks me given that the more commonly unsavory discourse among Jews is that it is our shared intergenerational

² Of course, settler-colonial ideology is not always coherently naked in this way. In Israel, one hears these more explicit admissions peppered with references to a more benign and neutral-sounding language of security; to the Israeli military’s ethically strict warrior’s code; and so on.

experience of suffering, the Holocaust, that is supposed to unite us in conceiving of the necessity of defending the Jewish state (and, by an always vexing extension, the Jewish people) at any cost. In other words, he was implicating my self-identity but not one that I immediately recognized or could easily begin to take up even as someone who already knew a fair bit about the history in which he had implicated me.

Over time, this exchange has become a touchstone for me in thinking about how much a shared Anglo-settler history of conquest—even for we whose own ancestors knew little of it—defines in ways often unseen our contemporary multicultural, democratic societies in North America. As that Israeli tour guide showed me, this is a question of responsibility that we cannot flee and cannot turn away from. If others still take courage in the Anglo-settler colonial project and identify us as their fellow colonizers, then it only shows how pressing it is to fully acknowledge and articulate the historical and contemporary dimensions of this project as, however depressingly, *ours*. This historical account seems to me to be the only way to fully grapple with the implications of ongoing colonial injustices for Anglo-settler democracies, both their contextually specific moral and political injuries and these broader ongoing resonances and connections to elsewhere. Given this dimension of self-making and responsibility that accompanies the telling of any history, my goals in the project are not merely those of historical and conceptual reconstruction for its own sake. I hope to illuminate through this project's reconstruction of Yankton Dakota activist-intellectual Vine Deloria, Jr.'s work how we inherit this history as constitutive and politically urgent—how we need to conceive of ourselves as settlers today—whether we claim it or not.

However, it is one thing to acknowledge these historical and contemporary dimensions and yet another thing to respond to the politics of Indigenous peoples in the present. What I do is to move back and forth between concrete political struggles and the formation of political concepts that have been central to some key Indigenous critics of colonialism at least since the mid-20th century, Deloria especially. I chose not to make the project a pure exercise in genealogy or conceptual history for two reasons. First, since we who are non-Indigenous tend to claim and then un-claim this history whenever it is convenient for us to do so, critique is often not enough to dislodge and reorient what we consider the relevant moral and political resources for theorizing and responding to domination. Taking responsibility for one's own situation as a settler-colonizer and not dancing away from it in certain moments is not easy; it is and ought to be uneasy and unsettling. Again, think of the situation in Israel-Palestine in which the sheer extent of violence and militarization alerts us to the basic facts of power and powerlessness much more readily in that political situation than in our own here in North America. In my view, there are few intellectual exercises that will attune us more to the easily disavowed and (to, we, settlers) phenomenologically fleeting fact of occupation than actually trying to learn from Indigenous critiques of colonial injustice and the intellectual production arising from these ongoing struggles. Today, it is pipelines and oil fields; then, it was Termination, relocation, and dams. In both cases, we need to focus on whose bodies and communities are continually removed and uprooted. The traditions of anti-colonial critique arrayed against these removals, I will argue in the introduction, are the traditions that theorists ought to turn to—in conversation with contemporary Native American and

Indigenous Studies—in order to focus our energies on the politics of decolonization.

Second, speaking philosophically, settler colonialism is not an *a priori* and it is not a term that stands in for state violence as such. It needs to be deployed historically. I am not arguing that settler-colonial theory is useless at all; I think it is indispensable. I am suggesting that the term needs to be used carefully and only in relation to an analysis of the historically situated colonial practices that continue to weigh on the present. That is why it is necessary to move between activist practices, changing policies, and conceptualization to really theorize colonial continuities in our putatively post-colonial era.

My hope is that this project engages with Indigenous struggles in a respectful and illuminating way that continues a debate that those working on this topic have already begun in political theory. I hope that Indigenous readers from different tribal nations see compelling facets of their own histories in these struggles and see Deloria anew through my reconstruction of his work. Finally, I hope to shed light on these struggles, their complex intellectual legacies from the 20th century, and the way we as settlers are implicated collectively in these practices of domination and might be so as accomplices in undoing them.

Introduction

Decolonizing Political Theory

In recent years, political theorists have begun to reflect on the legacies and structures inherited from over 500 years of European expansion and rule over the rest of the world's peoples. Influenced by the founding and subsequent development of postcolonial studies, the political theory of empire and imperialism has placed a number of canonical thinkers within a global historical context of imperial conquest, slavery, and colonization. Transforming how we reflect on a history once analyzed primarily in connection to the politics of European nation-states, a group of political theorists have critically evaluated the persistence of empire as an analytic of power in modern European and American political thought.³ A number of thinkers have also built on these historical foundations to decolonize political theory's conceptual categories in conversation with present political struggles, neo-imperial global governance, and the foundations of

³ For an overview, see Jennifer Pitts, "Political Theory of Empire and Imperialism," *Annual Review of Political Science* 13 (2010): 211-315. Important works include: James Tully, *An Approach to Political Philosophy: Locke in Contexts* (New York: Cambridge University Press, 1993); Tully, "Aboriginal Property and Western Theory: Recovering a Middle Ground." *Social Philosophy and Policy* 11, no.2 (June 1994): 153-180; Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995); Anthony Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain and France, c.1500-1800* (New Haven: Yale University Press, 1995); Uday Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: University of Chicago Press, 1999); Mikael Hörnqvist, *Machiavelli and Empire* (New York: Cambridge University Press, 2004); Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton: Princeton University Press, 2005); Sankar Muthu, *Enlightenment Against Empire* (Princeton: Princeton University Press, 2003); Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism* (Princeton: Princeton University Press, 2010); Aziz Rana, *The Two Faces of American Freedom* (Cambridge: Harvard University Press, 2010); Adam Dahl, "Empire of the People: The Ideology of Democratic Empire in the Antebellum United States" (PhD Dissertation, University of Minnesota, 2014).

various intellectual traditions such as common law constitutionalism, Marxism, and Critical Theory. Scholars as diverse in approach as Charles Mills, Carole Pateman, James Tully, Iris Marion-Young, Amy Allen, Glen Coulthard (Yellowknives Dene), Robert Nichols, and Thomas McCarthy have connected historical questions of colonialism and decolonization to ongoing structures of domination and inequality that continue to govern a global order whose present forms of hierarchy would be inexplicable without examining the relations of power inherited from imperial orders.⁴

Despite these efforts to integrate “empire” into political theory as an historiographical framework, political theorists have paid relatively less attention to the intellectual contributions born of anti-colonial struggles, such as the writings of Yankton Dakota activist-intellectual Vine Deloria, Jr. In the course of their struggles against empire, Indigenous peoples have produced a wide-ranging archive of writings that reflect

⁴ Charles Mills, “Decolonizing Western Political Philosophy,” *New Political Science* 37.1 (2015):1-24; Carole Pateman, “The Settler Contract,” in *Contract and Domination*, Charles Mills and Carole Pateman (Malden, MA: Polity, 2007): 35-78; Tully, “Exclusion and Assimilation: Two Forms of Domination in Relation to Freedom,” *Nomos* 46 Political Exclusion and Domination (2005): 191-229; Tully, *Public Philosophy in a New Key, Volumes 1 & 2* (New York: Cambridge University Press, 2009); Iris Marion Young, “Hybrid Democracy: Iroquois Federalism and the Postcolonial Project” in *Political Theory and the Rights of Indigenous Peoples*, eds. Duncan Ivison, Paul Patton, and Will Sanders (Cambridge: Cambridge University Press, 2000): 237-258; Amy Allen, *The End of Progress: Decolonizing the Normative Foundations of Critical Theory* (New York: Columbia University Press, 2016); Glen Coulthard, *Red Skins, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014); Robert Nichols, “Realizing the Social Contract: The Case of Colonialism and Indigenous Peoples,” *Contemporary Political Theory* 4 (2005): 42-62; Nichols, “Contract and Usurpation: Enfranchisement and Racial Governance in Settler-Colonial Contexts,” *Theorizing Native Studies* eds. Audra Simpson and Andrea Smith (Durham: Duke University Press, 2014): 99-121; Nichols, “Disaggregating Primitive Accumulation: The Dialectic of Labour and Land,” *Radical Philosophy Review* 194 (Nov./Dec. 2015): 18-28; Thomas McCarthy, *Race, Empire, and the Idea of Human Development* (New York: Cambridge University Press, 2009).

directly on the politics and theory of decolonization in ways that strike at the heart of the violent vulnerabilities, immobilized community-building, and engrained colonial mentalities sustained in the ongoing colonization of lands and livelihoods. Despite the clear influence of the reverberations of these struggles against colonialism, then, political theories of empire and political science more generally have largely evaded the politics of some 370 million Indigenous peoples across the globe as a resource for the field as a whole.⁵ Indigenous politics scholar Kevin Bruyneel concurs, arguing that—despite the influence of postcolonial theory and critical race theory—“the discipline of political science does not take indigenous politics seriously.” Scholarship on and by Indigenous peoples, he observes, is “still too often deemed to be tangential to and thus marginalized within the discipline of political science.”⁶ Indeed, it is only in recent years that non-Indigenous historians have even begun to tell the very global story of decolonization in a way that comprehends the politics of Indigenous peoples.⁷ Political anthropologist Audra

⁵ On debates over defining which groups are Indigenous in international institutions, see Benedict Kingsbury, “‘Indigenous Peoples’ in International Law: A Constructivist Approach to the Asian Controversy,” *The American Journal of International Law* 92.3 (July 1998): 414-457. For my own purposes, I adopt James Anaya’s description: “Today, the term *indigenous* refers broadly to the living descendants of preinvasion inhabitants of lands now dominated by others. Indigenous peoples, nations, or communities are culturally distinctive groups that find themselves engulfed by settler societies born of the forces of empire and conquest.” James Anaya, *Indigenous Peoples in International Law*, 2nd ed. (New York: Oxford University Press, 1996), 3.

⁶ Kevin Bruyneel, “Social Science and the Study of Indigenous People’s Politics: Contributions, Omissions, and Tensions,” *Oxford Handbook of Indigenous People’s Politics*, eds. José Antonio Lucero, Dale Turner, and Donna Lee Van Cott (New York: Oxford University Press, forthcoming) <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780195386653.001.0001/oxfordhb-9780195386653-e-008>

⁷ One recent example of actively reimagining the project of decolonization by tracing Indigenous transnational movements is: Tracey Banivanua Mar, *Decolonization and the*

Simpson (Kahnawake Mohawk) sharply observes that political science and political theory

deal with [indigenous peoples] as a ‘case’ that is wholly documentary or an ethical and practical test to the limits of Western norms of acknowledgment. Because of their Western, institutional, and statist focus, none of these disciplines have dealt evenhandedly, robustly, or *critically* with Indigenous politics and how they challenge what most perceived as settled.⁸

Speaking politically, it is neither adequate to tell the story of Indigenous politics in an objective, documentary fashion nor as a mere test case of the paradigms that political theorists already have in place for addressing the claims of marginalized peoples made on the state. What political theorists currently lack, in other words, is a deeper engagement with the archive of Indigenous anti-colonial struggles that would narrate such struggles as part of an ongoing, decolonizing political project. This dissertation begins by acknowledging that colonization and its ideological pairing, colonialism, are not over. But this deceptively simple statement actually requires re-interpreting a range of concepts that come to have different entailments for questions of domination and injustice when seen from the vantage points of Indigenous anti-colonial struggles.

Scholarly work on “settler colonialism” has gone some way in differentiating the power relations confronted by Indigenous peoples from the problem of “empire”—a term

Pacific: Indigenous Globalisation and the Ends of Empire (Cambridge: Cambridge University Press, 2016).

⁸ Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press, 2014), 11. Important exceptions that feature this more complex historical dimension framed somewhat in the language of political theory include: Kevin Bruyneel, *The Third Space of Sovereignty: The Post-Colonial Politics of U.S.-Indigenous Relations* (Minneapolis: University of Minnesota, 2007); Karena Shaw, *Political Theory and Indigeneity: Sovereignty and the Limits of the Political* (New York: Routledge Press, 2008); Coulthard, *Red Skins, White Masks*.

too often treated as a unified category.⁹ As I argue in chapter one, settler colonization is a project of what I call “replacement”—what anthropologist and historian Patrick Wolfe called “elimination.” Whereas administrative empire involves the rule of overseas territories usually to the end of extracting raw materials and exploiting indigenous labor on behalf of the metropolitan center, settler colonization dictates the permanent transplant and settlement of those who will found a new state. As such, what is at stake in settler-colonial societies is the creation of a sovereign state on the territorial foundations of lands inhabited and governed by Indigenous peoples—lands re-described by settlers as “empty” (*terra nullius*), insufficiently populated, or inadequately developed to be named as the grounds of sovereignty, property, or both. “Settler colonialism,” then, is an ideological formation that licenses a historically changing set of practices that allow colonial states to separate Indigenous peoples from their lands in order to forge their own territorial foundations. As Wolfe argues, settler-colonial societies mobilize a “logic of elimination,” which describes a succession of different practices of imperial state-formation: conquest,

⁹ A broad range of works articulate the distinction between franchise and exploitation colonies and settler colonies within studies of comparative colonialisms: Nira Yuval-Davis, *Unsettling Settler Societies: Articulations of Gender, Race, Ethnicity, and Class* (London: Sage, 1995); Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Studies* 8, no.4 (December 2006): 387-409; Wolfe, *Settler Colonialism and the Transformation of Anthropology* (New York: Bloomsbury Academic, 1998); Ella Shohat, “Notes on the ‘Post-Colonial’,” in *The Pre-Occupation of Post-Colonial Studies*, eds. Fawzia Afzhal-Khan and Kalpana Rahita Seshadr (Durham: Duke University Press, 2000), 126-139; *Asian Settler Colonialism: From Local Governance to the Habits of Everyday Life in Hawai’i*, eds. Candace Fujikane and Jonathan Y. Okamura (Honolulu: University of Hawai’i Press, 2008); *Making Settler Colonial Space*, eds. Tracey Banivanua Mar and Penelope Edmonds (Palgrave Macmillan, 2010); Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (New York: Cambridge University Press, 2010); Veracini, *The Settler Colonial Present* (London: Palgrave Macmillan, 2015).

removal, reservation-making, kidnapping and fostering of children, and compulsory citizenship among them.¹⁰

While the “settler colonialism” paradigm helps to examine the distinctiveness of the political situation of Indigenous peoples, my project interweaves the insights of this scholarship with the political history and intellectual insights fostered within 20th century pan-Indigenous movements. With some important exceptions, few studies have sought to recover these conceptual contributions of anti-colonial theorists themselves, even as these names continue to reverberate in the words and deeds of contemporary anti-colonial struggles.¹¹ The paradigms of comparative colonialism from which de-colonial scholars now draw would be unthinkable without Indigenous political movements of the 1960s and 70s in which activists, medicine people, poets, writers, and grassroots organizers provided new conceptual and practical foundations grounded in a politics of decolonization. “Settler colonialism” can tell theorists a lot about the operations of a specific mode of domination but significantly less about this activist-oriented intellectual tradition that worked to make the politicizing connections of naming sites of injury and violence and representing the unity-in-difference of 370 million people from varied social and political entities as “Indigenous.” Naming an entity as an “empire” is, it is worth reminding ourselves, a demanding task, especially in settler states in which the vast

¹⁰ Wolfe, “Settler Colonialism and the Elimination of the Native,” 402.

¹¹ Important exceptions include: Margaret Kohn and Keally McBride, *Political Theories of Decolonization: Postcolonialism and the Problem of Foundations* (New York: Oxford University Press, 2011); Adom Getachew, *The Rise and Fall of Self-Determination: Towards a History of Anti-Colonial World-Making* (PhD, Yale University, 2015); Robbie Shilliam, *The Black Pacific: Anti-colonial Struggles and Oceanic Connections* (New York: Bloomsbury, 2015).

majority of the population sees the state in utterly different terms than that of an empire. These acts of naming, then, remap a whole political space and reimagine the political forms we inhabit in ways that upend and unsettle dominant assumptions about sovereignty and democracy. To make connections that actually provoke a given audience to see a situation *as* domination demands such politicizing work. Anti-colonial struggles made possible these creative possibilities whose consequences we are still grappling with today.

Put otherwise, our very capacity to analyze the settler-colonial axis of domination today depends on the connections made then. This dissertation, then, draws on a history of intellectual production unheralded in political theory to insist on the decolonization of settler societies as an urgent political project that relies on this different way of conceiving of the places and spaces in which we—both Indigenous and non-Indigenous peoples—now inhabit. Critics like Vine Deloria, Jr., on whose life and work I elaborate below, remade political concepts and recovered hidden and repressed histories both to name dominant forms of power as empire and reformulate the politics of Indigenous communities under the space of empire as a politics of self-determination and sovereignty. In tracking Deloria's thought, I ask: What can these insights of Indigenous intellectuals tell us about contemporary, everyday colonialism and the theory and practice of decolonization? How might turning to those who have theorized in the course of concrete political struggles return us to the complex and necessary politics of decolonization in settler-colonial societies?

Given the surprising rise of global Indigenous politics—a possibility unthinkable even for many Native peoples in the earlier 20th century—why has only limited attention been paid to Indigenous politics and anti-colonial movements writ large in political science, especially in US political science? Reflecting on the recent growth of the field of Comparative Political Theory, it ought to strike us as surprising how little scholarly attention has been dedicated to the writings of anti-colonial critics in North America especially.¹² Those seeking to decolonize political theory have, of course, implicitly borrowed from anti-colonial thinkers. Still, political theorists have tended to downplay such contributions as marginal rather than dwelling for longer with the ambitious ways that anti-colonial critics remapped the world to revitalize their nations, confederacies, and kinship and clan structures through the de-legitimation of empire. This thesis argues that attention to the intellectual history of anti-colonial struggles brings forth much more urgent ways of reflecting on decolonization as a practical, material, and ongoing political project. Many discussions of empire struggle to articulate in lucid terms the links between previous imperial hierarchy, preferring to speak of “legacies,” “inheritances,” or

¹² Comparative Political Theory is itself a field that encompasses significant disagreement and (sometimes) unease about the label. Important recent assessments include: Andrew March, “What is Comparative Political Theory?,” *The Review of Politics* 71 (2009): 531-565; Farah Godrej, “Response to ‘What is Comparative Political Theory?’” *The Review of Politics* 71 (2009): 567-582; Leigh Jenco, “Histories of Thought and Comparative Political Theory: The Curious Thesis of ‘Chinese Origins for Western Knowledge,’ 1860-1895,” *Political Theory* 42.6 (December 2014): 658-681. In a recent overview of Comparative Political Theory, Diego Von Vacano mentions indigenous peoples in Latin America and Africa, but it is unclear what he takes to be the place or significance of such works in the subfield. The ambiguity and elision of North American geography underlines the absence at stake here, tellingly placing Indigenous peoples in a comfortable, foreign elsewhere. See, “The Scope of Comparative Political Theory,” *Annual Review of Political Science* 18 (2015):1-16.

“hauntings.” In reading Deloria and others who give a material rendering of the very concrete, everyday sediments of colonization, such terms come to appear far too indirect and evasive as ways of speaking of settler-colonial empire. As to how to speak otherwise of decolonization in political theory, Eve Tuck and K. Wayne Yang put it best: “decolonization is not a metaphor.”¹³

Vine Deloria, Jr.: Beyond Third Spaces to Decolonization

As to its scope, my dissertation narrows in on the 20th century politics of the many nations of Indigenous peoples in the Anglo settler-colonies of the former British Empire (the United States, Canada, Australia, and Aotorea New Zealand).¹⁴ Even more specifically, I explore the work of an overlooked anti-colonial critic of US Empire and one of the important theorists of a global pan-Indigenous politics that developed in the second half of the 20th century: Vine Deloria, Jr. (1933-2005), a thinker and activist of Yankton Dakota heritage and a Standing Rock Sioux tribal citizen. Deloria had a hand in many of the key struggles of American Indian resistance and reorganization since 1964, when he was elected as the Executive Director of the National Congress of American Indians (NCAI), the first of many roles he took as a leading pan-Indigenous activist. Many in the field of Native American and Indigenous Studies regard Deloria as the most prominent 20th century theorist of American Indian politics and he is a founder and

¹³ Eve Tuck and K. Wayne Yang, “Decolonization is not a Metaphor,” *Decolonization: Indigeneity, Education, & Society* 1.1 (2012): 1-40.

¹⁴ Since federal acknowledgment of the Pamunkey tribe in 2015, there are currently 567 federally recognized Indian tribes within the borders of the United States. According to the National Congress of American Indians, there are about 5.2 million American Indian, Alaska Native, and Native Hawaiian people within the geographical borders of lands claimed by the United States. NCAI, “Indian Country Demographics,” <http://www.ncai.org/about-tribes/demographics#R2>.

formative influence on that interdisciplinary field. Despite Deloria's seminal contributions to American Indian law and politics, many of which he authored in a Political Science department at the University of Arizona (1978-1990), he has landed in the pages of *Political Theory* only once, in an article by Burke Hendrix on Native American land claims.¹⁵

I narrow in on Deloria's writings in particular for the simple reason that he is perhaps the most influential Native American intellectual of the 20th century. His work provided the foundations of the modern Native Sovereignty Movement, of the interdisciplinary field of Native American and Indigenous Studies, and he has been influential in a number of other academic fields. Besides offering an insightful analysis of US Empire and what we now theorize as settler colonialism, Deloria was a central figure in translating the grassroots demands and philosophical commitments of Indigenous peoples to the US public at the height of the Sovereignty Movement. To understand Deloria's place in a self-consciously constructed lineage of Indigenous intellectuals, I pay heed to his novelty and contribution against this background of 20th century Indigenous politics and intellectual life.

Conceptually speaking, Deloria played a crucial role in reorienting the normative foundations of the dominant politics geared toward economic and racial justice to go beyond a narrow civil rights frame to accord with Indigenous perspectives, which is why his thought has proven so influential to Native Studies. I will have more to say about how his own views of his work as an activist-oriented thinker might deviate from his reception

¹⁵ Burke Hendrix, "Memory in Native American Land Claims," *Political Theory* 33.6 (December 2005): 782-783.

as a theorist in Native and Settler Colonial Studies, but suffice it to say for now that Deloria changed the sensibilities of Indigenous peoples to think of themselves as “nations within” a structure of imperial power.¹⁶ As obvious as that idea may seem in retrospect, it actually galvanized a profound shift in political sensibilities that laid the groundwork for the political and conceptual innovations that came after.

The dissertation demonstrates this argument by reading Deloria in a critical dialogue with political theory as well as the historiographical and critical scholars in Native Studies that have put Deloria’s views to work. Tracing Deloria’s writings from *Custer Died for Your Sins: An Indian Manifesto* in 1969 to his later works, I show how he framed his writings against a dominant politics of inclusion by demanding that Indigenous peoples be treated as nations on the model of international relations. Rather than demanding (or succumbing to) integration and assimilation into an already existing regime of settler citizenship (my term, defined in chapter one), Deloria developed rhetorical and political strategies to claim political agency continually denied to Indigenous peoples. In short, by centering decolonization as an unfinished political *project*, Deloria confronted the contemporary colonialism that is disavowed across forms of politics invested in equating progress with inclusion and incorporation into the nation-state.

Although under-examined, Vine Deloria, Jr.’s work is foundational to a form of anti-imperial critique and political practice generated within Indigenous communities that

¹⁶ The phrase is from: Vine Deloria, Jr. and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (Austin: University of Texas Press, 1984).

continues to challenge dominant models of citizenship and sovereignty in the US and the other Anglophone settler states whose common origins lie in the British Empire (Canada, Aotorea New Zealand, and Australia). It might seem obvious now that “Indigenous peoples” shared a common problem of confronting “empire,” but this lens was far from obvious even well into the 1960s. Alongside manifestos by Harold Cardinal (Cree) and George Manuel (Secwepemc), former Chief of the National Indian Brotherhood, Deloria’s *Custer Died for Your Sins: An Indian Manifesto* laid the foundations for the notion that Indian tribes in North America shared a common experience—similar to but also distinct in some ways from the “Third World”—that ought to be considered through the lens of empire.¹⁷ Many historians read all of these as documents of political organizing, but they are more than that. These writings also laid the *conceptual* foundations for a politics of decolonization in the 1960s and 70s among Indigenous peoples across the Americas and the globe. A Yankton Dakota activist, lawyer, philosopher, and a member of the Standing Rock Sioux Tribe, Deloria went on to write 27 books, 10 special reports (several of which are multivolume), composed over 130 editorials and articles; numerous introductions and prefaces to books; as well as 35 chapters in edited collections.¹⁸

¹⁷ Harold Cardinal, *The Unjust Society* (Vancouver: Douglas & McIntyre, 1969); George Manuel and Michael Posluns, *The Fourth World: An Indian Reality* (Collier-Macmillan Canada, 1974)

¹⁸ This estimate is by Vine’s son, the cultural historian Phil Deloria’s count; Phillip J. Deloria, *Vine Deloria, Jr. Lecture Series*, 1st Annual Lecture, Reed College, September 12, 2007.

Previous interpreters have uncovered a number of dimensions of Deloria's work:

Michael Lawrence places Deloria within a tradition of American radicalism.¹⁹ David Wilkins (Lumbee) focuses on Deloria's contributions to public policy.²⁰ David Martínez (Gila River Pima) places him primarily within a lineage of Lakota/Dakota intellectuals.²¹ In a classic work in Native Studies, Robert Warrior (Osage) reads Deloria as exemplary of a critical Indigenous-centered approach to literary studies, especially focusing on questions of theology.²² Frederick Hoxie argues that Deloria can be read alongside other Indigenous lawyers and legal theorists mediating between the US federal government and Indigenous peoples.²³ Several anthropologists read Deloria as a central intellectual force in debates about colonialism and research ethics in ethnography.²⁴ Finally, Kevin

¹⁹ Michael A. Lawrence, *Radicals in Their Own Time: Four Hundred Years of Struggle for Liberty and Equal Justice in America* (New York: Cambridge University Press, 2011), 245-308.

²⁰ David Wilkins, "Forging a Political, Educational, and Cultural Agenda for Indian Country: Common Sense Recommendations Gleaned from Deloria's Prose," eds. Steve Pavlik and Daniel R. Wildcat, *Destroying Dogma: Vine Deloria, Jr. and His Influence on American Society* (Golden, CO: Fulcrum Publishing Co., 2006): 157-204.

²¹ David Martínez, "Neither Medicine Man Nor Chief: The Historical Role of the 'Intellectual' in the American Indian Community," *Studies in American Indian Literatures* 26.1 (Spring 2014): 29-53; David Martínez, "Introduction," *The American Indian Intellectual Tradition: An Anthology of Writings from 1772 to 1792*, ed. David Martínez (Ithaca: Cornell University Press, 2011): ix-xvi.

²² Robert Warrior, *Tribal Secrets: Recovering American Indian Intellectual Traditions* (Minneapolis: University of Minnesota Press, 1994).

²³ Frederick Hoxie, *This Indian Country: American Indian Activists and the Place They Made* (New York: Penguin Books, 2013), 337-392.

²⁴ *Indians & Anthropologists: Vine Deloria, Jr. and the Critique of Anthropology*, eds. Thomas Biolsi and Larry J. Zimmerman (Tucson: University of Arizona Press, 1997).

Bruyneel reads Deloria as an exemplary theorist of what he calls the “third space of sovereignty.”²⁵

While I draw on the historical insights of this very small field of scholarship on Deloria, my interpretation of his work challenges most directly the importation of categories from postcolonial theory to theorize his writings in the context of the longer history of Indigenous political struggles. These include Bruyneel’s use of the “third space of sovereignty” as well as Iris Marion Young’s use of “hybridity” to theorize the way Haudenosaunee federalism challenges imperialism.²⁶ They each partly borrow these concepts from Homi K. Bhabha’s discussion of a “third space of enunciation.” For Bhabha, colonized subjects challenge dominant discourses by resignifying their terms and thus “supplementing” them in ways that exceed the original meanings of those discourses in order to forge a space of autonomy beyond their purview.²⁷

Instead, I urge below, political theorists ought to grapple with Indigenous politics and Indigenous Political Thought as part of a decolonizing project in which activist-

²⁵ Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations* (Minneapolis: University of Minnesota Press, 2007).

²⁶ Cf. Jodi A. Byrd and Michael Rothberg, “Between Subalternity and Indigeneity: Critical Categories for Postcolonial Studies” *Interventions: International Journal of Postcolonial Studies* 13.1 (2011): 1-12. Byrd and Rothberg also suggest that the key tension between postcolonial and Indigenous politics is that the colonial project is ongoing in the latter case whereas it is rendered as a “legacy” in the former. There is a long and complex debate about the “post” in postcolonialism that I cannot speak to here, save to say that it is not so simple as to parse the question as a clear temporal break that signifies a clear transition from a colonial to a postcolonial era. One important touchstone is: Anne McClintock, “The Angel of Progress: Pitfalls of the Term ‘Post-colonialism,’” *Social Text* 31/32 Third World and Postcolonial Issues (1992): 84-92. Still, even if there is not clear temporal break to the “post,” the way that colonialization is ongoing is certainly different in settler-colonial contexts.

²⁷ Bhabha expands on these themes in *The Location of Culture* (New York: Routledge, 1991).

intellectuals have generated their own modes of self-description from the bottom-up. According to Bruyneel, the concept of a “third space of sovereignty” provides a vocabulary that refuses a dualistic US colonial imposition on Indigenous nations which effectively forces them into being either inside (subordinated and/or assimilated) or outside (separate, but, at least potentially, powerless). Instead, Bruyneel argues, one can interpret the broad similarities in Indigenous peoples’ politics vis-à-vis the US as a “politics on the boundaries” that has refused such colonial dualisms and forged instead a boundary-crossing “third space of sovereignty.”²⁸ For Young—again, drawing on Bhabha—a “hybridizing strategy inserts the subjectivity of colonized people into the imperial narrative...[which] upsets colonial dualities reiterated today.”²⁹ The “influence thesis”—that is, the idea that Iroquois federalism influenced the American founders’ conceptions of federalism discussed at the Continental Congress—upsets notions of European cultural superiority and the construction of “democracy as a specifically western value.”³⁰

For all that these two similar approaches have offered, I argue that they are limited by virtue of rejecting as inherently colonial the very binaries that Deloria’s own analysis of colonization brings to light in rhetorically aggressive terms.³¹ To be sure, Deloria is not Fanon. Still, I argue, we can pry apart somewhat Deloria’s “hybrid”

²⁸ Bruyneel, *The Third Space of Sovereignty*, 1-26; 123-170.

²⁹ Iris Marion Young, “Hybrid Democracy: Iroquois Federalism and the Postcolonial Project” in *Political Theory and the Rights of Indigenous Peoples*, 239.

³⁰ *Ibid.*, 245.

³¹ This aspect of my reading of Deloria here has been influenced by the essays in *The Settler Complex: Recuperating Binarism in Colonial Studies*, ed. Patrick Wolfe (Los Angeles: UCLA American Indian Studies Center, 2016).

practical approach to confronting and manipulating institutions as a pragmatic political operator from within and his bluntly decolonizing discursive rejection of colonial practices and devaluing of Indigenous peoplehood. My broader attention to the full scope of Deloria's writings makes this tension apparent. It is telling that practice and discourse ultimately come apart for Deloria over the course of his life, since such a coming-apart shows how deeply the historical sediments of the colonial project continue to structure subjects and practices even *after* the massive transformations of institutions the Indigenous Sovereignty Movement made possible.

Deloria's analysis, I argue, leans much more towards one that renounces the normalized incorporation of Indigenous peoples into settler states and eventually returns back to concepts and practices that validate Indigenous peoplehood as a hidden transcript of modern state-formation. As I argue below, Deloria served as a mediator and translator between Indigenous and settler worlds that have had centuries of interaction yet for which the latter's narrative remains the dominant and overriding one. If the postcolonial project places more emphasis on the moment when colonized subjects resist and re-signify dominant discourses, Deloria's decolonial project, I argue, is ultimately more alive to the moment when peoples turn inward to their own accounts of responsibilities and relationships that simply do not depend on the outside world for validation. To be sure, such accounts may sharpen through histories of interaction and resistance, so they are never fully outside, yet the moment of turning inward also ensures their ongoing integrity not as hybrid but as self-same spaces.

With this in mind, the concept of a “third space” does not express two key aspects of Deloria’s work in context that I tease out in the dissertation. Instead, I use the language of decolonization. The formal claims I explain here will become clearer and more concrete when I turn to Deloria’s actual writings throughout the dissertation. First, in the post-WWII World, Deloria’s early work responded to the universalism of a now purportedly post-colonial and post-racial politics of *inclusion*. I argue that Deloria reframed the politics of empire most centrally in relation to this debate. In this sense, while activists in the NCAI, the National Indian Youth Council (NIYC), and later the American Indian Movement (AIM) undoubtedly organized around civil rights as well, politicians, anthropologists, and others aggressively constituted the meaning of citizenship so as to pursue an ongoing politics of dispossession.³² Deloria theorized and rejected these eliminationist requirements of inclusion and equality. I use this framework to intervene more broadly in debates in political theory on the politics of inclusion, showing how significant assumptions about inclusion and progress continue to bend the discipline to disavow empire-formation. I give careful attention to how Deloria redirected a set of resources more often geared toward a problematic of racial exclusion—a characterization still especially apt in US political theory—towards questions of *colonial* injustice. I adopt this interpretive position not only because it does reflect a significant dimension of Deloria’s work in the context of the much better-understood civil rights movement, but also because it allows me to reclaim this politics of decolonization as an

³² On Indigenous organizing around civil rights and enfranchisement, the Voting Rights Act in particular, see Daniel McCool, Susan M. Olson, and Jennifer L. Robinson, *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote* (New York: Cambridge University Press, 2007).

absence within significant studies of racial hierarchy in the US. I primarily look to the history of Indigenous intellectuals in the 20th century whose work existed prior to and cut across these more recent Euro-american disciplinary formations. By staying within this context, I read Deloria as a critic and theorist engaged in carving out space in an unwieldy set of public discourses to foreground dilemmas of colonial injustice. Deloria moved across a range of ideas and contexts that he encountered as an activist and thinker, depending often on whether these concepts could make tangible improvements to the lives of actual Indigenous communities, yet he did so in the service of reclaiming Indigenous—not hybrid—spaces.

Second, against the “third space of sovereignty” view, the language of “remapping” I use in the title refers to an act of *imagination* of a more decolonized future. It refers to the Indigenous Sovereignty Movement’s engagement in a politics of nation- and world-building that imagined new political possibilities, creating a world of pluri-national projects advancing racial and post-colonial justice across the borders of settler states. While an earlier historiography tends to focus on the politics of “Red Power”—often limited to the American Indian Movement—my study of Deloria benefits from an historiographical turn in Native Studies that reveals a longer history of tribal and pan-tribal activism in the 20th century. I slightly change what sociologist and policy scholar Erich Steinman has called the “American Indian Sovereignty Movement” to the “Indigenous Sovereignty Movement” in order to include global and transnational

Indigenous politics.³³ Their analyses of US empire within this longer Indigenous Sovereignty Movement informed ambitious proposals to rectify the past and ongoing harms of colonialism, including: putting an end to all policies based on assimilation; massive reparations via agrarian redistribution; the renewal of treaty-making between the US and Indigenous nations; and the end of congressional plenary power over Native nations. Although Deloria's generation laid the foundations for the practical third space of "self-determination" and "tribal sovereignty" in US Indian policy, the narratives and proposals they generated also inaugurated a broader array of decolonizing strategies that have largely been evaded in contemporary political theory. Again, while many of these agendas proved effective in creating institutional transformations in sites as distinct as the jurisprudence of treaty rights, processes of sub-contracting and consultation with tribes, and the regime of federal recognition, Deloria continued later on to press on the shortcomings of these institutional gains and offered a more thoroughly decolonizing

³³ Erich Steinman, "Settler Colonial Power and the American Indian Sovereignty Movement: Forms of Domination, Strategies of Transformation," *American Journal of Sociology* 117.4 (January 2012): 1073-1130. I have benefitted from multiple accounts of the Indigenous Sovereignty Movement, including: Stan Steiner, *The New Indians*. (New York: Harper & Row, 1968); Robert Allen Warrior, *Tribal Secrets: Recovering American Indian Intellectual Traditions* (Minneapolis: University of Minnesota, 1994); Paul Chaat Smith and Robert Allen Warrior, *Like A Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York, NY: The New Press, 1997); *American Indian Activism: Alcatraz to the Longest Walk*, eds., Troy Johnson, Joane Nagel, and Duane Champagne (Chicago-Urbana: University of Illinois Press, 1997); Charles Wilkinson, *Blood Struggle: The Rise of Modern Indian Nations* (New York, NY: W.W. Norton & Company, Inc, 2005); *Beyond Red Power: American Indian Activism and Politics Since 1900*, eds. Daniel M. Cobb and Loretta Fowler (Santa Fe: School for Advanced Research Press, 2007); Daniel M. Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty* (Lawrence, KN: University of Kansas, 2008); Frederick Hoxie, *This Indian Country: American Indian Activists and the Place They Made* (Penguin Press, 2012); Sheryl Lightfoot, *Global Indigenous Politics: A Subtle Revolution* (New York: Routledge, 2016).

project that went beyond institutions into the pores of subjectivity. What makes Deloria interesting and radical is that he was both instrumental in making these practical projects possible and yet also could hold on with a sense of disappointment and a bracingly nostalgic optimism keyed into the limitations of institutional reforms to enact decolonization.

Canon-Formation and Decolonization

I turn my attention to Deloria rather than more familiar figures in the canon of political theory because there is an unacknowledged relationship between the way political theorists construct a disciplinary canon and our capacity to analyze colonial practices as they are articulated in the present. This connection is particularly true, I argue, of *settler-colonial* practices, which I will explore in chapter one. Precisely because colonization is a process of *replacing* Indigenous citizenships and peoplehood with settler citizenship and peoplehood, Indigenous thinkers are also erased from the canon insofar as such power relations go unexamined. That is, the fact that political theorists have not often taken up the influence of settler-colonial processes of colonization, conquest, replacement, and incorporation on western political thought has also enabled choices to exclude Indigenous thinkers from the canon as marginal or irrelevant to the discipline—and vice-versa.

Colonialism directly shapes the ethical and political stakes of reading Deloria: For political theorists trained in the western canon, we have inherited various ways of covering over the role of political theory once in vindicating and now in disavowing—sometimes, but more rarely, explicitly vindicating—the ongoing replacement of

Indigenous peoples on whose territories we now reside. The influence here of excising Deloria and other Indigenous writers and thinkers from a possible canon runs both ways: One reason for the marginality of Indigenous politics to the discipline is that by erasing Deloria from the canon, we also erase his objects of concern that might reshape what ought to be the central directions of study in political theory. In turn, the marginality of Indigenous politics to political theory also means that Deloria and others can much more easily be dismissed. That these two forms of erasure are interrelated, I think, makes it imperative to turn to Deloria and other Indigenous thinkers as sources of insight into the struggle over decolonization. This erasure, I argue, is to the detriment of political theory, which, thanks to feminist theorists, environmental theorists, poststructuralist and critical theorists, comparative political theorists, critical race theorists, and many others, has done much to transform who and what counts as political theory over the past several decades. Still, as I suggested above, we do not get as comprehensive and as material a picture of decolonization so long as Indigenous voices and practices remain silenced in the course of forming what and who counts as political theory. Such choices-by-omission shape what forms of power and injustice and whose histories the discipline is able to speak to in a deep way. Put in somewhat more disciplinary terms, my thesis argues that political theorists ought to grapple not only with Settler Colonial Studies, but also with these formative texts of Native Studies in order to seek to confront and critique the colonial tendencies within the western canon.

While there is a dialectic here between epistemology (Deloria's absence in the canon) and politics (the conditions of colonialism), the disavowal of Indigenous politics

in political theory is not (just) a matter of epistemological or analytical missteps. Instead, it is a problem of politics—or, better, of attachments to dominant categories that must resonate quite differently when reconstructed in our actually existing colonial context. Although I will explain this point in more detail in chapters two and three, when Indigenous peoples remain an archival absence, we also critically miss how attachments to categories of democratic settler state-building that focus on inclusion and equality reinvest in forms of repair that disavow contemporary colonialism.

To highlight the meaning of this argument against the background of an emerging scholarship on decolonization in political theory, I follow George Ciccariello-Maher's contrast between decolonizing theory "from without" with decolonizing theory "from within."³⁴ As he puts it, "rather than turning [political theory] inward, making of it a process of Euro-American self-reflection," political theory cannot decolonize without being "grounded in an appeal to exteriority that is simultaneously—if imperfectly—both theoretical and geographical."³⁵ Ciccariello-Maher objects to some uses of Frankfurt school accounts of European anti-semitism that extends these theories outward to the colonial context in order to explain the racism and colonialism enacted in the peripheries. For Ciccariello-Maher, such accounts often end up focusing relatively more on the

³⁴ George Ciccariello-Maher, "Decolonizing Theory from Within or Without? A Reply to Baum" *Constellations* 23.1 (2016): 133-137. The article is a response to: Bruce Baum, "Decolonizing Critical Theory," *Constellations* 22 (2015): 420–34.

³⁵ Ciccariello-Maher, "Decolonizing Theory from Within or Without? A Reply to Baum," 136.

ultimate goal of recognizing marginalized subjects rather than decolonizing the social and political worlds made through the power relation between colonizers and colonized.³⁶

Cicariello-Maher's caution is useful in two ways: First, he explains how archival absences and disciplinary inertia alike lead theorists back to familiar resources that inadequately theorize colonialism as peripheral to rather than constitutive of modernity. Second, he revives a notion of the "outside"—a term that some veins of left critique over the past years have discredited to the point of debunking. The very real downside of this debunking is to dismiss actually existing Indigenous peoples' alternatives—or alternatives prefigured in their actually existing practices.³⁷ The "outside" is not a stable position in my rendering of Deloria. It actually shifts as Deloria's own conceptualization of the task of decolonization also developed over time to grapple with the changing politics of colonialism in the US. I read Deloria's dedication to; constant politicking in

³⁶ Cicariello-Maher argues that "Baum's 'politics of cultural recognition' leans too far toward what he describes, in Adorno's terms, as 'the reconciliation of differences' instead of a thoroughgoing decolonization." *Ibid.*, 136.

³⁷ Robbie Shilliam makes a similar point when he critiques postcolonial theory via an understanding of what he calls "decolonial science" that builds on Māori and RasTafari practices. He sees the poststructural influence on Subaltern Studies and the now-widespread use of the concept of "subaltern" as a way to avoid actual Indigenous projects by restating them solely in terms of their silencing within dominant political forms (or in their relation to the Crown in the imperial center, if we draw on the mapping metaphor). He argues: "...to my mind the transmogrification of Subaltern Studies from an engaged democratic project into postcolonial critique has (unintentionally) serviced the colonial 'fatal impact' thesis. This thesis rests on the assumption that indigenous cultures could not withstand or compete with the sophistication of European civilization: they would have to die or transform into substitute versions of the conquering culture. At the epistemic level I would argue that the category of the subaltern is part of this erasure." Shilliam appeals instead to "the living knowledge traditions of colonized people" that have "refused" and "more often than not ignored" dominant political forms. Robbie Shilliam, *The Black Pacific: Anti-colonial Struggles and Oceanic Connections*, 7. As I argued above, I see these moments in Deloria's work as well.

favor of; and willingness to think through the traditions of those on this outside—those most subject to colonial removals—as a constantly reoccurring point of departure for his writing. To be sure, as Ciccariello-Maher acknowledges, the spatial metaphor and any notion of *pure* exteriority ought not be taken too far here; still, this relative outside needs to be contrasted to decolonizing theory “from within.”

While I argue against adopting postcolonial concepts like the “third space” and “hybridity” to comprehend Deloria in a specifically settler-colonial context of ongoing colonization, I also contrast my project to decolonizing from within in a broader sense that goes beyond reformulating the problem of decolonization for settler-colonial contexts alone. This project of decolonizing from without differs from those of scholars like Thomas McCarthy, who can be characterized as decolonizing from within. McCarthy has described how we have seen several waves of the discourse of human development up to the present, each of which has been entangled with racist and imperialist forms of governance. Using a Habermasian critical theory framework, McCarthy argues that modernity can nonetheless “be continually transformed from within.” This capacity for immanent critique from within modernity is made possible by virtue of the way that modernity fosters greater “critical reflexivity.”³⁸ The problem with McCarthy’s framework is that it actually fails to attend to the practical contexts in which such claims to modernity tend to be deployed: “Modernity” continues to be imposed on Indigenous peoples as a both a threat of elimination and an object they are continually denied within

³⁸ Thomas McCarthy, *Race, Empire, and the Idea of Human Development* (New York: Cambridge University Press, 2009), 155.

modern settler-states. As Jean O'Brien puts it, Indigenous peoples "can never be modern."³⁹

Unfortunately, the notion of practical reason drawn on within this approach tends to assume—rather than show—that transformation “from within” is the only option. If theorists begin with the assumption that the problem with universalism is in its selective and racialized application of reason rather than in the substance of actual attachments, say, to specific conceptions of sovereignty, democracy, and citizenship, then the former starting point leaves intact the dialectic between political and epistemological absence I outlined above. In other words, to take McCarthy's core concept, we cannot simply repurpose “development” in a more universal register to move away from its imperial histories. Rather, a commitment to decolonizing from without acknowledges that it may very well be that universality *itself* is at play, especially when the universal attaches to conceptions of sovereign, democratic citizenship arrayed against varied Indigenous peoplehoods.⁴⁰ By attending to the way that colonialism is constitutive of the modern world—as Deloria does—we can begin to work back from outside towards western traditions such as democratic or critical theory.

Pan-Indigenous Movements: Deloria in Context

³⁹ Jean O'Brien, *Firsting and Lasting: Writing Indians Out of Existence in New England* (Minneapolis: University of Minnesota, 2010), xxii.

⁴⁰ To be sure, not every “western” tradition suffers from quite this same problem: for example, feminist accounts of relationality that recognize how far down problems of context and power actually go tend to at least have substantive conceptual analogues across these inside/outside divides. That is an important caveat, but it remains the case that decolonization ought to begin from this outside.

For those familiar with Deloria as a talented political operator with the NCAI adept at pulling the strings of bureaucracy—as, for example, historian Daniel Cobb represents him—it may seem surprising to hear him invoked in this way as a decolonial thinker.⁴¹ A deeper account of Deloria’s place in a longer history of pan-Indigenous politics, though, actually demonstrates how Deloria served as an important hinge towards this way of thinking about decolonization. I argue that Deloria is best understood within a broader intellectual history of how pan-Indigenous movement leaders—engaged intellectuals—have responded to changing articulations of US citizenship. To begin, recall that in the late 19th century, white Americans imagined themselves at home within “an imperial family of settler societies” (including Canada, South Africa, Australia, and Aotorea New Zealand) whose basic goals were twofold: to furnish white (at that time, predominantly Anglo) settlers with self-government and economic independence and to extract land and labor from non-settler groups.⁴² By the mid-20th century, this “settler” self-conception had been largely replaced by an account of the US as a “creedal nation,” founded on a shared set of values, identities, and civic practices said to derive from the Declaration of Independence. This work was exemplified in Gunnar Myrdal’s influential *An American Dilemma: The Negro Problem and Modern Democracy*.⁴³ Although largely discussed in relation to the legacies of chattel slavery and Jim Crow, Myrdal’s signal effort to pose the problem of racial justice as a gap between American “ideals” and the failure of American

⁴¹ Daniel M. Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty*, 102-146. I focus on some of this context in chapter three.

⁴² Aziz Rana, “Colonialism and Constitutional Memory” *UC Irvine Law Review* 5.2 (2014), 266.

⁴³ Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* (New York: Harper & Brothers, 1944).

citizens and government to live up to those ideals also profoundly distorted the anti-colonial and anti-imperial contexts that were surfacing directly at that time in the writings and public speeches of Indigenous theorists and activists. In other words, an explicitly civilizational and racially ascriptive language of civilization gave way to a nationalist and civic constitutionalist framework premised on equal citizenship.

Yet another way of putting this point is that forms of politics that had been explicitly attached to an account of civilizational supremacy were thinned out of their earlier anthropological and epistemological contents. A group of prominent Indigenous intellectuals earlier in the 20th century such as Zitkala-Ša (Yankton Dakota), Carlos Montezuma (Yavape-Apache), Arthur C. Parker (Seneca), and Charles Eastman (Santee Dakota) largely framed their varied interventions in the thick of dominant racisms of this kind. Partly Darwinian in influence and partly culturalist, such racisms forced these intellectuals who were members of the Society of American Indians (SAI) into speaking in defense of the capacities of their own communities as “capable” of becoming US citizens. Eastman or Ohiyesa, a Santee Dakota doctor and writer who lived through the 1862 US-Dakota War, composed stories about the environmental values of Indigenous peoples that could be interwoven within the broader American story, although he became skeptical of this possibility later in life.⁴⁴ During a time when anxiety in settler publics emerged over the disappearance of “natural” places with industrialization and with the rise of the conservation movement, Eastman seized on these currents to carve out a

⁴⁴ Eastman, *Indian Boyhood* (Radford: SMK Books, 2011); *From the Deep Woods to Civilization: Chapters in the Autobiography of An Indian* (Boston: Little, Brown, and Company, 1916); See, David Martínez, *Dakota Philosopher: Charles Eastman and American Indian Thought* (St. Paul: Minnesota Historical Society Press, 2009).

limited space of autonomy and cultural worth: Eastman wrote in a preservationist mode to try to protect the cultural heritage of indigenous peoples. While a spectrum of approaches existed on these questions (and it is difficult to assess how these views squared with those of subaltern, non-literate Indigenous peoples, the vast majority of the population at this time), few of these intellectuals rejected assimilation or compulsory grants of citizenship (passed in 1924 in the US) outright.⁴⁵

While others such as Levi General (Deskaheh), a Cayuga hereditary chief, appealed for explicitly political rights of sovereign nationhood against the US and Canada in 1923 at the League of Nations, such efforts represented a minor tradition with relatively less visibility in an era that represents the nadir of Indigenous political power in North America after the US government allotted the lands of many Native nations in the US and Canada passed the Indian Act in 1876.⁴⁶ During the 1940s and 1950s, the National Congress of American Indians (NCAI, founded 1944) and other national indigenous organizations led by figures like Helen Peterson (Oglala Lakota) and D'Arcy

⁴⁵ For a sympathetic and richly biographical assessment of this group of thinkers associated with the first 20th century pan-tribal organization, the Society of American Indians (1911-1923), see Kiara Vigil, *Indigenous Intellectuals: Sovereignty, Citizenship, and the American Imagination, 1880-1930* (New York: Cambridge University Press, 2015). On debates over US citizenship in particular, see Kevin Bruyneel, "Indigenous Politics and the 'Gift' of Citizenship in the Early Twentieth Century," *The Third Space of Sovereignty*, 97-122.

⁴⁶ Deskaheh, *The Red Man's Appeal for Justice: The Position of the Six Nations That They Constitute an Independent State* (Geneva: League of Nations, 1923). On the General Allotment Act of 1887, see: D.S. Otis, *The Dawes Act and the Allotment of Indian Lands* (Norman: University of Oklahoma, 1973); Angie Debo, *And Still the Waters Run: The Betrayal of the Five Civilized Tribes* (Princeton: Princeton University Press, 1940); David Chang, "Enclosures of Land and Sovereignty: The Allotment of American Indian Lands" *Radical History Review* 109 (2010): 108-119. On the Canadian Indian Acts, see Bonita Lawrence, *'Real' Indians and Others: Mixed-Blood Urban Native Peoples and Indigenous Nationhood* (Lincoln: University of Nebraska, 2004).

McNickle (Salish-Kootenai), used idioms of “development” and “underdevelopment” to assert national self-determination and the need for technical and economic assistance as separate nations located within the spatial confines of the United States.⁴⁷ These activists had developed their ideas as administrators of the 1934 Indian New Deal, a policy associated with Bureau of Indian Affairs head John Collier that ended the parceling of collective tribal lands into individual allotments and imposed quasi-constitutional arrangements onto many tribes.⁴⁸

By the time Deloria arrived on the US national political scene in 1964 with his election as executive director of the National Congress of American Indians, dominant discourses around the politics of race and inequality had considerably shifted with the ascendance of the civil rights movement in its fight against Jim Crow. Deloria and leaders of the NIYC such as Clyde Warrior (Ponca) and Hank Adams (Sioux-Assiboine) had to frame their claims to self-determination against what Deloria called the “individualist-integrationist” moment.⁴⁹ When the logic of integration was applied by US policymakers to Indigenous peoples in order to further dispossess them of their remaining lands, a shift I trace in chapter two, it was similar in outcome to earlier 19th century settler-colonial practices. Unlike earlier discourses which explicitly linked the formation

⁴⁷ On the development of the NCAI, see Thomas Cowger, *The National Congress of American Indians: The Founding Years* (Lincoln: University of Nebraska Press, 1999).

⁴⁸ On the Indian New Deal (Indian Reorganization Act), see: Graham D. Taylor, *The New Deal and American Indian Tribalism: The Administration of the Indian Reorganization Act* (Lincoln: University of Nebraska Press, 1980).

⁴⁹ Vine Deloria, Jr., *We Talk, You Listen: New Tribes, New Turf* (Lincoln: Bison Books, 2007 (1970)), 100; On Warrior and Adams, see: Paul R. McKenzie-Jones, *Clyde Warrior: Tradition, Community, and Red Power* (Norman: University of Oklahoma Press, 2015); *The Hank Adams Reader: An Exemplary Native Activist and the Unleashing of Indigenous Sovereignty*, ed. David Wilkins (Golden, CO: Fulcrum Publishing, 2011).

of constitutional democracy to civilizational supremacy, though, the civic constitutionalist model enabled the construction of a universal that could claim to equally represent everyone. What these practices occluded was the possibility of thinking about the modern nation-state as imperial at all. What was left instead was a set of constitutional practices that necessarily needed to apply “equally” to those who had become citizens.

I argue, then, that the problem that Deloria confronted is that settler societies have transformed their core articulations of freedom and justice into questions of citizenship rights that nominally do not array societies along a temporal scale of development. Although these very articulations of the rights of citizenship as universal and post-racial clearly have their own racialized and gendered “exclusion clauses”—to which Indigenous peoples might be equally subject insofar as they, too, are now citizens—Deloria laid the foundations for framing the problematic of justice and political freedom on the distinctive terms of decolonization.

Deloria: Biography and Significance

Born in Martin, South Dakota (a town between the Pine Ridge and Rosebud Reservations) in 1933 as a tribal citizen of the Standing Rock Sioux, Deloria inherited on his father’s side back to his great-grandfather *Saswe* (a medicine man) significant ties to Yankton Dakota leadership and grew up within the cauldron of North Dakota colonial politics during the Great Depression.⁵⁰ After a stint in the marines and his graduation from a Lutheran seminary (where he wrote his thesis on theologian Rudolph Bultmann’s

⁵⁰ Vine Deloria, Jr., *Singing for a Spirit: A Portrait of the Dakota Sioux* (Santa Fe, NM: Clear Light Publishers, 1999).

interpretation of Heidegger), Deloria worked first as a recruiter and fundraiser for American Indian students in the United Scholarship Service from 1962 to 1964.⁵¹ Almost by chance, on a fundraising visit, he was elected as executive director of the National Congress of American Indians (NCAI) at their annual conference in Sheridan, Wyoming in 1964 and held that position until 1967.⁵² Badly mismanaged by his predecessor and near bankruptcy, Deloria worked to put the organization on stable financial footing and to turn it into a truly representative multi-tribal organ by creating much wider membership across Indian Country. From 1964 to 1969, Deloria participated in a series of high profile struggles against the Bureau of Interior over the Termination policy. During this period, he also participated in a pan-Indigenous activist print culture that has much earlier roots but flourished throughout the 1960s with the rise of publications like the NCAI's *Sentinel* and the NIYC's *Americans Before Columbus* (known as ABC) and then *Akwesasne Notes* in the late 1960s. He began to develop his later insights during his time in the NCAI in the course of engaging in these formative political struggles. Finding himself directly in the middle of an assault on Indigenous peoples in the form of the Termination and Relocation policies (addressed in chapter two), Deloria became convinced of the need for a more direct refutation of the US settler society's authority to structure the terms of Indigenous political status. After he resigned as executive director of the NCAI in 1967,

⁵¹ *Rudolph Bultmann* (1962), Box 4, Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library. Deloria's master's thesis at the Lutheran School of Theology is a study of Bultmann's discussion of Heidegger's use of the Christian *kerygma* from the gospels. Some of these themes reappear in Deloria's treatment of the sacred, which I address in chapter six, in the form of a pointed attack on the Christian background to contemporary notions of historicity and eschatology.

⁵² Frederick Hoxie, *This Indian Country: American Indian Activists and the Place They Made* (New York: Penguin, 2013), 341-242.

Deloria went to law school at the University of Colorado. He was the lead advocate in the first generational cohort of American Indian lawyers and was instrumental in developing the theoretical and practical know-how to defend Indigenous sovereignty, treaty rights, land rights, religious freedoms, and repatriation rights. Deloria released his first book, *Custer Died for Your Sins: An Indian Manifesto*, in 1969, which received generally enthusiastic—though often miscomprehending—reviews in national venues like *Time*, the *Chicago Tribune*, *The New York Times*, and even internationally in *Le Monde*. *Custer* emerged into public view at a propitious moment. With the publication of Kiowa novelist N. Scott Momaday’s Pulitzer-prize winning novel *House Made of Dawn* in 1968 and the daring occupation of Alcatraz by Indians of All Tribes in the same year, *Custer* drew a large readership and played an important part in publicizing Indigenous rights struggles.⁵³

Although Deloria’s work built on the achievements of other Indigenous and non-Indigenous advocates and theorists, he also advocated a departure from previous terms of engagement with the US settler state. As with the NAACP, the Cold War constrained the NCAI’s capacity to organize for anti-racist and anti-colonial projects through discourses that suppressed dissent and tarred those questioning racial and colonial policies with the stigma of communism.⁵⁴ Viewing the aid deployed abroad under the Cold War

⁵³ Deloria, *Custer Died for Your Sins: An Indian Manifesto* (New York: Macmillan & Company, 1969); N. Scott Momaday, *House Made of Dawn* (New York: Harper & Row, 1968). These reviews are collected in: Box 123: “Custer Died for Your Sins. American Indians, American Justice. French Press Coverage. Reviews” Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library.

⁵⁴ On the struggles of the NAACP with similar dynamics of Cold War repression, see Manning Marable, *Race, Reform, and Rebellion: The Second Reconstruction and Beyond in Black America, 1945-2006* (Third Edition) (Jackson: University Press of Mississippi, 2007), 12-37.

development imperatives of Truman's Point IV Program, Indigenous activists like Peterson and McNickle demanded over the course of the 1950s similar kinds of projects to relieve reservation poverty and give an economic basis to demands for self-determination.⁵⁵ During the Indian Chicago Conference in 1961, for example, American Indian activists sought to use the "domestic" status of American Indians to their advantage, claiming loyalty to the US as citizens (since 1924) yet even more directly affirming their place as separate nations in order to lobby for development funds and technical assistance for their reservation homelands.⁵⁶ The discourse of underdevelopment and modernization was a space of contestation within which indigenous activists could leverage strategic demands for a position both separate (and thus anti-colonial) and yet loyal to unrelenting Cold War demands for nationalist adherence and inclusion.

As historians of Cold War civil rights have argued, the US' international image was dependent on contrasting the virtues of liberal democracy to the Soviet model, which created pressure on elites to end explicit policies of racial segregation and exclusion.⁵⁷

⁵⁵ See, for example D'Arcy McNickle's 1951 speech to the National Congress of American Indians in St. Paul, Minnesota, in which he outlines a "Ten-Point Program." D'Arcy McNickle, "A Ten-Point Program for American Indians." Ayer MMS Miller, Box 8, Folder 86, The Newberry Library.

⁵⁶ "Declaration of Indian Purpose," Box 1, Folder 9, National Indian Youth Council Records, Center for Southwest Research, University Libraries, University of New Mexico. On the organizing of the Chicago Conference, see Daniel Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty* (Lawrence: University of Kansas, 2008), 30-57.

⁵⁷ See Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena* (Cambridge: Harvard, 2001); Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2001).

Despite the availability of *some* strategic leverage within the Cold War politics of development, this idiom allowed only for a very constrained space of contestation for Indigenous peoples. As Alyosha Goldstein puts it, while some have cast the politics of poverty and development in the US as utterly disciplinary, “underdevelopment also introduced a new space for strategic negotiation. Nevertheless, these negotiations ran aground whenever the conditions of US colonialism became too visible a point of reference.”⁵⁸

While Deloria was influenced by these activists, who pushed for the self-determination advocated for in the Collier Administration, and schooled himself in the legal apparatus of federal Indian law that emerged from this era, Deloria also represents an important break: He developed a more radical critique that directly confronted US Empire.⁵⁹ He connected the predicament of Indigenous peoples to deeper currents of US imperialism manifest within the dynamics of the Cold War but not unique to it. Whereas the strategy of previous activist-theorists primarily hinged on avoiding talk of colonialism—which would have undermined their very appeal for aid—Deloria theorized empire and colonialism in much more direct terms, linking newer versions of the politics

⁵⁸ Alyosha Goldstein, *Poverty in Common: The Politics of Community Action During the American Century* (Durham: Duke University Press, 2012), 107.

⁵⁹ Cf. Felix S. Cohen, *Handbook of Federal Indian Law: With Reference Tables and Index* (Washington, DC: Government Printing Office, 1942). Cohen’s handbook is still widely consulted and has gone through several editions but in the early 1960s was one of the few resources on federal Indian law. While Collier, a WASP, represented the public face of the Indian New Deal, much of the actual intellectual work behind reformulating Indian Law came from Jewish lawyers and intellectuals behind the scenes like Felix and Lucy Kramer Cohen (the latter a student of Franz Boas), Nathan Margold, and Felix Frankfurter. Alice Kehoe, *A Passion for the True and the Just: Felix and Lucy Kramer Cohen and the Indian New Deal* (Tucson: University of Arizona Press, 2014).

of inclusion and assimilation to an ongoing, systematic practice of eroding Indigenous rights and polities. Stated most broadly, he did so by reframing dominant discourses about the capacities and development of Indigenous political societies (often called the “Indian problem”) and redirecting public attention towards the actual un-freedoms and injustices involved in the formation of settler states. He put on the US and global agenda central problems concerning dispossession and landlessness, the politics of self-determination and tribal sovereignty, the interpretation and extension of treaties, and the recovery and re-description of Indigenous forms of knowledge. It is with this framework in mind that I read Deloria as an anti-colonial thinker who confronted the questions of power and hierarchy that had been swept under the rug by such changing expressions of what I call “settler citizenship” in chapter one.

Indigenous Political Thought

I read Deloria as a Dakota thinker attempting to put forth categories and concepts that would aid the struggle for the self-determination of Indigenous peoples via decolonization. Yet given the paucity of material within political theory that engages this field, more needs to be said about what such a reading implies and how such a study can proceed. Few studies exist in political theory of what Sandy Grande and Robert Nichols call “Indigenous Political Thought.”⁶⁰ As I described above, Comparative Political

⁶⁰ Robert Nichols and Sandy Grande, “Indigenous Political Thought,” *The Encyclopedia of Political Thought*, ed. Michael T. Gibbons, with Diana Coole, Elisabeth Ellis, and Kennan Ferguson (Malden, MA: Wiley Blackwell, 2015): 1817-1819; cf. Glen T. Morris, “Indigenous Political Thought,” *Encyclopedia of Modern Political Thought* ed. Gregory Claeys, with Michael S. Cummings and Lyman Tower Sargent (Washington, DC: CQ Press, 2013): 429-431. Of course, there are numerous thinkers across the field of Indigenous Studies engaging in a form of critical indigenous theory. See: Joanne Barker,

Theory (CPT), which has focused on non-western political thought, features almost no engagement with the politics of Indigenous peoples located in North America. Following Grande and Nichols, I conceptualize Indigenous Political Thought as a field of reflection that emerges out of the historical experiences of Indigenous peoples. There are two features to be extracted from their discussion of Indigenous Political Thought that help to frame Deloria's intervention as a way of decolonizing political theory. First, Deloria's work is inseparable from pan-Indigenous activism, in which he himself was a key actor both in US and transnational forums. Since much of US policy has been articulated through legal, and specifically, constitutional categories, many of the foundational conceptual moves here involved reinterpreting the Constitution, the Marshall Trilogy cases, and the some-600 treaties and numerous post-1871 agreements signed between Native nations and the US to reflect and respond to an avowedly Indigenous reading of the forms of conquest and incorporation from which this very legal and political apparatus emanates. Deloria's use of the term "sovereignty" itself borrows from constitutional discourse but also translates the aspirations of Indigenous peoples into a framework that rejects state sovereignty (addressed in chapter five).

As should be clear from this discussion, the second aspect of Indigenous Political Thought is that its practitioners produced this body of thought at a kind of "interface" between the legal and political discourses of settler-colonial states and those of

Native Acts: Law, Recognition, and Cultural Authenticity (Durham: Duke University Press, 2011); Jodi Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota, 2011); J. Kehaulani Kauanui, *Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indigeneity* (Durham: Duke University Press, 2008); Dale Turner, *This is Not a Peace Pipe: Towards a Critical Indigenous Philosophy* (Toronto: University of Toronto, 2006).

Indigenous peoples. This interactive dimension suggests why approaches from CPT that treat intellectual traditions as bounded and somewhat isolated wholes would be historically misleading, if not politically disempowering.⁶¹ The alternative, though, is not hybridity because interaction and inter-subjectivity in circumstances of persistent hierarchy do not imply the transcendence of binaries, even as they are mediated through new legal and political categories. The notion of “Indigenous” itself repurposes racialized notions of the “Indian” in order to reclaim an identity constituted through colonialism. Of course, the category of Indigenous nonetheless belies the dizzying diversity among the world’s some 370 million Indigenous peoples, which has been a significant source of controversy in international law. Here, then, I see Deloria working at this interface between cultures and nations entangled due to colonial practices, seeking to translate Indigenous demands to the US public while also decolonizing dominant legal and political practices.

Although conducted at this changing interface and driven forward by a problematic of territorial occupation and coercively wrought cultural, legal, and political entanglements, Deloria and others have also pursued the reclamation and/or continuation of pre-colonial sociocultural and political practices and forms of knowledge as practices of decolonization and self-determination. Deloria, I argue, not only recognized himself as an intellectual, but also acknowledged his own distance from “traditional knowledge”—

⁶¹ Although there is significant contestation about this question within Comparative Political Theory, this intellectual traditions-based focus is one well established approach. See, Andrew March, “What is Comparative Political Theory”; March, *Islam and Liberal Citizenship: The Search for an Overlapping Consensus* (New York: Oxford University Press, 2009).

even as he tried to reconstruct and convince others of the validity of such forms of knowledge throughout his life. In a striking letter from 1969 that Deloria scholars have yet to draw on, he described himself as “a political-poet with a contemporary Indian background—a Zionist who does not relate to the Hebrew-Indian tradition except as a way to keep oppressors from the real traditionalists.”⁶² Comparing his role to that of an a-religious political Zionist invested in reconstituting diasporic peoples as modern nations, Deloria nonetheless saw traditionalists as his core constituency.

I distinguish Deloria’s own position as an intellectual moving across worlds to defend the nationhood of Indigenous peoples. Deloria’s work at the interface, then, was motivated by this need to defend and translate kinship structures and oral traditions as a foundation of modern Indigenous sovereignty—an impetus he expressed in many later works. Deloria used what Vicki Hsueh has called “relational power”: In the course of treaty negotiations, translators found that “speaking another’s language or practicing another’s customs served as powerful tools that allowed different groups to relate to one another.”⁶³ Deloria’s own “translations” drew on federal Indian law and adopted the

⁶² Letter to Robert Lane. September 17, 1969. 1969 Correspondence Folder, Box 15: Chronological Correspondence. Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library.

⁶³ Vicki Hsueh, “Under Negotiation: Empowering Treaty Constitutionalism,” *Colonialism and Its Legacies*, eds. Jacob T. Levy and Iris Marion Young (Maryland: Lexington, 2011), 67-68. I take it as well that this position involves some important tensions: Within the scope of the range of decolonizing practices that emerged from the Indigenous Sovereignty Movement, there might be tensions in the actual form they take between, say, a focus on cultural revitalization and one more on contestation at this interface. Māori scholar Linda Tuhiwai Smith explores some of these (potential) tensions in *Decolonizing Methodologies: Research and Indigenous Peoples* (New York: Zed Books, 2012).

language of sovereignty and self-determination to mediate such power-laden exchanges, but, as I argued above, ended up opening a space for a broader project of decolonization.

In laying out this way of thinking about Indigenous Political Thought, I also found that there is a perceived epistemological problem faced by the use of this category that is not quite captured in the discussion by Nichols and Grande. There is also an additional reason (besides disavowal) that political theorists have been reticent to take up the contributions of Indigenous intellectuals: namely, the concern that we may end up engaging in simply an updated version of epistemological colonization in doing so. I would suggest that the baseline expectations that give rise to this worry may themselves have to do with investments in an interpretation of Indigenous politics (inadvertently) indebted to the epistemology of the colonial project: There might be an expectation that “Indigenous Political Thought” would need to comprise strictly the oral tradition, or would need to take up modes of expression so culturally foreign that political theorists are simply not equipped to do the work.

But how the oral has been translated into written form is already a topic treated extensively in Native American Studies, with these political questions very much at the center. Turning to already existing critiques of this view within the wealth of work on literature by scholars of Native American and Indigenous Studies is helpful here to dissolve at least some of the impressions underlying this worry: As Abenaki literary scholar Lisa Brooks observes in her critique of previous studies of Indigenous peoples’ adoption of European modes of writing, “This focus on questions of authenticity, and the maintenance of binaries that assume the adoption of Christianity or literacy is

concomitant with a complete loss of Native identity, has obscured the complex ways in which Native communities have adopted and adapted foreign ideas and instruments in particular places.”⁶⁴ In other words, the adoption of certain forms of writing and political instruments is taken as a one-way process of assimilation, itself a conceit that depends on the “vanishing Indian” narrative. Cherokee scholar Jace Weaver argues that there is also significant colonial power exercised in limiting the Native American or Indigenous canon to orature alone:

“Limiting consideration or admission to the canon to orature is a way of continuing colonialism. It once again keeps American Indians from entering the 20th century and denies to Native literary artists who use other media any legitimate or ‘authentic’ Native identity.”⁶⁵

Taken together, Weaver and Brooks suggest that the move to define the Native American canon solely through “difference” in genre actually cuts both ways. That is, by fixing certain modes of expression as authentically Indigenous, scholars are actually perpetuating a kind of reification that limits Indigenous peoples from picking up certain tools and modes of discourse to defend, advance, and/or reconstruct the very cultural and political forms under attack. I take it that these two scholars’ observations do not reject binaries as such but rather ones that rely on an implicit conception of one-way assimilation that equate adoption and change with total absorption—and, thus, need to fix a conception of (disappearing) indigeneity in a preservative, not a decolonizing mode.

⁶⁴ Lisa Brooks, *The Common Pot: The Recovery of Native Space in the Northeast* (Minneapolis: University of Minnesota, 2008), xxxi.

⁶⁵ Jace Weaver, *That the People Might Live: Native American Literatures and Native American Community* (New York: Oxford University Press, 1997), 22-23.

Indeed, as David Martínez argues, the category of the intellectual is a “foreign word” expressing a non-traditional role (“neither chief nor medicine man”) that nonetheless has important consequences for how Indigenous peoples have defended their own sovereignty. For Martínez, the term can be cautiously applied as an expression of a self-conscious tradition of Indigenous writers dating back to Samson Occom (Mohegan), yet nonetheless can be risky given its potential implications of assimilation. Martinez uses the term to encompass both those with “traditional knowledge, not the least of whom would be medicine men and chiefs” and the later evolution of the “writer/thinker/activist.”⁶⁶ Martínez, Elizabeth Cook-Lynn, and Dale Turner all grapple with this latter role.⁶⁷ Like these scholars, Deloria was also suspicious of theory for theory’s sake, despite the theoretical fluency of his own work. Being an “intellectual” for Deloria was always about serving as a conduit for the politics of tribal nations, taking up relational power in assymetric contexts.⁶⁸

In the dissertation, I also draw attention to the genres informing Deloria, such as the manifesto and the declaration, as distinctively oppositional in relation to characteristic depictions of American Political Thought. Again, these genres become important as a restatement of Indigenous politics under shifting settler-colonial regimes. Others have and might further explore other genres, such as treaty negotiations, autobiographies,

⁶⁶ Martínez, “Neither Medicine Man Nor Chief: The Historical Role of the ‘Intellectual’ in the American Indian Community,” 30, 47.

⁶⁷ Elizabeth Cook-Lynn, “American Indian Intellectualism and the New Indian Story.” *American Indian Quarterly* 20.1 (1996): 57– 76; Turner, *This is Not a Peace Pipe*.

⁶⁸ Deloria, Jr., “Intellectual Self- Determination and Sovereignty: Looking at the Windmills in Our Minds.” *Wicazo Sa Review* 13.1 (1998): 25– 31.

petitions, and so on.⁶⁹ To be sure, reading Deloria still requires deep attention to the particular contexts of different Native nations, but my aim here is different than those in Indigenous Studies who reconstruct particular tribal ways of knowing and living in the world. My intention here is not to reveal or represent these hidden transcripts as such, which, as Kim TallBear (Sisseton-Wahpeton Oyate) points out, can be an invasively colonial act even for Native peoples seeking to represent the oral histories of *others'* tribal nations.⁷⁰ While I touch on these questions in the course of giving due attention to the problem of representation in Deloria's work, my primary goal is to explicate the politics of decolonization at this interface. Such an emphasis will also hopefully resonate with debates in Native Studies about Deloria and the intellectual and political life in Indigenous communities and pan-Indigenous political movements.

My theorizing of Deloria derives from research I conducted in several archives over three months in summer 2014. The archives I drew from are as follows: Deloria's personal papers in the Beinecke library at Yale University; the National Congress of American Indians paper at the National Museum of the American Indian's Vine Deloria, Jr. Library; the National Indian Youth Council archive at the University of New Mexico's Center for Southwest Research; and the Newberry Library, especially the D'Arcy McNickle papers. Much of the picture of Deloria represented here derives from what I

⁶⁹ On autobiography, see David Carlson, *Sovereign Selves: American Indian Autobiography and the Law* (Urbana: University of Illinois Press, 2006); On treaty negotiations, see Heidi Kiiwetinepinesiik Stark, "Marked by Fire: Anishinaabe Articulations of Nationhood in Treaty-Making with the United States and Canada," *American Indian Quarterly* 36.2 (Spring 2012): 119-149; On petitions, see Brooks, *The Common Pot*.

⁷⁰ Kim TallBear, *Native American DNA: Tribal Belonging and the False Promise of Genetic Science* (Minneapolis: University of Minnesota, 2013).

have gleaned from his personal papers, though I have also drawn from his time in the NCAI and his connections to key figures in the National Indian Youth Council to gain a more thorough understanding of the relationship between Deloria's activism and his intellectual production. My research at the Newberry in the D'Arcy McNickle papers was instrumental to understanding the pan-Indigenous activist politics that emerged from the Collier years, though in this project that branch of my primary source research serves more as a backdrop to Deloria than a fully articulated context.

Chapter Outline

The argument in this dissertation proceeds in four parts. The first chapter conceptualizes the relationship between colonization and democratic sovereignty in the United States. This argument primarily proceeds in dialogue with critical race theory, which I argue has not yet fully grappled with the implications of Indigenous peoplehood for the project of anti-colonial politics. I argue that settler colonialism and anti-black racism are co-constitutive of the American democratic racial order. Since World War II, democratic theorists have mounted accounts of civic inclusion and multicultural representation to both invigorate projects of democratic state- and nation-building and to respond to legacies of racial and cultural injustice. Against these accounts, I argue that settler democracies make their boundaries through colonial projects of replacement and normalized incorporation that disavow and dissolve Indigenous peoples' separate polities. In particular, I theorize the "problem of the settler citizen": White settlers have formed their own democratic citizenship in the US settler state by *replacing* the political authority of Indigenous nations. This reformulated understanding of US democratic

citizenship provides a baseline through which to rethink the distinctiveness of the structure of disadvantage facing Indigenous peoples and the idea of repair as decolonization that bears on present Indigenous political demands. This argument also frames Deloria as a thinker responding throughout his work to the problem of the settler citizen by crafting a series of concepts to articulate the demands of Indigenous peoples against what he cast as the colonial continuities of US Empire.

The rest of the dissertation shows how Deloria translated practices of decolonization emergent from the Indigenous Sovereignty Movement into an evolving framework of shared Indigenous concepts. It is organized thematically around the concepts that Deloria student and co-author David Wilkins refers to as the “Delorian trilogy”: tribal self-determination (chapters two and three), tribal or Indigenous sovereignty (chapters four and five), and sacred territory (chapter six).⁷¹ These five chapters also trace Deloria’s thought across three stages. First, chapters two and three examine his aggressive articulation of self-determination, with an emboldened and optimistic analysis of the possibility of reconstituting tribal nations (1964-1969). Second, chapters four and five explore Deloria’s expansion of the framework of tribal sovereignty and treaties as an expansion of this earlier project (1969-1975). Finally, chapter six explores Deloria’s disillusionment with some of the turns taken by the Sovereignty Movement as well as anti-Indian backlash (1975-2005). I argue that he withdrew some of his energies from directly political work in order to return to Indigenous-centered

⁷¹ David Wilkins, “Vine Deloria Jr. and Indigenous Americans,” *Wicazo Sa Review* 21.2 (Fall 2006), 153; see also, Wilkins, “Afterword,” in Vine Deloria, Jr., *The Metaphysics of Modern Existence* (Golden, CO: Fulcrum Publishing, 2012), 287.

conceptions of territory, relationships, and responsibility when important institutional transformations still could not bring an end to the destructive politics of colonization and capitalism.

In Chapters two and three, I contextualize two of Deloria's key early works—*Custer Died for Your Sins* and *We Talk, You Listen*—in relation to the politics of civil rights and civic inclusion. Deloria's earlier texts featured brazen and aggressive analyses of reconstituting tribal peoples as modern nations and reconceptualizing American political space as imperial to invigorate an anti-colonial project. Chapter two examines the relation between inclusion and the politics of terminating Indigenous nations—part of a shared policy shift toward “Termination” in the 1950s and 60s in the Anglo-settler world. Reading *Custer Died for Your Sins* as a manifesto that upends the genre expectations of the prophetic tradition in American Political Thought, I argue that Deloria developed a politics of self-determination by de-centering the perspective of settler citizens on the politics of inclusion. This chapter demonstrates how the construction of the “civic inclusion narrative” in post-WWII American Political Thought has disavowed practices of empire-formation, reducing the site of empire to narrowly understood questions of foreign policy or anti-black racism. As a text concerned with the complex interrelation between this dominant paradigm of inclusion and settler-colonial practices, *Custer Died for Your Sins* provides an alternative way to conceptualize the politics of inclusion as articulated within the imperial horizon of settler citizenship. Instead, Deloria centered colonial injustice and decolonization organized around the politics of self-determination.

Chapter three explores the connections between Deloria's early works and the politics of Black Power, in particular Stokely Carmichael and Charles Hamilton's *Black Power: The Politics of Liberation in America*. This chapter further develops the connections between anti-black racism and settler colonialism I discussed in chapter one. By staging a dialogue between Deloria and Black Power, I show how Deloria's analysis repudiated the historiographical reception of civil rights politics as a politics of colorblindness. I argue that Deloria rejected this emerging historiography because of the way that post-racial norm of colorblindness also construct U.S. settler society as post-colonial, and therefore makes Indigenous politics into an outlier measured against this color-blind norm. Revisiting the different analyses of US Empire central to Carmichael and Hamilton and Deloria, I explore both how Deloria was influenced by Black Power's politics of self-determination as well as the differences in their political visions of self-determination. While the pragmatic differences between this moment in the Black radical tradition and the Indigenous Sovereignty Movement ran deep, their analyses of systemic forms of domination through racialization and colonization also suggest commonalities too easily dismissed in other readings.

Chapter four, a shorter and more historical chapter, addresses some of the changing circumstances of pan-Indigenous activism that influenced Deloria's subsequent work. In particular, I discuss the founding of the American Indian Movement, which opened up an even more global analysis and view of Indigenous politics. Unlike his contemporary, White Earth Nation Anishinaabe writer Gerald Vizenor, Deloria analyzed this militant turn as a potentially positive development because of the transnational anti-

colonial connections it enabled. In this chapter, I also examine Adams' "Twenty Point Proposal," which rekindled the language of war Deloria drew on in *Custer*. This chapter traces the relationship between the grassroots and legal activism that would culminate in Deloria's redefining of "Indigenous sovereignty."

Chapter five argues that Deloria's *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* constituted a more expansive, transnational vision of Indigenous politics that went beyond the more local, anti-colonial politics of self-determination articulated in *Custer* and *We Talk, You Listen*. Deloria aggressively reimagined Indigenous sovereignty as a distinctive variant of constituent power. *Behind the Trail*, I argue, features an analysis of two central concepts: tribal sovereignty and treaties. I read *Behind the Trail* against agonist political theorists' notion of a "paradox of founding" or a "paradox of politics," which sees inclusion and progress as mediated by the violence of founding. In contrast to this approach, I argue instead that Deloria responded to a politics of erasure and normalized incorporation. From this analytical perspective, settler-colonial foundings are not paradoxical at all but rather a site that Indigenous activist-intellectuals needed to strategically negotiate. Instead of naturalizing founding as a productive site for re-signifying popular constitutionalism, I contend that Deloria's reconstruction of the politics of treaties and tribal sovereignty sought to move away from colonial foundings as shared grounds of political life. Thus, while the imprint of legal struggles over constitutional rights and international law is easily seen in *Behind the Trail*, I also argue for moving beyond the paradox of politics as a way to more

adequately theorize the dilemmas of constituting Indigenous sovereignty in settler-colonial situations.

In chapter six, I show how by the mid- to late-1970s, Deloria disappointedly reckoned with the durability of colonialism and capitalism as twin engines of destruction and re-described Indigenous conceptions of sacred territory, relationship, and responsibility as the ethical-political foundations of decolonization. This chapter explores Deloria's *God is Red* as an entry point into many of his later writings on religion and theology. While seeming at a surface level to withdraw from politics, these writings, I suggest, ought to be seen as deeply political in nature. Deloria synthesized a common Indigenous knowledge tradition rooted in an account of embodied relationships and responsibilities enabled through connections to a sacred territory. Deloria mobilized this account against what he identified as the Christian theological tradition of progressive history and spatial dominion, which persisted in the paradigms of secularization, American "civil religion," and even, Deloria argued, in liberation theology. While he never entirely gave up on sovereignty like some of his successors, Deloria argued that Indigenous sovereignty needed to be re-grounded in kinship and ceremonial practices in conversation with the surrounding world and avoid what he called "Christian economic Darwinism" to set the politics of sovereignty in the right direction for the future.

Through this reconstruction of Deloria's work in conversation with contemporary Indigenous and Settler Colonial Studies, my project provides a basis for refashioning political theory's core interpretive commitments to address questions of dispossession, landlessness, self-determination, and sovereignty apt for decolonization struggles in

settler-colonial contexts. I contend that this more thorough engagement with the archive of pan-Indigenous anti-colonial struggles not only allows for renewed critical self-reflection on categories of democratic sovereignty and citizenship that perpetuate colonial practices of erasure and incorporation, but also makes possible more sustained and respectful attention to a long tradition of activist-oriented political thought that has continually remapped the world to revitalize Indigenous nations, confederacies, and kinship and clan structures over which empire(s) have been overlaid.

Chapter One

Rethinking Racial Domination and Repair in Settler-Colonial Democracies

Introduction

In summer 2015, in his eulogy for the victims of the racist shootings at the Emmanuel AME church in Charleston, President Obama gave an impassioned speech in which he referred only indirectly to slavery as our country's "original sin."⁷² This was not America's only original sin: Obama omitted the expropriation of the lands of Native peoples. As historian Edmund Morgan argues, the US was founded on twinned structures of enslavement and Indian hatred.⁷³ Such an absence also influences political theory in ways the discipline has largely failed to acknowledge. Political theories of race that do not account for colonialism in the present are inadvertently propping up the "vanishing Indian" narrative by locating Indigenous peoples' story in the past: Insofar as we acknowledge colonialism, what we have (primarily) are theories that fix the genocide of Native peoples in the past as a vanishing point of origin for present, often different, forms of injustice and domination. Indigenous peoples are symbols, not present actors whom we ought to take seriously as political subjects. Such a narrative tends to occlude or marginalize the ongoing structuring effects of settler colonialism on the present—or even in many cases in the 20th century. In the US, political theory has primarily developed its engagements with race to explain and confront the lasting visibility of the legacies of

⁷² "Remarks by the President in Eulogy for the Honorable Clementa Pinckney," June 26, 2015, <https://www.whitehouse.gov/the-press-office/2015/06/26/remarks-president-eulogy-honorable-reverend-clementa-pinckney>

⁷³ Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton & Company, 1975), 130.

racial enslavement and anti-blackness that have shaped the US polity. This chapter begins from the starting point of this absence and develops a political theory of race that reconstructs an understanding of racial domination to more directly address the history of colonization that overlaps with but is also importantly distinct from anti-black racism.

Thinking in a broader frame, the more general paucity of theorists who address racial domination also conditions this absence of reflection on the specific ethical and political violence of colonization. Lawrie Balfour, for example, instructively argues that many political theorists have been reluctant to take up questions of racial hierarchy and the production of racial difference more generally. For Balfour, the consequences are often that our conceptions of democratic ethics and of reparations are implicitly developed through a white view of both oppression and the means and ends of political transformation.⁷⁴ Reluctance in political theory to take up such questions of settler colonialism—an ideological formation I define below—has been conditioned by what Balfour usefully calls out as this broader hesitation to theorize racial domination in societies that nominally aspire to the values of equality and liberty for all members.

This chapter builds on such previous work on the politics of race, especially on Joel Olson's account of racial domination as a central problem for critical and democratic theory. Olson's account is useful here because he shows how democratic and white supremacist practices have, unfortunately, been entangled in ways that many democratic

⁷⁴ Lawrie Balfour, *Democracy's Reconstruction: Thinking Politically with W.E.B Du Bois* (New York: Oxford University Press, 2011), 1-22. Others who have pointed out this absence include George Shulman, Melvin Rogers, Jack Turner, and Juliet Hooker, and the these engagements with the African-American and Black diasporic tradition have become far more prevalent in recent years.

theorists have been loath to fully acknowledge. By engaging Olson and others working between critical race theory and political theory, I theorize racial domination as a persistent category of US and global political order. The very ascendance of the black-white binary (often accompanied by “ethnicity”) in the 20th century prompts a question asked by literary scholar Yael Ben-zvi: “Where did Red go?” That is, part of the relative absence of accounting for the consequences of colonization has to do with an inherited absence in our sense of what matters as important phenomenon of racial formation. Yet this absence itself *is* a racial form. As Ben-zvi points out, the perverse “success” of efforts to completely smash Native collectivities in the late 19th century produced this absence. Where the 19th century theories like that of Henry Lewis Morgan committed themselves to an account of Native erasure, later models presumed that such an erasure had already occurred.

Ben-zvi argues that models of racial science in US anthropology in the late 19th century—most prominently that of Henry Lewis Morgan—incorporated “red” as among the three races in the dominant 19th century US racial order. By the time W.E.B. Du Bois famously stated that the “problem of the twentieth century is the problem of the color-line,” the fact that “color-line” was stated in the singular represented a significant transformation of US racial order. Although Du Bois used the spatial image of the color-line to depict all of the “relations of the darker to the lighter races” born of empire, the singular still represented a shift away from a triangular model of racialization that

actively theorized native disappearance (more often, of course, as form of common sense and race science) as a condition of securing whiteness.⁷⁵

For strategic and more substantive reasons, I am convinced of the need to more directly engage the similarities and differences between understandings of racial domination that draw directly from the Black radical tradition and those relatively more central to Indigenous Political Thought, a dialogue I pursue further in chapter three. Strategically, it is helpful to show *how* the specific policies and practices Deloria critiques have called for a different response than was characteristic of civil rights struggles. Such a critique helps to bring along those concerned about racial domination to see at least some of these questions in light of a distinct but overlapping set of political struggles. The normative inheritances of critical race theory and democratic theory that engage questions of race and civil rights are simply not designed to respond adequately to the issues raised by Indigenous peoples about the constitutive role of dispossession, conquest, and colonization in structuring the US polity. This point, of course, does not imply that the former analyses are insufficient on their own terms, merely that it is not enough to assume that they can capture *other* experiences of racialized domination and fully express their present political stakes. Substantively, I think there is simply a basic need to theorize this as a distinctive axis of domination, as my engagement with the settler colonialism scholars below will hopefully show. That Deloria often responded to and reframed his own insights as a (partial) rejection of the politics of civil rights makes

⁷⁵ Yael Ben-zvi, "Where did Red Go?: Lewis Henry Morgan's Evolutionary Inheritance and U.S. Racial Imagination," *CR: The New Centennial Review* 7.2 (Fall 2007): 201-229; DuBois, *The Souls of Black Folk* (New York: Fawcett World Library, 1968), 1; 23.

him all the more compelling a figure to turn to in order to develop a more thickly historical and contextual account of political struggles from which such anti-colonial critiques have developed.

While there is a crucial, developing scholarship on settler colonialism that I address below and rely on for key insights, then, I argue that there is still a significant need to reshape the analytic and historical resources we turn to and recover in relation to the already existing theories of racial formation in the US and global order. My intuition, as I will argue below, is that this absence is not merely a problem of using the wrong analytic resources (though it is often that, too). Instead, it is a problem of racial innocence and responsibility: We (non-Indigenous peoples) do not see ourselves as connected to colonization *now*; we see it, at best, as a past sin, a *fait accompli*. While this dissertation project is not primarily a comparative one, it is helpful to compare this innocence to the often brash and missionary rhetoric of those in the present justifying Israeli settlement in the West Bank. As opposed to our self-imposed innocence and inability to respond to an ongoing history of colonization, take the example of recent comments by Yariv Levin, the current Israeli tourism minister. Levin recently aped Israeli settler rhetoric when he launched a plan to hasten tourism development in what he called “Judea and Samaria.”⁷⁶ Many know that to call the West Bank by the name for the lands of the Kingdom of Israel in the Torah is an attempt to redeem the brutal violence of the occupation. Israelis and Palestinians alike know exactly what such language signifies, since it unapologetically

⁷⁶ Isabel Kershner, “Israel Approves Additional Funding for Settlements in West Bank,” *New York Times*, June 19, 2016.

<http://www.nytimes.com/2016/06/20/world/middleeast/israel-west-bank-settlements-palestinians.html>.

erases the Palestinian presence in favor of the Jewish biblical map of the region. Compare this to the United States: Our occupation is so naturalized and so historically sedimented in the US and other Anglo-settler colonies that many non-Indigenous peoples do not have the same sense of the violence and brutality of the colonial project as a presence in our everyday lives.⁷⁷ And even for those non-Indigenous peoples willing to entertain the notion that we are living on occupied lands, we only experience occupation in a phenomenologically fleeting manner. Though the actions of the US democratic “we” enables occupation, we have difficulty experiencing that it is we who are the occupiers today, in the present. Whereas in Israel, some literally do the work of “settling” frontier outposts with (sometimes reluctant, sometimes enthusiastic) support from the Israeli military apparatus—that is, some gladly embrace the identity of “settler”—in the US we generally consider the late 19th century “closing of the frontier” as the end to the era of “settlement” (that is, of conquest and colonization).⁷⁸ In other words, no one is a colonizer, no one a settler among us anymore.

There would, of course, be downsides to developing these insights in an accusatory vein that would focus on individual or even collective responsibility as a form of legal and/or moral culpability. To be sure, I offer these observations not so much to develop a single account of responsibility for colonial injustice in the present. My point is

⁷⁷ For a project that focuses more directly on these sensible, everyday, and embodied dimension of settler colonialism, see Mark Rifkin, *Settler Common Sense: Queerness and Everyday Colonialism in the American Renaissance* (Minneapolis: University of Minnesota, 2014).

⁷⁸ I developed these informal observations from a trip to Israel-Palestine in summer 2013, as I mentioned in the preface. For a scholarly comparison of US and Israeli settler colonialism, see Steven Salaita, *Holy Land in Transit: Colonialism and the Quest for Canaan* (Syracuse: Syracuse University Press, 2006).

rather than for non-Indigenous peoples to develop *any* deeper sense of responsibility as what Antonio Vazquez-Arroyo has theorized as responding to ongoing “predicaments of power,” then we will need to begin to identify our connection to this history as one of an ongoing struggle over the terms of (de)colonization and (de)occupation—not as a vanishing point of origin or a *fait accompli*.⁷⁹ To do so, we need to be able to learn from Indigenous struggles without co-opting and appropriating them and to identify the ways in which we have disavowed the violences of colonial replacement. Deloria and the other activist-intellectuals I explore here force us to face these direct challenges to settler conceptions of democracy.

Here, I offer a brief history of settler citizenship that builds on Olson’s theory of white supremacy as a cross-class alliance in order to think through the conditions of this contemporary disavowal. I turn to Olson because his account of whiteness sharply theorizes the way in which race functions as the central and most tangible axis of social differentiation within the the US democratic order, often superseding class. In particular, Olson’s analysis turns our attention to how racism has been central to defining who

⁷⁹ I take the language of “responding to predicaments of power” from Antonio Vazquez-Arroyo’s recent writings. He contrasts “responding to” with “answering for,” a distinction that is intended to move away from a legal, ethical, or moral sense of responsibility that might put these before the work of collective political projects. While I do not develop a conception of political responsibility in a broader sense here, I am drawn to his account because, like him, my point is not to render each person culpable for colonization in a legal, ethical, or moral sense. Instead, it is to call attention to the need to respond to where we are situated in this ongoing political struggle. The prior issue for me is precisely that we fail much of the time to even recognize the terms of colonization as an ongoing conflict because, as Deloria reminds us again and again, we think it happened in the 19th century and now it is all just the state- and nation-building of a single democratic people, however multicultural. Antonio Vazquez-Arroyo, *Political Responsibility: Responding to Predicaments of Power* (Columbia University Press, 2016).

counts as a full and equal participant in democratic life. Yet his account also remains underspecified if we look at the reality of contemporary forms of power exercised over Indigenous peoples. Indigenous peoples face particular forms of disadvantage that resemble white supremacy yet also operate in distinctive ways. This form of domination—which various theorists have linked to an ongoing project of “expropriation”—also requires a different understanding of political action attentive to the limits of conceiving “whiteness” as a social identity that is conceptualized almost exclusively in relation to anti-black racism (at least in the US). When I turn to Deloria to theorize colonialism in a post-World War II context in which empire is often disavowed within political theory (or at least significantly delimited as to its presumed spatial extension and moral and political implications), I hope that this historical background will help in part to illuminate some of the ways that Deloria can help political theorists grapple with a set of historical inheritances that admit of no clean *a priori* account—and, truly, no serious way of standing outside of this history. Instead, as I suggested in my brief preface, I move between political struggles and concept-formation so as to respond to a history of Indigenous movements that have zeroed in on the continuities and discontinuities between imperial-colonial regimes in rich and illustrative ways born of struggle. As Deloria teaches us, colonialism is not over but it is also not a static logic of social difference that can be specified prior to historical investigation or easily fixed with respect to historical periodization.

By analyzing the relationship between democratic development and settler colonialism, I aim to reframe what Joel Olson calls “the democratic problem of the white

citizen” as equally a problem of our ongoing “settler citizenship” that has provoked its own modes of white racial innocence and calls for a different kind of transformative politics. In the latter case, these strategies are those of decolonization rather than abolition or reconstruction. In what follows in this chapter, I first use Olson’s work to develop an historical account of the “settler citizen” and “settlerness.” These concepts mimic Olson’s “white citizen” and “whiteness” but also expose the different facets of racial-colonial power pertinent to colonization that also implicate us in responding to these disavowed conditions of self-making and democratic state-building. Then, I will argue that such settler citizenship has been forged through the violence of replacing Indigenous peoples via practices of conquest and colonization, an account I develop in dialogue with scholars in Settler Colonial and Native and Indigenous Studies. I show how settlers earned citizenship in a *Herrenvolk* democracy through practices of replacement such as making war against Indigenous peoples on the frontier and colonizing land that had already been cleared. As I explain below, I use the term “replacement” because it makes more explicit what is at stake than “elimination”—that we and our political and cultural institutions replace them and theirs through colonization. I conclude by arguing that the politics of civil rights and inclusion do not address these formative and ongoing links between democratic citizenship and colonization. As I contend in chapter two by turning to Deloria, the extension of civil rights may very well function as a way of carrying out the colonial project. Because of the complex historical sediments of settler-colonial replacement, which is never “complete,” the practical reality is that peoples are differently incorporated within the polity within always contested but colonial regimes.

Context, therefore, matters in ways it would be difficult to overstate given these processes of incorporation whose successive historical layers Deloria has played an important role in analyzing. That, too, is why Deloria, always a theorist *and* activist, proves an exceedingly perceptive voice attuned to these contextual specificities. I turn, therefore, to Deloria in the chapters to follow to conceptualize the distinctive forms of disadvantage Indigenous peoples have faced and the forms of repair and renewal he advocated. Tracing Deloria's changing weaponry of critique since the mid-1960s will focus us on the forms of disavowal of these historical layers of domination and potentials for repair that exist in the colonial present.

A Different Political Theory of Race: The Problem of the Settler Citizen

In *The Abolition of White Democracy*, Joel Olson develops an account of racial formation that sees the creation of exclusive citizenship categories based on race as a democratic problem. He calls this “the democratic problem of the white citizen.”⁸⁰ I will return below to why Olson conceives of this as a “democratic problem,” a question that leads us back to the different politics of repair at stake within Indigenous critiques of colonialism. I begin here by focusing on Olson's set of arguments because he offers a powerful and parsimonious explanation of how the black-white binary ties democratic citizenship to what he calls whiteness-as-standing. For Olson, this is a problem that goes beyond more liberal notions of exclusion because practices of making racial difference inform the very boundaries of democracy in ways that subordinate those marked as Black to a form of permanent second-class citizenship.

⁸⁰ Olson, *The Abolition of White Democracy*, 31-63.

In his account of the creation of white citizenship, Olson draws on and critiques Judith Shklar's concept of citizenship as standing. Shklar argues that the significance of citizenship lies not merely in the acquisition of legal rights but in its function as a form of standing that creates a distinctively modern form of human dignity. As I return to in addressing her argument more extensively as part of the post-World War II politics of civic inclusion in the next chapter, Shklar theorizes voting and earning as the practices that most express that a group has achieved standing in American society.⁸¹ Olson argues that such standing is not a neutral or universal one open to all but a "racialized standing." Standing, Olson argues, only comes through the denial of standing to others. He rejects the assumption that rights-talk progressively entails the automatic extension of citizenship to excluded groups. While Shklar seems to admit that standing has often been gained by differentiating those deserving of standing and those who are not (or not yet), Olson takes this problem to be a more far-reaching one given the much deeper effects of the legacies of slavery and anti-blackness on who gets access to first-class citizenship. Olson traces back this form of standing to the extension of the vote in the 1820s and 30s to all white men, which occurred at the same time as the proscription of Black male suffrage. According to Olson, it would be mistaken to say that Blacks were simply non-citizens. They were "anti-citizens," meaning that whites defined their citizenship—and often explicitly articulated it—as a form of privilege over Blacks to be defended from this threatening "Other" rather than a practice from which Blacks were only temporarily

⁸¹ Judith Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge: Harvard University Press, 1991).

excluded.⁸² Rather than taking each of these as free floating, pre-political ethnic identities, Olson follows W.E.B. Du Bois' famous argument about the "wages of whiteness."⁸³ Olson theorizes whiteness as a "cross-class alliance" that accrues systematic material and psychic advantages for those grouped as white against those who are "non-white."⁸⁴ Whiteness is constructed politically to facilitate the accrual of these advantages, including to the white working class. In at least purporting to enhance the status of working class whites or not letting them fall below a certain threshold of dignity, this racial order considerably blunts antagonisms that might otherwise create a struggle between classes over control of the means of production or distributive justice. In practice, immigrant working classes have had to fight to establish themselves as white and to re-erect the boundaries of whiteness against Blacks in order to gain achieve standing.

The value of the "club" of whiteness has existed in a binary opposition to blackness. The production of citizenship-as-standing was thus bounded and co-articulated with the creation of a system of second-class citizenship that came to define whiteness in opposition to blackness. "Race," Olson argues, did not have significance prior to being constructed according to these political boundaries—these boundaries of citizenship.

⁸² Olson, *The Abolition of White Democracy*, 43.

⁸³ Olson draws from the broader whiteness studies literature, David Roediger's work most centrally. Important works include: Alexander Saxton, *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth Century America* (Verso, 2003); David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (Verso, 2007); Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 2008).

⁸⁴ Olson, *Abolition of White Democracy*, 17.

Olson argues that this is a distinctive and deeper problem than formulations that focus mainly on exclusion or the legacies of slavery more narrowly conceived.⁸⁵

In tracing the development of American democracy as one shaped by white racial tyranny (following Pierre van den Berghe, “*Herrenvolk* democracy”), Olson provides one constitutive model of racial formation.⁸⁶ Like other theories of racial formation in US political science and sociology, the model seems to be primarily oriented towards the explanation of the black-white racial binary.⁸⁷ In their widely used work on racial formation, for example, sociologists Howard Winant and Michael Omi define racialization as a phenomenon that expresses domination through the close connection between vision and the body:

While acknowledging the inherent instability and socially constructed characteristics of race, we argue that there is a crucial *corporeal* dimension to the race concept. Race is *ocular* in an irreducible way. Human bodies are visually read, understood, and narrated by means of symbolic meanings and associations...because such sociohistorical practices as conquest and enslavement classified human bodies for purposes of domination...We define this process as *racialization*—the

⁸⁵ Ibid., 44.

⁸⁶ On “*Herrenvolk*” (master race) democracy, see Pierre L. van den Berghe, *Race and Racism: A Comparative Perspective* (New York: John Wiley & Sons, 1967), 77. He defends the thesis “that, with the early development and later florescence of racism in the United States, this republic has been, since its birth and until World War II, a ‘*Herrenvolk* democracy.’”

⁸⁷ Olson acknowledges that his model abstracts away from this other potential story, so I mean this not so much as a criticism of Olson as a way of opening up work on race in the United States to questions of colonial injustice in the broader Anglo-settler world. Olson writes: “Race in the United States, however, is rooted in the institution of chattel slavery. As a result, save for the partial exception of the reservation system for Native Americans, American race has distinguished between equals and unequals *within* the polity rather than between nation and colony.” Olson, *The Abolition of White Democracy*, 7. My argument here thus hinges on taking the latter seriously not as a “partial exception” to the American system of race but as co-constitutive of that system as a feature of Anglophone settler colonies.

extension of racial meaning to a previously racially unclassified relationship, social practice, or group.⁸⁸

Omi and Winant highlight two elements of race: the “corporeal” and the “ocular.” To be sure, this visual domination conducted through the fabrication of scientific and cultural racism and images and stereotypes of “Indians” clearly also partly explains one important facet of the racialization of Indigenous peoples. In order to theorize colonial domination, it becomes necessary to reshape how we consider the materiality of domination as a practice of replacement that unfolds in relation to the colonization of *land* and *space*. Here, the body as a site of race is often an impermanent marker of eventual conquest and colonization.

Re-Theorizing Settlerhood

In moving towards an account that focuses on colonization, it seems to me that we also have to move away from theorizing whiteness in the identical way that Olson argues. Instead, I suggest that whiteness and white citizenship might also be conceived as settlerhood and settler citizenship in relation to the specific ways in which the boundaries of democracy have been fabricated through the replacement of Indigenous forms of life. Like whiteness in the black-white binary sense, settlerhood is a cross-class alliance that accrues systemic advantages to settlers. Yet settler citizens are differently made. They become citizens as settlers via a form of domination that seeks after the replacement of Indigenous peoples by colonizing their land. I use the term settlerhood and adopt a lens of racialization because I want to keep the focus more on how we as

⁸⁸ Michael Omi and Howard Winant, *Racial Formation in the United States* (Third Edition) (New York: Routledge, 2015), 13.

contemporary non-native citizens are implicated in the disavowed violence of conquest and colonization as a condition of participating in and upholding democratic institutions that continue to enact settler-colonial violence. Thus, settlerness places the lens more squarely on self-making and political responsibility rather than solely an ideological formation that Aziz Rana refers to as “settler-empire.” Indeed, Rana’s more recent work turns less to Indigenous political thought than to the anti-imperialist and internationalist politics of Black Power to theorize post-World War II settler-empire. While Rana is certainly right that thinkers such as Stokely Carmichael and Charles Hamilton prove to be important and too-easily-dismissed critics of US empire—and I address them as well in chapter three in dialogue with Deloria—such a move reorients us away from the specificities of colonization and, against Rana’s avowed intentions, turns conquest back into a vanishing point of origin.⁸⁹ In this sense, treating “settler-empire” as an erased pre-condition of current configurations of US empire is simply not enough to shed light on the ongoing struggles of Indigenous peoples and the way in which non-Indigenous peoples continue to be implicated in disavowed contemporary practices. Instead, I treat

⁸⁹ Aziz Rana, “Colonialism and Constitutional Memory” *UC Irvine Law Review* 5.2 (2014), 263-288. Rana delivers a powerful critique of constitutional fetishism as an important reason that the US erases empire from its national memory. I draw on this intervention in chapter two, but, again, it does not really make sense to take an already over-determined set of imperial practices and then further lump them together by drawing on a single strand of critical responses to empire within Black Power politics. At best, this argument does not respond adequately to Indigenous struggles as distinctive enough to address on their own terms. At worst, Rana ironically reifies US exceptionalism and settlerness by once again pushing Indigenous peoples’ politics into the past as a vanishing point of origin rather than a set of struggles that deserve to be told according to their own languages and specific axes of domination. In my view, it is only through this bottom-up way of reconstructing struggles that we can really then evaluate their complex (and sometimes fraught) interconnections.

the colonial, and thus the disavowed structure of settlerness, as constitutive of the US polity rather than a stage-setting device for other forms of domination. As chapter two argues, “Termination” as an imperial formation is not the same as Jim Crow is not the same as Cold War interventionism in Latin America, and it is important to see how political practices enabled thinkers like Deloria to see these important differences yet strive for a single analytic frame. In other words, settlerness has specific contours as a form of disavowed racial-colonial power that emerges from the historical retelling made available from these post-WWII Indigenous struggles.

Lorenzo Veracini uses the language of settlerness in a similar way to signal the present status of colonial rule, but he argues that settlerness is a primary logic that better theoretically captures racial domination in liberal-democratic settler societies than does the use of the term whiteness.⁹⁰ I think substituting one for the other would end up getting rid of a powerful and necessary way to understand and critique white supremacy in the US context, where blackness and indigeneity do not generally overlap: Whereas in Australia, for example, the respective ideologies built around anti-blackness and colonization are one in the same, in the United States, these are mutually reinforcing logics that nonetheless function differently in relation to different bodies.⁹¹ Therefore, I think whiteness and settlerness can both be used to describe different aspects of racial power and the disavowed conditions of becoming a full citizen—or, conversely, being denied the conditions of citizenship in one’s own Indigenous polity—in settler-colonial

⁹⁰ Lorenzo Veracini, “On Settleness,” *Borderlands e-journal* 10.1 (2011): 1-17.

⁹¹ My chapter three delves deeper into examining the post-civil rights relationship between anti-black racism and settler colonialism.

regimes. I argue that we, settlers, disavow material Indigenous presence in order to take possession of the land and, thus, replace Indigenous peoples.⁹² In “Whiteness as Property,” Cheryl Harris argued that whiteness ought to be understood as a form of property. Unlike many other accounts of US racial formation, Harris takes the logic of whiteness-as-property to encompass both the enslavement and hyper-exploitation of African-Americans and the expropriation of Native American lands.⁹³ While I agree conceptually with Harris, I use the term “settlerhood” because of the tendency of US racial debates to continually be folded back into the normative questions relatively more central to the Black-white binary logic.

The term “settler” has the downside of not registering as a way that non-native US citizens typically identify themselves, but it crucially performs the task of making settler colonialism visible not simply as a political ideology in the abstract but as a disavowed condition of self-making. That is, I want to engage the continuities between our past and present practices and the way these are disavowed, a task Deloria continually called for in his work. Settler is not (yet) an “identity” because few would claim it.⁹⁴ In Canada and

⁹² An example here is the place names taken from varying Indigenous languages depending on the region: Understood politically, the point of these is to sever the name from its actual roots with and among the peoples Indigenous to that place and to take possession of this decontextualized “Indianness.” For example, Minnesota comes from the Dakota phrase “Mnisota makoce” (roughly, “where the waters reflect the skies or heavens” or “land of sky blue waters”) and becoming a “Minnesotan” in the former sense depended on driving out the Dakota people from the Minnesota territory during the 1862 US-Dakota War. Cf. Gwen Westerman et. al, *Mni Sota Makoce: The Land of the Dakota* (St. Paul: Minnesota Historical Society Press, 2012).

⁹³ Cheryl Harris, “Whiteness as Property,” *Harvard Law Review* 106.8 (June 1993): 1707-1791.

⁹⁴ In other contexts, the term “settler” might avoid the sharper edge of “colonizer” but the term represents in my usage the slippage between the ideology of pacific settlement and

Aotorea New Zealand, non-Indigenous peoples may use the language of “settler” or in New Zealand’s more officially recognized bi-nationalism of “*pakeha*.” These forms of self-identification—for all their limits—have the virtue of tying white racial formation to colonialism and recognizing that we are not all native. In the US, the distancing of non-native citizens from this history and from a relational identity deriving from this history seems so great that even the often stated idea in Canada and Aotorea New Zealand that “we are all treaty people” seems an impossible horizon: As Deloria argued in *Behind the Trail of Broken Treaties: An Indian Declaration of Independence*, it has been rare, indeed, for white citizens to think of themselves as having responsibilities by virtue of their ancestors having signed treaties rather than, say, the much more common appeal to conscience or humanitarian sensibilities as a source of present obligations (if any are admitted).⁹⁵ These are the constraints of the white imagination and the conditions of white disavowal that Deloria and his comrades in the Indigenous Sovereignty Movement

practices of conquest. Cf. Avril Bell, *Relating Indigenous and Settler Identities: Beyond Domination* (New York: Palgrave Macmillan, 2014), 7. There is an additional literature that asks whether racialized others are also settlers. Jodi Byrd has coined the term “arrivants” to capture the ways that racialized non-natives experience subordination in relation to white settlers. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), 2. There is also an active debate, especially in Hawaii, on “Asian settler colonialism” in relation to Kānaka Maoli (Native Hawaiians). Candace Fujikane and Jonathan Y. Okamura, eds., *Asian Settler Colonialism: From Local Governance to the Habits of Everyday Life in Hawaii* (Honolulu: University of Hawaii Press: 2008). For purposes of simplicity, I focus here on the relation between whiteness and settlerness as co-evolving and co-constitutive projects of domination that political theorists need to account for.

⁹⁵ Vine Deloria, Jr., *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (Austin: University of Texas Press, 1974), 251. I explore these dimensions of the problem in chapters four and five more directly.

often pointed to as among the factors they sought to attack as a condition of a transformative process of decolonization.

One of the reasons why the Indigenous-settler binary drops out of present public discourse in the US is that what is materially Indigenous—that is, the actual relations between specific Indigenous peoples and the land, i.e. nationhood—is erased as a condition of establishing settler-state claims to property and sovereignty. Even though current assertions of sovereignty and proprietary entitlement (such as those of public land grant universities) depend on and are constituted by these modes of replacement—including outright war—the relational context of these claims is disavowed.⁹⁶ Instead, I see the need to recover the *present status* of this equally constitutive settler-Indigenous opposition as a starting point for decolonization: That is, colonialism needs to be acknowledged as constitutive of the present in order for a political project of decolonization like Deloria’s to take off.⁹⁷ By seeing whiteness also as settlerness, I argue, political theorists can more directly open up the ongoing presence of settler colonialism and also begin to see how thinkers like Deloria have pushed the agenda of colonial (in)justice and decolonization into the broader global consciousness.

⁹⁶ Alyosha Goldstein, “Where the Nation Takes Place, Proprietary Regimes, Antistatism, and U.S. Settler Colonialism,” *South Atlantic Quarterly* 107.4 (Fall 2008): 833-861.

⁹⁷ On isopolitan forms of citizenship, which connected the North American and Pacific fronts of the British empire into a transnational political space with the metropole, see Duncan Bell, *The Idea of Greater Britain: Empire and the Future of World Order, 1860-1900* (Princeton: Princeton University Press, 2011); Lorenzo Veracini, “Isopolitics, Deep Colonizing, Settler Colonialism,” *Interventions: International Journal of Postcolonial Studies* 13.2 (May 2011): 171-189; On the maintenance of this whiteness into the 20th century and the present as a crucial factor in international alliance-making, see Srdjan Vucetic, *The Anglosphere: A Genealogy of a Racialized Identity in International Relations* (Palo Alto: Stanford University Press, 2011).

The present stakes of this history is a political problem of domination exacerbated by the ascendance of conceptions of US national identity as variously a “nation of immigrants,” as “multicultural,” and other terms that obscure how present structures of political belonging continue to depend upon—and, thus, implicate us in—the colonization of Indigenous lands.⁹⁸ In the next chapter, I explore this transformation in discourses of race that began to create a post-racial, post-civil rights ideology and turn to Deloria as a crucial voice in showing the continuities that obscure and enable ongoing colonization. Here, I proceed by first theorizing the settler-colonial dimensions of *Herrenvolk* democracy as a project of conquest and colonization to replace Indigenous nationhood. I then explore some of the normative implications of conceptualizing such a problem of the settler citizen.

Tracing Democratic Settler Citizenship

Phillip Deloria argues in *Playing Indian* that white Americans developed their own sense of belonging to place—their own sense of whiteness—by “playing Indian.” Since the Boston Tea Party, white Americans have dressed up as “Indian” in order to become American. In this way, they made themselves native and secured a symbolic possession of place over the original inhabitants—often by fabricating and adopting (false) symbols of cultural Indianness. It allowed them to become “legitimate Americans protecting aboriginal custom.”⁹⁹ It is the simultaneous process of internalizing cultural Indianness while engaging in a process of replacement that makes absent actual

⁹⁸ On the “nation of immigrants” discourse as settler-colonial, see Mahmood Mamdani, “Settler Colonialism: Then and Now,” *Critical Inquiry* 41 (Spring 2015): 1-15.

⁹⁹ Phillip J. Deloria, *Playing Indian* (New Haven: Yale University Press, 1998), 34.

Indigenous bodies and polities. The achievement of settlerness depends on replacing indigeneity.

This section theorizes Indian racialization as a form of replacement in which settlers claim to possess indigeneity in order to “de-people” and thereby conquer and colonize land. I provide a somewhat sweeping historical summary that captures the crucial development of a form of *Herrenvolk* democracy in the second quarter of the 19th century that justified this replacement project. The section that follows here is by no means a complete or adequate historical summary of the history of racism in the US: I am merely trying to set the stage for understanding how US democracy came first to be expressed first as a *Herrenvolk* democracy that demanded the eradication of those racialized as Indian as a condition of settler citizenship.

What are the key features of the specific forms of racialization faced by Indigenous peoples that have cohered to form the boundaries of US democracy as a democracy secured by and for those (once) defined as settlers? The category of “race” as it emerged especially out of *Herrenvolk* ideologies operates to “norm” space.¹⁰⁰ In his racial contract, Charles Mills argues that “part of the purpose of the color bar/the color line/apartheid/jim crow is to maintain these spaces *in their place*.” By contrast, I argue that replacement projects “norm” space in order to eliminate pre-existing relations of governing, territoriality, and claims to belonging of Indigenous peoples.¹⁰¹ One form of this is the Lockean understanding of property and contract that came to be associated with liberalism in which only certain forms of labor secure rights to property. Settlers

¹⁰⁰ Charles Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997), 41-53.

¹⁰¹ Mills, *The Racial Contract*, 48.

came to conceptualize land as empty, wild, un-propriated, and uncultivated, which enabled a range of modes of replacement historically: conquest, sale, treaties, removal, and confinement to reservations. As Carole Pateman describes, this Lockean model is an “expropriation contract.”¹⁰² Jodi Byrd argues that racialization in this latter case operates to facilitate the colonization of land, and, therefore, the replacement of Indigenous nationhood.¹⁰³

Here, I briefly point out that (unlike the black-white theories of racial formation that have shaped post-civil rights political theory), the exercise of settler-colonial domination in this vein is articulated through the domination of bodies to secure “de-peopled” land. That is, it is connected to a project of constituting the territorial base of sovereignty (effectively, “re-peopling” the land) as a matter of political-economic and cultural-symbolic foundations. “Territory,” Patrick Wolfe argues, “is settler colonialism’s specific irreducible element.”¹⁰⁴ Citizens became white—became “settlers” of an expansionist nation—by participating in this project.

Historian Edmund Morgan dated the hardening of racial caste back to the late 17th century as an effort by elites to contain a rebellious English working class who previously

¹⁰² Carole Pateman sees the Lockean moment as part of a “settler contract” that is a specific kind of “expropriation contract” of the lands of Indigenous peoples. Carole Pateman, “The Settler Contract,” in *Contract and Domination*, Charles Mills and Carole Pateman (Malden, MA: Polity, 2007): 35-78. On the settler contract, see also Robert Nichols, “Indigeneity and The Settler Contract Today,” *Philosophy and Social Criticism* 39.2 (2013): 165-186.

¹⁰³ Byrd, *Transit of Empire*, xxiii.

¹⁰⁴ Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8.4 (December 2006), 388.

worked and mingled socially with African slaves in the Virginia colony.¹⁰⁵ As Patrick Wolfe argues, racial caste tended to function differently for those racialized as Indian, with the absence of anti-miscegenation laws for white-Indian relationships being an important example.¹⁰⁶ Whereas the “one drop” rule kept Blacks in permanent second-class citizenship because white elites wanted the labor of their bodies, Native replacement and cultural assimilation gave whites access to the land whites desired. Unlike enslaved Africans, Indigenous peoples were often taken as racially malleable and assimilable, such that inter-marriage itself—dating back to the 17th century, even—could facilitate one-way assimilation toward Englishness and thus cultural replacement. The racialization of bodies as an “extension of racial meaning,” then, may actually function to both fix phenotypical “Indianness” in the past yet also pose it as a (disappearing) obstacle to the expansion of political space or as a forerunner to (purportedly) more advanced political forms. Pocahontas imagery, still ubiquitous today, was a prime example of this often different imaginary of racialization. Rather than a sign that whites were “less racist” against Indians, these different miscegenation laws were about access to Indigenous lands.

Replacement—what I often refer to in the rest of the dissertation as “erasure”—functioned to produce US democracy as settler democracy, but this project did not take hold as a more complete and coherently eliminatory national project until the second

¹⁰⁵ Edmund Morgan, *American Slavery, American Freedom*, 338-362.

¹⁰⁶ Wolfe, “Land, Labor, and Difference: Elementary Structures of Race,” *The American Historical Review* 106.3 (June 2001): 866-905. When these marriages occurred between white men and Indian women, they metaphorically and literally “facilitated the passage of land from Indians to whites.” Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (New York: Oxford University Press, 2009), 95.

quarter of the 19th century, with the creation of a universal white male franchise democracy.¹⁰⁷ Early English settlements often featured extremely harsh forced labor and indentured servitude for poor white colonists who were regarded by metropolitan authorities as existing in a state of subjection different only in degree from Indigenous subjects, French Catholics, free blacks, and enslaved blacks.¹⁰⁸ Throughout the 17th and 18th centuries, settler elites came to justify their ownership of land and their political autonomy against metropolitan authorities by dint of the labor and risk they expended in settling and conquering the land. As Craig Yirush argues, such a “labor theory of empire”—derived from an often ad hoc mélange of earlier natural rights theory—had a role as a background to the natural rights theories that came to maturity during the American Revolution.¹⁰⁹ Nonetheless, despite the existence of these theories that justified conquest and land expropriation, the anti-Indian wars launched by the English in the Northeast did not reign everywhere.¹¹⁰ The fur trade as well as the continued British need to balance multiple interests of a hybrid empire meant that Indigenous groups such as Algonquin-speaking peoples throughout the Great Lakes region retained a significant

¹⁰⁷ I follow Lisa Ford’s understanding of the approximate time of the ascendance of settler sovereignty here, with the crucial caveat that she perhaps lends too much credence to the dominant notion that the settler-colonial project is complete. Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788-1836* (Cambridge: Harvard University Press, 2010).

¹⁰⁸ Aziz Rana refers to this as “stratified subjectship,” meaning that the loyalty relationship between English subjects and the Crown was not different in kind from the other hierarchical relationships between the Crown and African slaves or Indigenous subjects from the point of view of metropolitan authorities. Rana, *The Two Faces of American Freedom* (Cambridge: Harvard University Press, 2010), 37-45.

¹⁰⁹ Craig Yirush, *Settlers, Liberty, and Empire: The Roots of Early American Political Theory, 1676-1775* (New York: Cambridge University Press, 2011).

¹¹⁰ However, on King Phillip’s War, see Jill Lepore, *The Name of War King Phillip’s War and the Origins of American Identity* (New York: Vintage, 1999).

hold on territory and political power.¹¹¹ The earlier presence of multiple empires and then the British empire post-1763 created a fragile balance of power that undoubtedly still was often tilted in favor of settler groups via the treaty system.¹¹²

By 1763 at the end of the French and Indian War, Anglo-settlers came to regard themselves as a class apart from African slaves and native peoples in terms of their own rights vis-à-vis metropolitan authorities as settlers, not subjects on a continuum of allegiance to the king: “By the mid-eighteenth century, the British project of decentralized imperial expansion produced a remarkable state of affairs in the North American colonies: land ownership was widely dispersed and the colonists enjoyed extensive political and legal rights.”¹¹³ While the American Revolution has been characterized as the first anti-colonial, democratic revolution, more recent historians have reframed it as a “settler revolt” that pushed against the post-1763 constraints the Crown placed on the distinctive political autonomy forged by British subjects in the 18th century against and over native peoples and African slaves.¹¹⁴

Having thrown off the nominal limits to conquest placed on them by British authority, US settlers were no longer nearly as constrained on the western frontier. Indeed, as Matthew Frye Jacobson argues, early republican citizenship—confined explicitly in 1790 to “free born” white men—was closely connected to the notion of

¹¹¹ For a key history, see Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (New York: Cambridge University Press, 2010).

¹¹² On the treaty system as an engine of British empire-making, see Dorothy Jones, *License for Empire: Colonialism by Treaty in Early America* (Chicago: University of Chicago Press, 1982).

¹¹³ Rana, *The Two Faces of American Freedom*, 58.

¹¹⁴ *Ibid.*, 20-98.

“providing for the common defence,” which in both theory and practice meant putting down slave revolts and fighting Indian wars on the frontier.¹¹⁵

As many historians point out, when Congress ushered in an era of mass democracy by extending universal suffrage to all white men in the US during the 1820s and 1830s, Andrew Jackson also simultaneously spearheaded Indian removal and military campaigns against the Southeastern tribes. The construction of democracy was not only conditioned on the proscription of the Black vote and expanded racial enslavement, but also on the forcible removal of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole peoples from their homelands to the Oklahoma territory.¹¹⁶ “Removal,” was one phase in a successive series of policies enacted to enable settler democracy to replace Indigenous peoples. While not operating precisely according to a *terra nullius* logic—since the very act of entering into treaties presumes at least some form of prior entitlement—the creation of settler democracy during the Jacksonian era was thus founded on a politics of removal and confinement that conferred settlerness onto those defined as within the dominant racial group.

The Marshall Trilogy decisions—*Johnson v. McIntosh* (1823), *Cherokee Nation v. Georgia* (1831), and *Worcester v. Georgia* (1832)—are sometimes read as representative of the internally contradictory reasoning of the Court as to the status of Indigenous peoples in the emerging republic. Read in a framework of *Herrenvolk* democracy, Marshall’s decisions enabled the maintenance of US control over Indigenous

¹¹⁵ Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge: Harvard University Press, 1998), 25.

¹¹⁶ Ronald T. Takaki, *Iron Cages: Race and Culture in Nineteenth-Century America* (New York: Oxford University Press, 1979), 79.

lands, converting an earlier, feudal logic of conquest into a settled legal reality that confronted Indigenous peoples with claims that the question of US sovereignty had already been settled. Even *Worcester*, in which Marshall described the Cherokee nation as a “domestic dependent nation,” presumed that the Cherokee had entered into a relationship in which they were already entirely subject to US authority.

Reflecting this same era of democratic expansion in the Northeast in her study of southern New England local histories from 1820 to the 1860s, Jean O’Brien (White Earth Ojibwe) argues that white New Englanders “replaced” Indians by “firsting and lasting” them: That is, they conceptualized Indianness as temporally prior to white settlement and place-making (“firsting”) but only as a receding stage leading toward such white settler property claims and cultural transformations of the landscape from which Indians were disappeared (“lasting”).¹¹⁷

Famously capturing Jacksonian democracy within the annals of political theory, Tocqueville’s account of American democracy portrays the inevitable “wave” of democracy as one that supplants the “vanishing Indian.” In his view, America’s democratic citizens naturally inherit the uncivilized, unpeopled terrain of America as Indians tragically (but no less inevitably) recede into the landscape.¹¹⁸ Tocqueville

¹¹⁷ Jean O’Brien, *Firsting and Lasting: Writing Indians Out of Existence in New England* (Minneapolis: University of Minnesota, 2010).

¹¹⁸ The naturalistic imagery Tocqueville uses to describe the “destiny” of Indigenous peoples reinforces their association with a landscape that will eventually be de-peopled and already is absent of any prior cultural and political transformations: “The Indian races are melting in the presence of European civilization like snow in the rays of the sun. The efforts they make to struggle against their destiny only hasten for them the destructive march of time.” Alexis de Tocqueville, *Democracy in America* (Chicago: University of Chicago Press, 2012), 24-25. As Tocqueville scholars frequently have

represents the natural plenty of the American continent as the ultimate fount of social equality and check on feudal hierarchy, a bounty enabled precisely by disavowed native dispossession.

What is crucial about the antebellum era is that, as Olson puts it, “its laws and social norms produced the white citizen.” The very conception of the liberty and equality of citizens “went from abstract principles to lived experiences for the masses of ordinary men (and women to a lesser degree), but they became concrete not as universally held rights but as privileges reserved for members of the white club...”¹¹⁹ Olson takes standing as whiteness and its connection to the lived experience of citizenship with the influx of immigrants in the 1840s to have been achieved by those who proved their whiteness by committing themselves “to the degradation of African Americans” (the Irish are a prime example).¹²⁰ New European immigrants achieved whiteness through the race riot and the vote.

Yet *settler* citizenship was also formed during this period by members of the white working class who fought to prove themselves worthy of political empowerment: As Aziz Rana describes, the republican and democratic focus on extracting productive labor from the land as the foundations of white male self-rule necessitated the expansion of the country to secure greater access to land. Simplifying Rana’s schema, the core

argued, he was not a proponent of biological racism like Gobineau yet his culturalist approach served no less to suggest that the internal coherence of democratic values like liberty, equality, and decentralized authority almost fatalistically depended on native replacement and the enslavement (or recolonization in Africa) of Blacks. Laura Janara, “Brothers and Others: Tocqueville and Beaumont, U.S. Genealogy, Democracy, and Racism,” *Political Theory* 32.6 (December 2004): 773-800.

¹¹⁹ Olson, *The Abolition of White Democracy*, 44.

¹²⁰ *Ibid.*, 44.

insight here is that *Herrenvolk* democracy depended equally on a project of making war in order to de-people land as it did urban rioting to degrade free Blacks. Those defined as settlers thus reaped the advantages of “free land” and aspired to landed self-rule by replacing Indigenous peoples.¹²¹ In this sense, settler citizenship allowed citizens access to a cross-class alliance of whiteness by extending to them the privileges of autonomy and self-rule made possible by Indian absence.

Settleness was achieved by taking up arms against Indians. While the myth of the rugged settler completely outside the authority of the federal state persists, recent scholars revisiting the “weak state” thesis of American Political Development show how the federal government used small militias to encourage small wars against Indians even prior to the more well-known 1862 Homestead Act. For example, as Paul Frymer observes, Congress passed the “Armed Occupation Act” in 1842, which gave the proverbial 160 acres to those willing to occupy land south of Gainesville as a way of ending the Second Seminole War.¹²² The “replication” of westward expansion in the form of territories being incorporated as white settler-states occurred through state-led militias, in which small groups of settlers secured land precisely by making war on Indigenous communities and thereby creating a white majority populace. Thus, the urban riot that made the Irish white had its equivalent in the small militia that made settleness for the immigrant populace of the American west.

¹²¹ Aziz Rana, *The Two Faces of American Freedom*, 114-120.

¹²² Paul Frymer, “‘A Rush and a Push and the Land is Ours’: Territorial Expansion, Land Policy, and U.S. State Formation,” *Perspectives on Politics* 12.1 (March 2014): 124.

While the creation of settlerness may seem to have secured privileges only to men, especially given the masculinist content of frontier imagery, white women also contributed to the project of conquest in other ways. Historian Margaret Jacobs has documented the phenomenon of “maternal colonialism,” in which settler women played a central role in the removal, (gendered) re-education, and fostering of native children.¹²³ While colonial war and agricultural labor were a crucial part of the mythos of masculine settlerness, “white women claimed a role in transforming Indigenous homes” via “their associations with the intimate domain of the home and with child rearing.”¹²⁴ The point here is that white women, too, shared—albeit to a lesser extent than men—in the benefits of settlerness in the *Herrenvolk* democracy by engaging in this project of replacing Indigenous peoples within the realm of domesticity to which many women were confined.

Settlerness and the Continuities of Empire

Exemplifying the intellectual project of replacement after the Civil War, Henry Lewis Morgan characterized civilizational hierarchy in an evolutionary schema of savagery, barbarism, and civilization repurposed from earlier Scottish Enlightenment theory and early 19th century racial Anglo-saxonism to reflect a much more fatalistic and confident vision of replacement.¹²⁵ Again, such taxonomies operated in order to relate the

¹²³ Margaret Jacobs, *White Mother to a Dark Race: Settler Colonialism, Maternalism, and the Removal of Indigenous Children in the American West and Australia, 1880-1940* (Lincoln: University of Nebraska Press, 2009).

¹²⁴ Margaret Jacobs, *White Mother to a Dark Race*, 11.

¹²⁵ On the development of racial Anglo-saxonism, see Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge: Harvard University Press, 1986).

embodiment of purportedly inferior societies to progressive “de-peopling.” Morgan posited post-Civil War America, then, as the inheritors of the Haudenosaunee confederation and its natural successors, and theorized the role of anthropologists in the Bureau of Ethnology as preserving what was left of Indians in museums for future (white) generations.¹²⁶

After the Civil War, white Americans continued to imagine themselves as at home within “an imperial family of settler societies” (including Canada, South Africa, Australia, and Aotorea New Zealand) whose basic goals were twofold: to continue to furnish white settlers with self-government and economic independence and to extract land and labor from non-settler groups.¹²⁷ By the 1830s, treaty-making had become a key mechanism through which to exact land concessions from Indigenous groups. By 1871, Congress decided to unilaterally forego treaty-making and would effectively govern remaining Indigenous groups via the plenary power of congress and the dictatorial power of reservation agents. Just as Blacks were definitively made into anti-citizens with the codification of the “separate but equal” doctrine in the 1896 *Plessy v. Ferguson* decision, the Supreme Court also would offer a series of rulings that built on the Marshall trilogy foundation to secure near-unlimited administrative power over Indigenous peoples and to criminalize any practice resembling cultural and political sovereignty even within the limited scope of reservation life. The majority opinion in *United States v. Kagama* (1886) argued that the US Congress had secured plenary power over Indigenous nations.

¹²⁶ Henry Lewis Morgan, *Ancient Society* (London: Macmillan & Company, 1877); c.f. Yael Ben-zvi, “Where did Red Go?”

¹²⁷ Aziz Rana, “Colonialism and Constitutional Memory” *UC Irvine Law Review* 5.2 (2014), 266.

Likewise, the *Lone Wolf v. Hitchcock* (1903) decision also expanded plenary power by overruling the terms of an 1867 treaty between the US and Kiowa, Comanche, and Apache communities.¹²⁸

Typifying a vision that tied ongoing native dispossession to progressive imperialism are the comments of Theodore Roosevelt. Concerned with what he perceived to be a rising tide of anti-imperial resistance, Roosevelt insisted that “English-speaking peoples” continue to govern “the world’s waste spaces.”¹²⁹ Roosevelt’s comments reflect what at the time was the self-evident association between the US and the other settler colonies as a family of white, and especially Anglo, dominated nations. Polemically inveighing against the American Anti-Imperialist League in his “Strenuous Life” speech in 1899, Roosevelt insisted on the absurdity of an anti-imperial politic when seen from the perspective of Indian policy. These “doctrines,” he argued,

...would make it incumbent upon us to leave the Apaches of Arizona to work out their own salvation, and to decline to interfere in a single Indian reservation. Their doctrines condemn your forefathers and mine for ever having settled in these United States.¹³⁰

¹²⁸ My own understanding of these two cases has been influenced by the reading offered in Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of US-Indigenous Relations* (Minneapolis: University of Minnesota, 2007), 80-93.

¹²⁹ Theodore Roosevelt, *The Winning of the West* (Hastings House: New York, 1963 (1889)), quoted in Aziz Rana, “Colonialism and Constitutional Memory” *UC Irvine Law Review* 5.2: 263-288; 266. The concept of “wasteland” has a longer genealogy in western political thought that precedes modern notions of race and practices of racial formation. On the long history of construing non-western (or non-Christian) spaces as waste-land within western international political thought, see Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (New York: Oxford, 1999).

¹³⁰ Theodore Roosevelt, *The Strenuous Life: Essays and Addresses* (New York: Dover, 2009 (1889)), 9.

Roosevelt's appeal to the civilizing project, while echoing earlier efforts to civilize Indians, was directly connected to his self-identification as a settler engaged in a project of replacement *par excellence*. Moreover, Roosevelt directly connected the prospects of white supremacy in the broader world order (here, the prospects of invading the Philippines) to the rule of Indigenous peoples within, even to vindicating the act of founding itself. In other words, Roosevelt viewed this critique of US international power as also a threat, root and branch, to the settler way of life in spaces he construed as inalterably "domestic." Cast as increasingly under threat with the closing of this "internal" frontier at the end of the era of westward expansion, this transnational politics of white supremacy was also reflected in a number of shared sites across the Anglo-settler states: in late 19th century intellectual exchanges about the dangers and failures of American reconstruction; in racially restrictive immigration policies shared between Australia and the United States; and even renewed racial imaginaries of citizenship and world order in the form of a proposed "Anglo-American Union."¹³¹ While the era of Progressive Imperialism is often narrated as the US' transformation from isolationist to an "empire," this narrative precisely misses the constitutive role of native replacement as

¹³¹Frederick Jackson Turner, of course, spawned this historiography of the frontier, channeling this anxiety over an end to the ethos and practice of conquest as a source of democratic energies. Turner, *The Frontier in American History* (New York: Henry Holt and Company, 1921), chapter 1. Turner originally presented his famous essay at the American Historical Association in 1893 as "The Significance of the Frontier in American History." On transnational intellectual exchanges about Reconstruction and racially restrictive immigration, especially among the United States, South Africa, and Australia, see Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Man's Countries and the International Challenge of Racial Equality* (New York: Cambridge, 2008), 49-74; 310-334. On the politics of Anglo-American Union, see Duncan Bell, "Beyond the Sovereign State: Isopolitan Citizenship, Race, and Anglo-American Union," *Political Studies* 62.2 (June 2014): 418-434.

an ongoing condition of the further military expansion and annexation that characterized US militarism in Hawaii, Guam, Puerto Rico, and the Philippines in the late 19th and early 20th century.

Rethinking the Question of Repair

With this history in mind, we can see how white citizens have reaped unacknowledged advantages from *settleness*, ones forged through a project of replacing Indigenous peoples. Yet I want to be especially careful about conceptualizing the structure of disadvantage that is at stake here, and the claims that can be made to undo these foundational harms in the present. It requires careful attention to context in order to avoid the risk that we might claim to repair and rectify disadvantages but do so in ways that inadvertently *reproduce* the violence of incorporation. Here, let me return to Olson to gesture toward how recovering Deloria will generate resources through which to rethink the normative stakes of critical race theory to deal with the ongoing politics of dispossession, treaty-making, and self-determination. Despite its powerful and succinct statement of the need to abolish white democracy, the downside of Olson's political theory of race is that he takes the black-white binary as constitutive and primary in understanding *other* dynamics of racialization. In her discussion of the US whiteness studies literature, Geonpul theorist Aileen Moreton-Robinson also points out an example of this tendency, in the form of "writing off" (i.e. disavowing) treaties by treating the black-white binary as the sole locus of racial conflict and racial formation.¹³²

¹³² Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty* (Minneapolis: University of Minnesota Press, 2015), 47-62.

For Olson, the “white citizen” is not merely a problem of suffering, discrimination, or inequality as such but a “democratic problem.” White domination has actually transformed the very way we conceive of citizenship:

Standing not only reconciles equality and freedom with slavery; it builds white domination into democracy. Thus, the democratic problem is not simply the legacy of slavery and racial exclusion or the failure of American democratic practices to live up to American democratic ideals. The democratic problem lies in the white citizen itself.¹³³

Olson argues that white domination makes citizenship into property—a status to be possessed—because of the need of whites to hang onto the wages of whiteness over blacks. Citizenship is defined as these propertied advantages. It becomes difficult to reimagine citizenship as an invitation to participate in the active exercise of shared power without also transforming these sites of unearned privilege that render citizenship into whiteness.¹³⁴ While his emphasis on *participation* rather than simply *inclusion* is compelling, Olson’s focus, I argue, has particular consequences for theorizing the present context of settler colonialism and the stakes of undoing settler-colonial forms of power. Olson primarily understands white citizenship as a way of accruing systematic advantages over Native Americans, Latin(o)s, and African-Americans. The implication here is that all of the latter racialized populations are systematically *disadvantaged* and implicitly given a subordinate status of anti-citizen—albeit within the polity to which

¹³³ Olson, *The Abolition of White Democracy*, 44.

¹³⁴ Olson writes: “A strategy of inclusion seeks the full admission of all persons into the polity, while a strategy of participation aims to expand participation within the polity. The former tends to emphasize the need to guarantee political equality and equal opportunity in the face of discrimination, while the latter tends to emphasize the need to expand deliberation and decision making by ordinary persons. These strategies should be complimentary, but the history of white supremacy in the United States places them at cross purposes.” *Ibid.*, 79.

they have only partial access. This claim is reflected perhaps most eloquently in Du Bois' well-known critique of the "American Assumption," the ideology now called the American Dream that claims that anyone can climb the socio-economic ladder in the US through effort ("thrift") alone.¹³⁵ The Assumption frames failures to climb the latter as question of personal responsibility, directing attention away from the way that life-chances in the US are fundamentally racialized across any number of indicators. Because Native Americans hold dual citizenship in the United States and in their own polities, there is a significant truth to this argument that they are systematically disadvantaged insofar as they share this common racialized citizenship with other groups subordinated within the polity. No one, least of all Deloria, would dismiss this problem as insignificant, as we will see, since these already existing structures of incorporation over-determine on-the-ground choices about where to put resources into organizing to secure greater power and influence for tribal nations. Still, to speak of rectifying this unequal structure of citizenship via greater inclusion—or even more radically, to focus on participation as Olson demands of us—is to speak of the standards *internal* to the US polity. In other words, Deloria really presses his readers to consider the way that those practices akin to replacement (my term) restructure the terms of what counts as the normative deficits of white settler democracy.

To take a more contemporary critic than Du Bois, consider legal scholar Kimberlé Crenshaw's work on anti-discrimination law, an important contribution to critical race theory. Crenshaw has shown how anti-discrimination law can be a tool of anti-racism or

¹³⁵ W.E.B. Du Bois, *Black Reconstruction in America, 1860-1880* (New York: Free Press, 1998), 182-186.

racism depending upon how the principle of “equality of opportunity” is interpreted by judges. Judges can either lend support to and reify the American Assumption by treating discrimination as entirely composed of discrete individual acts of prejudice regardless of the systemically unequal outcome of actual decisions by employers to hire and fire. She calls this the “restrictive interpretation,” which is based on the idea that the realization of civil rights calls for making the law blind to anything other than racism understood as individual prejudice. Or, judges can give an “expansive interpretation” of the principle of equal opportunity based on the idea that they ought to take systemically differentiated outcomes into account.¹³⁶

Such debates about equality of opportunity reflect conditions of denied access and subordinate standing, which are distinct from those of forced incorporation. Here, the more expansive conception of equality of opportunity is one of equalizing these conditions or life-chances by addressing the ways in which a structure of disadvantage has been implemented by the dominant society over time according to racial caste. This problem of equal access is not the central problem raised by conditions of disavowed conquest and dispossession. While, again, Indigenous communities also experience these similar forms of racialization, I would suggest that focus on the conditions of more equal citizenship taken alone and out of context will displace attention precisely from the claims of Indigenous peoples to sovereign nationhood. Here, then, what is needed is not an immanent critique of the American Assumption such as Du Bois’ but closer attention

¹³⁶ Kimberlé Williams Crenshaw, “Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law,” *Harvard Law Review* 101.1 (May 1988): 1331-1387.

to the way that colonization replaces other loci of normative and political power within the (potentially different) standards of many Indigenous communities. Olson's attention to blackness, then, also runs the risk of grafting the effects of the specific history of enslavement and the post-civil rights moment onto Indigenous peoples without fully reckoning with a logic of erasure and incorporation that differently shapes the normative stakes of settler democracy for Indigenous peoples.

In part, the reason it has been easy to slip back into the Black-white binary across US social science and political philosophy is failure to grapple with the politics of erasing Indigenous peoples. As I argued above, Blacks and other groups subject to white racial power are understood as anti-citizens on Olson's model. Within the way Indians have been written out of US history, though, Native peoples are not anti-citizens: Rather, understood epistemologically, they are an absence from the polity. We as settlers disavow their presence as equal peoples with their own separate or dual citizenships and structures of governing themselves that may be historically entangled with those of the US. To borrow a phrase from Johannes Fabian, settlers become settlers by "denying coevalness," that is, by disavowing the ongoing presence of Indigenous peoples and making the latter into an "other" whose existence (especially whose *political life*) is consigned to the past.¹³⁷ The settler citizen becomes the norm against which Indigenous peoples are measured by rendering the latter materially absent yet present in a depoliticized and metaphorical form as a national cultural inheritance. Ideologically, Indigenous peoples function as an erased pre-condition to the citizenship of settlers, even as their material

¹³⁷ Johannes Fabian, *Time and the Other: How Anthropology Makes its Object* (New York: Columbia University Press, 2002), 37-70.

presence renders this absence entirely contrary to their actual demographic and political resurgence in the second half of the 20th century.¹³⁸ Jean O'Brien's argument that Indigenous peoples "can never be modern" through this lens captures this dynamic well by explaining the way that Indigenous nationhood as a material claim on political authority has been written out of history.¹³⁹ To be sure, denying coevalness functions in the 20th and 21st centuries in a number of ways that are different from, say, Henry Lewis Morgan's account of civilizational "stages," denials of different kinds that Deloria's work grapples with in an exemplary way.

In this sense, Olson's point about abolishing standing-as-white-domination might be reframed as one about the denial of participation in one's *own* polity. That is to say, what colonization does is to replace Native citizenship and structures of shared governance with settler citizenship and settler structures of shared governance.¹⁴⁰ Indeed, as I argue especially of his writings by the 1970s (chapters five and six), Deloria formulates Indigenous sovereignty as a distinctive mode of popular sovereignty whose constituent power derives from cultivated practices of relation and responsibility. That is, he constructed Indigenous popular sovereignty—with similar participatory resonances that emerged in other New Left struggles—as a way to imagine conditions of shared rule that reasserted a wide array of Indigenous citizenships in their own polities.

¹³⁸ On American Indian demographic resurgence, see Joane Nagel, *American Indian Ethnic Renewal* (New York: Oxford University Press, 1996).

¹³⁹ Jean O'Brien, *Firsting and Lasting*, xxii.

¹⁴⁰ This, of course, is not to say that the two are incommensurable of necessity. But I think that we need first to theorize the conditions of settler democracy before we can imagine a hybrid negotiation or dialogue with them.

As Deloria shows us further in chapter two, understanding settlerness and indigeneity through this evolving relation of domination changes the normative stakes that have been most central to critical race theory. To convert Indigenous nationhood into a claim to a more equal citizenship would not *rectify* this history; rather it would reproduce the very logic that binds Indigenous peoples to this violence of replacement via different forms of incorporation into the polity. Robert Nichols presents one form of this erasure-via-incorporation in his study of the Canadian state's compulsory enfranchisement of the Michel Nation. For Nichols, the problem is that the tools of work on race—he writes of Charles Mills' *The Racial Contract*—have been geared primarily toward explaining the normative deficit of white democracy as the maintenance of “subordinate civil standing.”¹⁴¹ For Nichols, compulsory enfranchisement is actually a form of “usurpation” in which one's own polity is swallowed up in a broader institutional and normative configuration that negates prior modes of local participation. Nichols argues that posing the problem of liberal democratic settler societies in this way actually sets up the terms of political debate and contest so as to privilege the axis of gaining access to the “same” polity as the central problem of political freedom posed by the ongoing production of racial difference. This channels the agency of colonized communities into modes of contestation that may actually further their incorporation into the polity.

¹⁴¹ Robert Nichols, “Contract and Usurpation: Enfranchisement and Racial Governance in Settler-Colonial Contexts,” *Theorizing Native Studies*, eds. Andrea Smith and Audra Simpson (Durham: Duke University Press, 2014), 111.

Reframing racial domination towards questions of colonial injustice, then, necessarily brings with it the problem of giving an historical accounting of these practices of replacement: treaties, war, removal, dispossession, reservation confinement, and structures of indirect rule and quasi-sovereignty. What it means to undo these practices becomes complicated, since what freedom comes to mean in the dominant settler society—even expansive non-liberal notions of freedom that seek to repair the past and challenge the idea that citizenship is simply a legal right to be “possessed”—might be different than those standards internal to, say, Cherokee, Lakota/Dakota, Anishinaabe, Nuu-chah-nulth, or Pima communities. From *my* perspective and those of other small-d democrats writing from within the western tradition, this denial is a democratic and participatory problem that amounts to the erasure of conditions of shared membership in separate or overlapping polities. But from the practices internal to these self-conceptions, it might be seen not as a “democratic problem” as such but a problem of standards of normative valuation that express what it means not to fully participate in what that nation regards as valued political practices. As I argued in the introduction, Deloria served—and will serve for me—as a kind of mediator or translator who makes visible this disavowal at the heart of settlerness and forged an intellectual tradition to imagine the unity-in-difference of Indigenous anti-colonialisms. Rather than claim *a priori* what it means to decolonize, then, I trace the rhetoric and politics through which Deloria forged a vision grounded on self-determination, tribal sovereignty, and treaty rights. Deloria demanded of settler citizens that we de-normalize our own conceptions of history in order face these

questions that are so easily disavowed because of the very practices of colonization through which these privileges have been inherited.

Conclusion

In ceasing to affirm settlerness as a constitutive face of whiteness, colonial possession as a way of replacing the nationhood of Indigenous peoples also has been displaced in US theories of racial formation. If Olson focuses on the “problem of the white citizen”, then my goal has been to conceptualize *Herrenvolk* democracy so as to highlight the problem of the settler citizen. Whereas the former calls for the abolition of white democracy, the latter points towards the *decolonization* of settler democracies. As I have argued, though, the racialization-colonization of Indigenous peoples is equally constitutive of US democratic citizenship and of whiteness understood as settlerness. To be sure, mine is not a totally original claim: Richard Slotkin’s trilogy of works offers a sweeping understanding of how the mythical boundary between civilized and savage space forged American national identity.¹⁴² Yet my own conception of settlerness is tailored to addressing the limits of the black-white binary as a way of reframing the normative stakes of settler colonialism. Less sweeping than Slotkin’s revisionist indictment of the violence of American political culture, I focus on this problem within a framework that links racialization to the disavowed privileges flowing to contemporary settler citizens and the political practices of Indigenous peoples. This framework allows

¹⁴² Richard Slotkin, *Regeneration Through Violence: The Mythology of the American Frontier, 1600-1860* (Middletown: Wesleyan University Press, 1973); *Fatal Environment: The Myth of the Frontier in the Age of Industrialization, 1800-1890* (New York: Atheneum, 1985); *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America* (New York: Atheneum, 1992).

me to keep the focus on the actual bodies and lands of Indigenous peoples and the politics Indigenous theorists and activists have opened up as a way of contesting their absence on their own homelands. There is much to learn about the present effects of these practices and the difficult questions of decolonization such structures necessarily bring up by attending to voices like Deloria's first rather than imposing the controlling assumptions of contemporary multiculturalism, which disavow or advance state-centered rationales for such contextually specific demands for repair, such as self-determination and land repatriation.

In the next chapter, I will argue that the erasure of the language of "settler" around an explicit civilizational hierarchy made way for a presumptively neutral, non-settler, and non-civilizational language of civil rights and citizenship in the post-WWII era. This is where Deloria comes in, as a theorist constantly pointing back to the conditions that have made these colonial dimensions of empire possible and to the possibilities of decolonization.

Chapter Two

Custer's Sins: Vine Deloria Jr. and the Settler-Colonial Politics of Civic Inclusion

Introduction

“Indians are like the weather. Everyone knows all about the weather, but none can change it...One of the finest things about being an Indian is that people are always interested in you and your ‘plight.’ Other groups have difficulties, predicaments, quandaries, problems, or troubles. Traditionally we Indians have a ‘plight.’”¹⁴³ So begins Deloria’s *Custer Died For Your Sins: An Indian Manifesto*, written and published in 1969.

Deloria’s analogy to weather ironically confronted settler societies’ perceptions of the changelessness of Indigenous social orders. Whereas “Indians” are often described in the static anthropological language of “tradition,” Deloria observed that Indigenous communities were undertaking massive changes in the 1960s. He described “a dynamic people in a social structure of their own, asking only to be freed from cultural oppression” (12). It is, then, non-Indigenous representations of Native peoples that seem to be immovable. In *their* static “traditions,” settler societies cast Indians as stalled in a backward state of cultural and economic development or of a lack of citizenship rights, thus continually in need of help to be included within the civic identities and values of US settler society. From this perspective, civic inclusion as a way of casting narratives of

¹⁴³ Vine Deloria, Jr. *Custer Died for Your Sins: An Indian Manifesto* (New York: Macmillan, 1969), 1. All citations are to the original 1969 edition. Subsequent citations are in-text. Deloria wrote a new preface for the subsequent 1988 edition in which he reflects on changes in Indigenous activism and federal Indian policy. See Vine Deloria, Jr., *Custer Died for Your Sins: An Indian Manifesto* (Norman: University of Oklahoma Press, 1988).

progress is folded into a kind of paternalistic investment in Indigenous peoples as objects of solicitude and charity.

Deloria began *Custer* by theorizing the links between a politics of inclusion and this moralized and disempowering transparency affixed to Indigenous peoples by overlapping discourses of US political culture and constitutional law. It is these often *sympathetic* desires and psychic investments that Deloria viewed as potentially dangerous. At base, these positions disavow the structuring effects of colonial domination on Indigenous communities and take inclusionary rhetoric as necessarily redemptive. Equally troubling for Deloria, the discourse of “plight” (unlike “difficulties, predicaments, quandaries, problems, or troubles”) positions Indigenous peoples in the terms of victimhood, not political agency. It projects a permanent ontological status of immiseration onto Indigenous peoples, masking the origins and ongoing causes of marginalization in conquest and colonization. Since “everyone” appears to be able to intuit the needs and desires of “Indians,” non-Indigenous peoples then are able to ritually (and comfortably) express sympathy, lament, even guilt for this permanent status (5). This denial of political agency reaffirms the capacity of settler society to set the terms on which Indigenous peoples would be included.

These incorporative drives and the demand for transparency also relate to the dominant society’s ongoing expectation of cultural performance from Indigenous peoples, to the idea that “these Indians are fierce, they wear feathers and grunt” (2). First, Indigenous peoples are placed outside of any cultural and political dynamism; they are represented in static ways that renders them “unreal and ahistorical” (2). Because “the

American public feels most comfortable with the mythical Indians of stereotype-land who were always THERE” in order to prove their authenticity and worth *within* American society, they ironically first must perform this own foreignness as a condition of belonging itself. This inside/outside dynamic *creates* impossible binds on their self-determination: “The more we try to be ourselves”—that is, the sense of “ourselves” imposed by the settler demand for performance and transparency—“the more we are forced to be what we’ve never been” (2). Their authenticity is constantly reevaluated according to this colonial binary that forces them to be either inside or outside—in either case, solely defined by the transparent knowledge of a team of unnamed observers that traipse in and out of *Custer*: anthropologists, missionaries, political theorists, lawyers, Bureau of Indian Affairs bureaucrats, and even laypeople included among the “people [who] are always interested in you and your plight.”

The Manifesto and the Jeremiad

Consider, too, how Deloria’s choice of genre, a manifesto, responds to a political situation predicated on erasing Indigenous peoples from the present. He employs the manifesto rather than what some have characterized as the American genre of choice, the jeremiad. If, as George Shulman argues, prophecy and its literary embodiment, the jeremiad, have provided a vernacular form for American Political Thought, Deloria’s work sits in an uneasy opposition to prophecy’s claim to stay “true” to the original constitution of a given political community. Shulman has tried to rework the prophetic away from static and redemptive truth-claims grounded in a natural order or a too-easy attachment to constitutional forms in light of the persistently racialized character of the

US polity and the global color line. Instead, Shulman argues, prophecy embodies an ambivalent language of critique and democratic futurity that has been taken up by racialized subjects, perhaps most notably in Martin Luther King, Jr.'s speeches and writings.¹⁴⁴ Deloria's work—a manifesto—crystallizes the darker side of the ambivalence of the jeremiad: As I will argue, Deloria spoke to the role of prophetic redemption as an idiom that seems to promise the reconstitution of political community and yet may itself be driven by deep attachments to nationalist and statist visions of political possibility.

Here, then, it is worth returning to Sacvan Bercovitch's well-known critique of the jeremiad as an insufficiently radical form to understand why Deloria might have written a manifesto in the era of Termination. As Bercovitch bracingly argues, the jeremiad “fed on the distance between promise and fact,” which led him to conclude that it lacked the capacity to break from the—or, at least, from a certain—past.¹⁴⁵ The jeremiad, in other words, has to hold in place enough of the prior political and rhetorical attachments of its audience to rework our investments in that pre-existing order. Does the jeremiad give up too much in doing so? What happens when the prophet is simply stuck in the moment of reiterating the terms of prior political orders—or when the space for such claims is so closed that the distance between conservative reiteration and radical reconstitution becomes next-to-nothing?

¹⁴⁴ For these, see, Martin Luther King, Jr., *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.*, ed. James M. Washington (New York: HarperOne, 2003).

¹⁴⁵ Sacvan Bercovitch, *The American Jeremiad* (Madison: University of Wisconsin Press, 1978), 23.

Consider potential differences, then, between the jeremiad and the manifesto.

What different political work does the manifesto (seek to) accomplish in connecting poetics to politics? Manifestoes provoke in deep and unsettling ways and they call into question the legitimacy of current political orders. They call into being political subjects that did not exist before (e.g. the proletariat), or politicize qualities that were seen as universally retrograde (e.g. “bitchiness”) or harmlessly apolitical (e.g. the cyborg).¹⁴⁶ Rather than working through the attachments of their audience in more sympathetic terms, manifestoes may tell truths disorienting enough to deeply alienate that audience and they thus may risk losing us very quickly. They focus less on a return to a morally pure past, or to recovering the normative kernel of violated principles. Manifestoes dwell first in situations of extreme domination and violence and tend to background or delay the conditions of moral resurrection that provide their audience with a future-oriented certainty. Thus, manifestoes go on the attack and heighten political stakes—or, they point out how high the political stakes have always been, whether or not there has been a language or political openings through which to express them.

¹⁴⁶ Consider the following cursory list of manifestoes as indicative of my description: Karl Marx and Friedrich Engels, *The Communist Manifesto* (New York: International Publishers Co., 2014); André Breton, “The Surrealist Manifesto,” <http://poetsofmodernity.xyz/POMBR/French/Manifesto.htm#contents>, accessed June 21, 2016; Donna Haraway, “A Cyborg Manifesto: Science, Technology, and Socialist Feminism in the Late Twentieth Century,” *Simians, Cyborgs, and Women: The Reinvention of Women* (New York: Routledge, 1991), 149-182; Joreen (Jo Freeman), “The BITCH Manifesto,” *The Atlanta Lesbian Feminist Alliance Archives*, http://library.duke.edu/digitalcollections/wlmpc_wlmms01012/, accessed June 21, 2016; Valerie Solanas, *SCUM Manifesto* (New York: Verso, 2004).

Much of the scholarship on manifestoes explicates their association with European avant-garde modernisms in the 20th century.¹⁴⁷ Yet manifestoes have also been a genre that disorients in ways that subordinate aesthetics more clearly to questions of political change. Deloria's manifesto begins with an act of disclosure that lays out the cramped connections between epistemology, political ordering, and historical erasure. He first declares Indigenous *presence* as a starting point for the renewal and recovery of Indigenous nationhood. Yet in order to declare this kind of presence, Deloria refuses the terms of prior US and global appropriations of Indianness. He begins with the claim that Indians have felt “unreal and ahistorical”—both transparently knowable and anachronistic—but this act of disclosure is a movement, perhaps surprisingly, towards less, not more, transparency. If the “manifesto” invokes both senses of the verb “to manifest,” to disclose and to protest, Deloria's appropriation of the genre actually plays with these two meanings: Within the terms of the current order, the very presence/disclosure of those who are “unreal” or out-of-time constitutes at least an initial moment of protest. Because Indians can never be modern, Deloria has to assert sheer presence first as a starting point of any subsequent political transformation. Yet this act of making Indigenous peoples present also contains a significant negative moment because the privilege of settlers as a primary audience is immediately displaced by the acknowledgement and validation of Indigenous peoples as dynamic, contemporary subjects. Contained in this opening gesture is, then, both a negative and positive

¹⁴⁷ See Janet Lyons, *Manifestoes: Provocations of the Modern* (Ithaca: Cornell University Press, 1999).

moment—an affirmation of political agency and a refusal of complete transparency about the settled terms of that agency.

Deloria dictates (and performs in the text itself) a “cultural leave-us alone agreement, in spirit and in fact” (27). As a response to a politics grounded in incorporation and domestication connected to settled knowledge-claims, then, Deloria remakes the manifesto in ways that demand a solidarity conditioned on opacity and the absence of the certain knowledge that has historically been attached to colonial politics.

Previous Interpretations of Custer

Previous scholarly readers of Deloria have tended to downplay the politically sophisticated analysis featured in *Custer* of US imperial-colonial practices, even as it is widely acknowledged that the best-selling book provided a major impetus to the “Red Power” movements. *Custer* has been subject to two main readings. First, those who cite *Custer* most prominently take it as a document primarily of historical interest in influencing the formation of the Indigenous Sovereignty Movement as a social movement engaging in somewhat different mobilization strategies than those of the African-American civil rights movement.¹⁴⁸ Second, anthropologists have read *Custer* with an eye to the ethics of research and, more broadly, the relation between colonial projects and ethnographic knowledge production. His Chapter four, “Anthropologists and Other Friends,” written as a mock ethnography of anthropologists, turned around the ethnographic gaze on “anthros” who “migrated” to reservations every summer (78).

¹⁴⁸ For example, recent work by Daniel Cobb reads Deloria as a crucial activist and draws on his works to explain pan-Indigenous activist strategies throughout the 1960s. See Daniel Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty* (Lawrence: University Press of Kansas, 2008).

Deloria's work caused deep discomfort, resentment, and eventually significant reform in the way the discipline works with Indigenous communities. In that sense, according to some anthropologists, Deloria represented the North American front of a broader interrogation the discipline of anthropology undertook of its own colonial past and present.¹⁴⁹ I read Deloria as a theorist whose rhetoric and politics explicitly address questions of power, hierarchy, and ideology that speak to but go beyond narrower questions of research ethics. Read politically in light of the role of ethnology and later anthropology as a resource of US foreign policy and social control vis-à-vis Indigenous nations, his chapter on anthropologists might be understood in this broader history as a political intervention: He points back to the powerlessness of colonial confinement on reservations as the condition of Indians' transparency to the ethnographic gaze and centers this disavowed history as a presence that infuses the unwelcome attempts of anthropologist to generate "knowledge 'for knowledge's sake'" about Indigenous peoples (94). Deloria singled out one anthropological work, for example, that attributed the literacy rates of members of the Pine Ridge Oglala Sioux tribe to an apathy tied to a latent desire to reconstruct warrior societies of the past. Speaking of this kind of work that was undertaken as part of the Bureau of Indian Affairs' efforts to apply anthropological knowledge to questions of the technical management of populations, Deloria observes:

¹⁴⁹ Thomas Biolsi and Larry Zimmerman, ed., *Indians and Anthropologists: Vine Deloria, Jr. and the Critique of Anthropology* (Tucson: University of Arizona Press, 1997); Talal Asad, ed., *Anthropology & the Colonial Encounter* (Ithaca: Ithaca Press, 1973).

How, I ask, can the Oglala Sioux make any headway in education when their lack of education is ascribed to a desire to go to war? Would not perhaps an incredibly low per capita income, virtually non-existent housing, extremely inadequate roads, and domination by white farmers and ranchers make some difference? (93)¹⁵⁰

In this sense, Deloria's critique of anthropology politicizes the pervasive American obsession expressed on film and screen with a romantic image of cultural Indianness. Deloria recovers the disavowed reality of settler citizenship and the question of who can control anthropological knowledge as necessarily a problem of colonial control and the prerogatives of sovereignty.¹⁵¹ The question of sovereignty, then, needed to override the politics of inclusion because of the ways in which Indigenous peoples' capacity to influence these flows of knowledge and power conditioned the struggle to determine the conditions of their own communities and pressing questions of basic need and survival. Deloria's critique here is geared not towards those who uphold explicit colonial hierarchies but more to those accepting that anyone could disavow the colonial condition in favor of extending nominally sympathetic promises of inclusion to Indigenous peoples.

Termination in the Anglo-Settler World

In order to claim renewal on terms centered on Indigenous, not US settler, nationhood, *Custer Died for Your Sins* launches a sustained and visceral critique of how US and other colonial political orders are based on projects of conquest and colonization yet narrate themselves and their core projects of emancipation as postcolonial. Deloria

¹⁵⁰ The work Deloria refers to in this passage is: Gordon Macgregor, *Warriors without Weapons: A Study of the Society and Personality Development of the Pine Ridge Sioux* (Chicago: University of Chicago Press, 1946).

¹⁵¹ On the Bureau of Ethnology as an instrument of foreign policy, see John Borneman, "American Anthropology as Foreign Policy," *American Anthropologist* 97.4 (December 1995): 663-672.

drew on a burgeoning cultural unease in the later 1960s towards imperial aggression, perhaps nowhere more visible than in responses to the Vietnam War. Still, Deloria pointed out the irony that the same broader unease did not exist about the empire within—not least of all with the policy of Termination that bore the familiar marks of colonial practices to him and other leading activist-intellectuals. In this chapter, I argue that Vine Deloria, Jr. provided an incisive critique of and an alternative to important currents in American—and, more broadly, Anglo-settler—Political Thought that failed to grapple with these questions because of their orienting attachment to a now-familiar post-war vision of citizenship. In essence, Deloria theorized these currents as deeply invested in casting freedom as a question of inclusion. These were embedded in both post-World War II public policy and political theory. I show the connections between a disavowed settler citizenship and this politics of inclusion primarily through a reading of *Custer* that builds on my introductory comments on the book, and contextualizes Deloria's work as a response to the Termination policy.

Before I turn directly to a reading of the text, then, I return to the context of the 1950s and 1960s that prompted Deloria to write *Custer*. In the introduction, I observed that the primary way for Indigenous peoples to call out US colonial policies had been to frame them as hypocritical in relation to the “nations within” the US. To be sure, NCAI leaders opposed Termination steadfastly throughout the 1950s. As but one example, the minutes of the NCAI's 1955 Executive Council read that “It is the policy of the NCAI to

vigorously oppose termination of federal trusteeship.”¹⁵² Yet there was a particular argumentative strategy at work among NCAI leaders that also played out in the politics of the NAACP because it was difficult—if not impossible—to make any strategic gains by affirming the existence of US colonialism and imperialism.¹⁵³ In fact, it was far more strategically successful to affirm the opposite: Flathead intellectual D’Arcy McNickle, for example, demanded aid and technical assistance for Indigenous nations that was similar in kind to what the US State Department doled out under the Point IV Program in an effort to defend its sphere of influence internationally against the Soviets. Colonialism and imperialism as conditions of both international relations and those relations conceptualized by the US government as internal or domestic were thus somewhat muted. For Indigenous leaders attempting to secure resources for their communities, this muted confrontation was a condition of successfully leveraging US words and deeds internationally to shift federal Indian policy.

This confrontation is the less well-documented Indigenous equivalent of the form of politics that historian Mary L. Dudziak has referred to as “cold war civil rights.” Dudziak argues that the US’ need to square its democratic rhetoric with racial segregation to contest negative Soviet propaganda drove social reforms at home.¹⁵⁴ Donald Fixico

¹⁵² “Minutes of Executive Council Meeting (December 8-10, 1955)” National Congress of American Indians Records, Box 54: Executive Council (1955-1959), Folder 1; Executive Council Minutes 1955-1959; National Museum of the American Indian Archive Center, Smithsonian Institution.

¹⁵³ A good source in this vein on the NAACP is Manning Marable, *Race, Reform, and Rebellion: The Second Reconstruction and Beyond in Black America*, 3rd ed. (University Press of Mississippi, 2007).

¹⁵⁴ Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2000).

also has shown how the Truman administration reacted to reports of Soviet propaganda about maltreatment of Indigenous peoples.¹⁵⁵ Viewed in this light on the politics of Indigenous peoples, the question before the US was one of hypocrisy—of squaring hypocritical practices with the image and identity of the nation as a fount of liberty. The nation, on this reading, had failed to pursue the same Wilsonian ideals of self-determination at home that it had declared abroad. Indigenous activists had leveraged this very hypocrisy to appeal for aid and development, while strategically avoiding mention of the Cold War geopolitics that defined the stakes of these policies in what was then known as the Third World. As another example, Helen Peterson (Oglala Lakota), an NCAI leader mentioned in the introduction, spoke before Congress in 1960 to demand an “Operation Bootstrap for the American Indian,” referring to Puerto Rico’s use of Truman’s Point IV doctrine to secure development funds for industrialization. Though the bill never became law, these efforts underscored that such leading opponents of Termination demanded development by strategically sidelining the structural origins of such a condition in colonial relations themselves.¹⁵⁶

Deloria, I will argue, pushed these conditions of colonialism and imperialism into a much more visible space in the context of the US Termination Policy throughout the 1960s and especially as he began to reflect back on the clashes of the previous decade in

¹⁵⁵ Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960* (Albuquerque: University of New Mexico Press, 1986).

¹⁵⁶ “Operation Bootstrap for the American Indian: Hearings Before the Committee on Interior and Insular Affairs, House of Representatives, 86th Congress” (Washington, DC: Government Printing Office: 1960). NCAI leaders had travelled to Puerto Rico and hoped to use it as a model to bring development to Indian reservations. See, Alyosha Goldstein, *Poverty in Common: The Politics of Community Action During the American Century* (Durham: Duke University Press, 2012), 83-88

Custer Died for Your Sins. I see his significance in particular as a theorist who moved away from this “hypocrisy” framing, especially because he would analyze contemporary efforts to “free” Indigenous peoples as continuous with a broader history of forced incorporation. For Deloria, this was not a “failure” to live up to democratic ideals but, unfortunately, a continuation of the past that demanded a totally renewed set of commitments and responsibilities to repair the ongoing harms committed against Indigenous peoples. While he sometimes continued to draw on the “hypocrisy” rhetoric for strategic purposes—including in his own appearances before Congress—Deloria represents an important break because he realized that these same policies would never end if the US continued to hold a monopoly on defining the terms of liberation and national development on behalf of Indigenous peoples.¹⁵⁷ This break also opened up the possibility of more directly linking Indigenous peoples’ politics within the territorial borders of the US to a broader anti-imperial agenda connected to the Third World and especially (at that moment) to the War in Vietnam: Deloria depended significantly less on idealizing—or, at least, underplaying the imperialism of—US foreign policy understood in its more traditional dimensions abroad. He could note commonalities of imperial and colonial conditions.¹⁵⁸

¹⁵⁷ For one such appearance before Congress, see Deloria, Jr., “We Were Here as Independent Nations (1965)” in *Say We Are Nations: Documents of Politics and Protest*, ed. Daniel M. Cobb (Chapel Hill: University of North Carolina Press, 2015), 133-138.

¹⁵⁸ In part, Deloria’s adoption of the empire framing and his references to Vietnam were strategic moves: He was hitching his wagon to a rhetorical context in which non-Indigenous Americans already more directly appalled by Vietnam might come to realize the proximate forms of imperial practices at home. Yet, as I suggest below, Deloria also saw the actual, deep parallels between the two fronts of insurgency and counter-

As I discussed in my cursory biography of Deloria in the introduction, he was a political activist and only later an academic theorist and so he developed these insights initially in response to institutional and political forces that he conceptualized in relation to his own work with the National Congress of American Indians (NCAI) to defend the rights and freedoms of American Indian communities. Chief among these policies against which Deloria and other activists organized was the Termination policy, launched on a smaller scale in 1940 and widely institutionalized with the passage of House Concurrent Resolution 108 and Public Law 280 in 1953.

The architects of Termination in the Senate pressed the Department of the Interior to end federal services to Indian tribes and to eliminate unilaterally their rights to self-government. The catch-all label “Termination” captured a range of policies that created tremendous economic suffering and multiple forms of social dislocation for many Indigenous communities: Such policies cut off social services like health care to reservation residents; gave states control over jurisdiction on reservations; and diminished national land bases and constitutionally guaranteed tax exemptions, further eroding the often fragile political economies of nations such as the Menominee.¹⁵⁹ Of

insurgency in less instrumental terms and more in terms of a deep structural continuity and even shared fate of oppressed nations.

¹⁵⁹ Termination actually refers to a diverse group of policies including federal withdrawal of recognition (House Concurrent Resolution 108); the granting of state jurisdiction over sovereign Indigenous land in California, Minnesota, Wisconsin, Oregon, and Nebraska (Public Law 280); and “relocation” of Indigenous peoples to urban areas (the Indian Relocation Act of 1956). A number of works describe the politics of Termination: Donald L. Fixico, *Termination and Relocation*; Nicholas Peroff, *Menominee Drums: Tribal Termination and Restoration, 1954-1974* (Norman: University of Oklahoma Press, 2006); Gerald Wilkinson, *Blood Struggles: The Rise of Modern Indian Nations* (New York: W.W. Norton & Company, 2005), especially part 1; Kenneth R. Philp, *Termination*

course, Termination proponents drew on a longstanding US tradition of aversion to the presence of Indigenous “nations within the nation,” including an array of overlapping colonial strategies, such as: dispossessing Indigenous peoples of their land; usurping their independent political authority; and forcibly assimilating Indigenous persons or groups culturally into the settler-nation-states now enveloping them.

The group of western senators most instrumental to the passage of various Termination bills figured the policy as an expansive realization of freedom for Indigenous peoples, a break with a past defined by the strictures of colonial wardship—and thus a point of entry for Indigenous peoples into the same civic duties and rights of other US citizens from which they had been excluded. Proponents in the US—the main object of Deloria’s critical lens—could represent to the non-Indigenous US public a policy that resonated with an emerging narrative of progress. Such a narrative drew on an inclusive ideal of citizenship to re-energize colonial practices, evinced in the rhetoric of key supporters. Arthur Watkins, the Utah senator who was then chair of the Senate Interior Committee Subcommittee on Indian Affairs, emerged as among the most prominent proponents of Termination. Watkins bombastically compared himself to Lincoln, advertising the forms of inclusion on offer by terminating US recognition of Indigenous peoples as the Indian analogue to the emancipation of Blacks from chattel slavery.¹⁶⁰ He argued that such policies “would assure [Indigenous people] of equality in

Revisited: American Indians on the Trail to Self-Determination, 1933-1953 (Lincoln: University of Nebraska Press, 1999).

¹⁶⁰ Arthur Watkins, “The Removal of Restrictions over Indian Property and Person,” *Annals of the American Academy of Political and Social Science* 311 (May 1957): 47-55.

the enjoyment and responsibilities of our national citizenship.”¹⁶¹ As historian Paul Rosier has demonstrated, Watkins and others cast the Termination policy as a way of emancipating Indigenous peoples from the prison-like confinement of reservations.¹⁶²

While it only went under the name of Termination in the US, the legislative package and the rhetoric behind it resembled similar practices adopted on somewhat different post-WWII timelines in Australia, Aotorea New Zealand, and Canada as well. In Canada, the first Prime Minister Trudeau and Minister of Indian Affairs Jean Chrétien passed the White Paper policy some 16 years later than Termination in 1969. In Australia, where the Commonwealth adopted the policy of “assimilation” in the 1950s, the platform of the 1961 Native Welfare Conference of Federal and State Ministers defined the goals of the policy in terms nearly identical to Watkins:

The policy of assimilation means that all Aborigines and part-Aborigines are expected to attain the same manner of living as other Australians and to live as members of a single Australian community, enjoying the same rights and privileges, accepting the same customs and influenced by the same beliefs as other Australians.¹⁶³

On Watkins, see R. Warren Metcalf, *Termination's Legacy: The Discarded Indians of Utah* (Lincoln: University of Nebraska Press, 2002), especially chapter 1.

¹⁶¹ Watkins, “Removal of Restrictions,” 47.

¹⁶² Rosier, “‘They Are Ancestral Homelands’: Race, Place, and Politics in Cold War Native America, 1945-1961,” *The Journal of American History*, 92.4 (March 2006): 1300-1326; In a 1965 letter, Deloria observed this discourse in action as a way of obfuscating the actual consequences of contemporary policies: “...it seems to be the feeling of a great many people in this country that the Indian is ‘imprisoned’ on reservations.” “Letter to James Buswell, April 23, 1965.” Box 75: NCAI Correspondence, 1965-1967; Folder 2: April 1965; National Museum of the American Indian Archive Center, Smithsonian Institution.

¹⁶³ Henry Reynolds, *Aborigines and Settlers: The Australian Experience 1788-1939*, (Sydney, Australia: Cassell, 1972), 175.

In Aotorea New Zealand, the Maori Affairs Amendment Act of 1967 mandated the “improvement” of all Māori lands, extending an earlier bill calling for the seizing of “uneconomic” lands. All of these legislative efforts were framed variously as anti-racist, anti-discrimination, and pro-equality, as attempts to sweep away persistent disadvantage and marginalization as the basis for integrating Indigenous groups into the benefits of liberal-democratic societies.

To accomplish this putatively emancipatory end of inclusion, advocates of these various terminations, I will argue, drew upon a vastly reconfigured self-conception that had come to hold extensive influence in the post-war moment. While I will primarily focus on the US because it is the central object of Deloria’s political organizing and critique, I take it that other studies might look in more depth at the transnational scope of the Termination moment. This new conception of democratic selfhood and political progress, I will argue, differed from the alibis of empire ascendant in the late 19th and earlier 20th century:¹⁶⁴ Whereas US political elites attacked Indigenous collective landholding in the late 19th century with explicit reference to ascriptive racial hierarchies and the stadial theory common to European colonial rule in Africa, India, the Caribbean, and across the Anglo-settler world, Termination proponents drew on ideas not dissimilar to the ideals of integration expressed in the early struggles of the Civil Rights Movement, such as NAACP organizing around the *Brown v. Board of Education* case. Although in other ways quite distinct, Terminationist rhetoric and the early civil rights framework of color-blind legal equality converged on a narrative of civic inclusion that has since

¹⁶⁴ For “alibis of empire,” see Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism* (Princeton: Princeton University, 2010).

become deeply engrained in the ordinary repertoire of US political discourse and resonates throughout the Anglo-settler world. By the “civic inclusion narrative,” I mean a narrative of US political and constitutional development that comprehends attempts to contest settler colonization and other forms of racial and colonial domination primarily as contributions to an already fixed collective project of progressively realized founding ideals. Deloria’s work in *Custer Died for Your Sins*, I will argue, posed one of the profound challenges to this narrative that emerged in the post-World War II world and articulated an alternative conceptualization both of Indigenous political experiences and the dominant discourses of settler-oriented political theory.

Deloria’s critique of the civic inclusion narrative answered the question: How could political elites launch such a calculated assault on Indigenous rights and freedoms just as the nation moved towards a presumptively egalitarian, inclusive, and, color-blind conception of national belonging? Moreover, he asked, what politics would attend to the disavowed question of colonial rule and provide different terms on which to narrate Indigenous political experience? Deloria, I suggest, refused to conceptualize the civic inclusion narrative as the necessary framework for anti-racist or anti-colonial politics. Instead, he confronted a narrative primarily based on locating harm in “exclusion” from citizenship by recovering an historical frame that directly placed the concept and practice of inclusion itself in a longer history of successive US imperial and colonial regimes. In other words, *Custer* suggests that the civic inclusion narrative consolidates US empire at home precisely by repackaging what had previously been transparently taken (indeed, celebrated as a condition of settler citizenship) as colonial practices of dispossession,

assimilation, and usurpation into forms of inclusion that augured emancipation for Indigenous peoples.

Drawing on an analysis of Termination to bring the ongoing reality of these practices into focus, Deloria helps us, then, to recast the role of the politics of inclusion more broadly in political theory, especially in a vein of American and Anglo-settler political theory that has tended to displace questions of empire-formation—or, perhaps, has not seen what is closest to home *as* empire. Negotiating an always-ambivalent relation to the state buttressed by a vision of decolonization, Deloria's early writings provide a striking counterpoint to the way that political theorists have narrated this project of civic inclusion that emerged from political organizing with the NCAI and can be read in the longer context of Indigenous Political Thought I outlined in the introduction.

In what follows, then, my argument proceeds in four steps. The first section explores the relation between inclusion and the politics of terminating Indigenous nations—part of the shared policy shift toward “Termination” in the Anglo-settler world of the 1950s and 60s. In particular, I explore the collapse of a racialized vocabulary of “settler” nationhood as a shared horizon of political belonging in the Anglo-settler world. I then trace the emergence of civic inclusion as a narrative creating a supposedly postcolonial political identity that actually repositioned practices of empire for a nation whose fortunes could no longer be affixed to the idiom of frontier conquest. Second, I then turn more directly to *Custer Died for Your Sins* as an exemplary counter-narrative that centers the relation between inclusion and empire-formation in reframing the

significance of Termination. Third, I then explore in more depth Deloria's polemical engagement with settler peoples' disavowal of colonial injustice as a matter of intergenerational justice (thus, the title: Custer died for *your* sins). Finally, I trace how the civic inclusion narrative continues to be a site of attachments to and re-imaginings of the state as postcolonial within Political Theory: Even among those who have more deeply recognized the problem of the post-racial imaginary, the acceptance of a (temporally) postcolonial account of the state continues to exercise a hold on the imaginary of Political Theory. I conclude by looking forward to the next chapter, which stages a dialogue between Deloria and Stokely Carmichael and Charles Hamilton in the context of debates about the relationship between anti-blackness and settler colonialism.

Termination-Empire and the Politics of Civic Inclusion

The narrative of civic inclusion to which Deloria's work speaks is related to the concept of the "American Creed," which replaced an earlier self-conception of US political authority and democratic selfhood. To understand these changes, let me return briefly to this earlier self-conception, which provided a radically different source of official justification for colonial rule and national narratives of political progress. As I argued in the previous chapter, US citizenship has been articulated historically as a form of standing that—not simply denying access and conveying second-class citizenship as it does vis-à-vis Blacks—also erases the presence of Indigenous peoples *as* people. This standing depended on becoming a settler in the 19th century by actively participating in the conquest and colonization of Indigenous peoples—a process that could later on be disavowed in retrospect. The explicit avowal of settler citizenship and the frontier

between civilized and savage life continued as a dominant feature of national discourse until after World War II. In the late 19th century Americans continued to image themselves as at home within “an imperial family of settler societies” (including Canada, South Africa, Australia, and Aotorea New Zealand) whose basic goals were twofold: to furnish white (at that time, predominantly Anglo) settlers with self-government and economic independence and to extract land and labor from non-settler groups.¹⁶⁵

As I gestured toward in the introduction and chapter one, this settler conception came to be replaced in the post-World War II era. Here, we have the beginnings of the politics of inclusion against which Deloria frames his argument: The “settler” self-conception I spelled out in chapter one came to be replaced by an account of the US as a “creedal nation.” The “American Creed” rewrote a history of conquest and colonization as a shared and universal history that dated back to the Declaration of Independence and the Constitution. This was a history of shared values, identities, and practices whose normative kernel was carried forward by the coherent subject of a “United States” whose history is backdated from that time to the present. Proponents of the creedal conception, by contrast with a settler society’s explicit adherence to *Herrenvolk* democracy, embraced an openness that purportedly transcended the racial exclusivity of the past. At the core of the notion of creedal nationalism is a theoretical openness to inclusion because such a civic status ceases to base itself on (those characteristics constructed as) pre-political identity markers such as race, religion, and so on. Instead, the creedal self-conception only requires attachments to this received set of civic practices and values. As

¹⁶⁵ Aziz Rana, “Colonialism and Constitutional Memory” UC Irvine Law Review 5.2 (2014), 266.

Aziz Rana points out, these values are often said to derive directly from the Constitution and the Declaration of Independence, a repurposing of a vision presented by Lincoln during the Civil War that ran headlong against the widely held notion of a white settler republic.¹⁶⁶ Swedish sociologist Gunnar Myrdal's influential *An American Dilemma*, for example, documented the extensive and long-held articulation of biological and social-scientific doctrines shoring up racial hierarchy. Despite acknowledging these views, he nonetheless argued that—as inheritors of Enlightenment rationalism—only the American Creed and the mainstays of constitutional principle constituted the central axis of the American political imagination.¹⁶⁷ Emphasizing liberalism as the predominant force in American political life, Louis Hartz lamented how liberal hegemony placed a stranglehold on political conflict. Largely ignoring the central role of racialized conceptions of nationhood, Hartz took the liberal consensus of property rights and markets as both the normative expression of American political debate and the source of its muted tones.¹⁶⁸

The “American Creed” set the terms of belonging and civic identity for a nation whose fortunes could no longer be expressed in a settler idiom affixed to frontier

¹⁶⁶ Rana, “Colonialism,” 270.

¹⁶⁷ Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* (New York: Harper & Brothers, 1944). In the introduction to the first volume, Myrdal discusses the American Creed as a distinctive form of nationalism signified through its exceptional, non-imperial foreign policy. American nationalism “therefore becomes international in its essence.” *An American Dilemma*, 5-6. As I will argue in my reading of Deloria, Myrdal's comments on the non-imperial nature of US foreign policy in a book almost exclusively dedicated to the question of racial oppression speaks to the pervasive tendency to seal off groups presumed to be incorporated into US civil society (under forms of settler-colonial and racial domination) from international practices.

¹⁶⁸ Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt, 1952).

expansion. Although no longer pitched in terms of the fixity of racial hierarchy as a principle of world order, the American Creed validated a post-war order in which US international power would justify a now putatively *liberal* but nonetheless deeply hierarchical world order, a “liberal leviathan” in John Ikenberry’s words.¹⁶⁹ In recent work, Aziz Rana emphasizes the emergence of a conception of creedal nationalism reconfiguring American power for a world where conquest by land was viewed as increasingly costly.¹⁷⁰ More central to my reading of Deloria here, the emergence of a conception of a creedal nation also produced a new (now familiar) account of historical progress and inclusion that I refer to as the “civic inclusion narrative.”¹⁷¹ Whereas the core of the American Creed is an *ontological* claim about the exceptional nature of the American polity as a civic one, unburdened of the religious, then class and imperial hierarchy and conflict endemic to Europe, the civic inclusion narrative adds a redemptive interpretation of historical temporality and a dynamic porousness to the borders of inclusion and exclusion. The civic inclusion narrative posits the central problem of justice inherited from the past as that of “exclusion.” It intimates that instances of such exclusion will emerge redeemed through progressive adherence to constitutional ideals, promising a steady, linear progress towards this realization. By positing injustice as a failure of inclusion within the terms of “American universalism,” the civic inclusion narrative

¹⁶⁹ John Ikenberry, *Liberal Leviathan: The Origins, Crisis, and Transformation of the American World Order* (Princeton: Princeton University Press, 2012).

¹⁷⁰ Aziz Rana, “Colonialism and Constitutional Memory,” 272-273.

¹⁷¹ While others have picked up on similar themes and the term “civic inclusion” is in circulation for somewhat scattered purposes, I cannot find other references to the “civic inclusion narrative” in particular. My emphasis on this as a prevailing post-World War II narrative that much of political theory has yet to let go of is the original claim captured by the term.

describes a *telos* of steady progress towards the eventual inclusion of formerly excluded subjects.¹⁷² Instances of such exclusion will emerge redeemed through progressive adherence to constitutional ideals, promising a steady, linear progress towards this realization. Thus, it frames the source of (former) oppression as *exclusion from* the dominant modes of civic identity, economic opportunity, fair treatment before the law, and so on rather than the domination of colonized and racialized subjects (which might, nevertheless, entail certain specific forms of exclusion) that persists into the present.

The civic inclusion narrative, therefore, tends to demand that challenges to injustices fall within the terms of inclusion/exclusion. To resolve “past” injustice, the polity must further extend this universal to excluded others. By obscuring how formative practices of extraction, dispossession, and colonization have been to shaping the very territorial grounds and political economy of the US and other settler-nation-states—ironically revealed in Roosevelt’s own worries about the anti-colonial entailments of anti-imperial critique—the civic inclusion narrative makes it peculiarly difficult to formulate a political project that challenges the inclusion/exclusion frame. Because they come out in the historical wash, histories of injustices emerge less as occasions to doubt the coherence of the narrative than aberrational moments functioning as markers on an upward path of

¹⁷² Drawing from historian John Higham, Nikhil Singh defines “American universalism” as a doctrine in which “The inclusiveness of U.S. nationality and citizenship is said to derive from an egalitarian tradition of civic nationalism that distinguishes the United States from nation-states with ethno-racial conceptions of the polity, or ones in which national belonging is defined by kinship, primordial attachments, and a metaphoric of blood. Civic nations like the United States are theoretically open to anyone, and the political community that comprises the nation-state is made up of no one in particular.” Nikhil Pal Singh, *Black is a Country: Race and the Unfinished Struggle for Democracy* (Cambridge: Harvard, 2004), 18.

progressive social change. Moreover, the civic inclusion narrative obscures how historically recent efforts at leveling racial and colonial hierarchy actually are. Rather than emerging as a structural dynamic closely wedded to ongoing state-formation that doubles for Indigenous peoples as empire-formation, practices of dispossession, military conquest, and racialized extraction appear as remote, singular, (even) fundamentally alien instances of past misjudgment and mismanagement. As I later argue, even more recent efforts that seek to shed some of the metaphysical baggage and amnesiac tendencies of the civic inclusion narrative still frame the problem on the terms of inclusion/exclusion, thus displacing the processes of empire-formation that underlie these dynamics of incorporation.

Deloria's work brought in a colonial frame to analyze the stakes of this transformation within American national identity and post-war political thought. For him, disentangling this creedal identity from currents of explicitly colonial hierarchy obscured the ways in which civic inclusion itself justified ongoing practices of colonial enclosure. The civic inclusion narrative tells a story about the *incorporation* of previously excluded groups into the nation-state. Attuned to the double-edged results of such incorporation, Deloria dwelled on the resonances between explicitly racialized discourses that have legitimated colonial violence and those more subtly raced narratives justifying the ongoing dispossession of Indigenous peoples. For Deloria, the civic inclusion narrative represented a new form of colonial enclosure—though one that in practice demanded careful negotiation with extant institutions because of the precarious position of Indigenous peoples “within” the US nation-state. While the settler self-conception

obviously had devastating consequences for Native peoples in the 19th century, the results of the triumph of the creedal conception and the civic inclusion narrative for Indigenous peoples have been less examined in the analysis of American Political Thought and the broader transnational exchanges that constituted a now purportedly “color-blind” post-war liberalism. Indigenous post-war critics, Deloria especially, delivered pointed insights about the colonial and racial practices and processes occluded within the frame of civic inclusion affixed to the nation-state.

Having witnessed the damage done to Indigenous communities by the Termination and relocation policies in his time in the NCAI, the police violence encountered by Lummi, Puyallup, Tulalip, Nisqually, and other treaty fishing tribes in the Pacific Northwest since the early 1960s, the US War in Vietnam, and the racial politics of his own childhood in South Dakota, Deloria developed a more radical critique of the civic inclusion narrative. He connected the predicament of Indigenous peoples to deeper currents of US imperialism manifest within the dynamics of the Cold War but not unique to it. Unlike proponents of the civic inclusion narrative and the responses these elicited from previous Indigenous activist-theorists, Deloria recognized the political implications of US historical amnesia over the settler self-conception and the profound ambivalence to the emancipatory ambitions of colonized peoples at the heart of this move towards nominal inclusivity within post-war liberalism.

The Empire of Settler Sovereignty

Building from this analysis of these undercurrents of colonial valuation within US political culture, Deloria rejects this logic of inclusion/exclusion as the frame of civic and

cultural identity in favor of an analysis attentive to concrete practices of colonial rule and dispossession. In his interpretation of Deloria, Kevin Bruyneel focuses on the way that Indigenous politics *transgresses* this inside/outside binary. More than creating a different spatial orientation to political life—what Bruyneel labels a “third space of sovereignty”—Deloria also delivered a powerful critique of these very practices of boundary-drawing as an artifice of the civic inclusion project.¹⁷³ He directly confronted the historical amnesia of the civic inclusion narrative about the centrality of empire and white supremacy to national self-conception. In contrast to the way the civic inclusion narrative obscures links between US imperial expansion and “domestic” colonial rule, Deloria argued that these should be regarded as tied to a settler self-conception obscured by the moralizing features of the rhetoric of civic inclusion:

The Indian wars of the past should rightly be regarded as the first foreign wars of American history. As the United States marched across the continent, it was creating an empire by wars of foreign conquest just as England and France were doing in India and Africa. Certainly the war with Mexico was imperialistic, no more or less than the wars against the Sioux, Apache, Utes, and Yakimas. In every case the goal was identical: land (51).

Deloria reminded his audience of the international links between US wars of conquest waged against Indigenous peoples and those of other European nations, ones which were self-evident to those sharing in the explicitly white supremacist settler self-conception of the late 19th and early 20th century. The War in Vietnam played a crucial role in Deloria’s rhetoric: If to some critics of the war, it represented a singular and disappointing moment of imperial hubris and miscalculation, Deloria reminded even those critical of empire that

¹⁷³ Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations* (Minneapolis: University of Minnesota Press, 2007), 1-26.

the current wars needed to be understood as *repetition*. By drawing his audience back to the formation of what I have called settler citizenship, Deloria insisted that the sense of newness attributed to the brutal counter-insurgency in Vietnam rested on a convenient disavowal of those foundational violences of conquest and colonization.¹⁷⁴ Rejecting the commonplace myth of isolated “settlement” of the continent, Deloria drew parallels among these “wars of foreign conquest.” In doing so, Deloria spurred critics of US empire to view it neither as a relic of the 19th century moment of colonial war, territorial annexation, and the era of Progressive Imperialism nor a more recent aberration of Cold War logics born of a world riven by civilizational conflict. Rather, Deloria reminded his readers that Indigenous peoples knew the US to consistently embody “a militantly imperialistic world power eagerly grasping for economic control over weaker nations” (51).

Deloria’s analysis of US empire and insistence on tracing contemporary imperial practices to settler-colonial foundations allowed him to reframe the stakes of the debates about Termination. I focus on the political dimensions of his analysis of Termination, which proves especially apt in diagnosing both how settler states represent their core projects as postcolonial and in centering the ongoing colonial violence taking place under

¹⁷⁴ In a personal letter, Deloria further drew parallels between the Wounded Knee and Sand Creek massacres and the then-recent My Lai massacre: “I feel that when American troops massacre 500 odd Vietnamese, when Green Berets assassinate individuals without due process, then certain historical parallels can be drawn between contemporary American foreign policy and the Sand Creek and Wounded Knee massacres of innocent Indians by US Cavalry and the political assassinations of Crazy Horse and Sitting Bull in the last century.” Letter to Charles Isaacs. November 25, 1969. 1969 Correspondence folder, Box 15: Chronological Correspondence. Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library.

this postcolonial sign of emancipation. Like current theorists James Tully and Glen Coulthard, Deloria identified colonization as a process of land expropriation that builds the territorial foundations of settler sovereignty.¹⁷⁵ In its effects, such practices erased Indigenous peoples from their own lands, yet Deloria added that the discourse of civic inclusion ironically staged such erasure as an extension of citizenship rights, a form of emancipation. Insisting on the ongoing fact of such practices, Deloria submitted that dispossession did not end in 1890 but continued into the present both in the ways that settler societies symbolically appropriated indigeneity and the ongoing territorial imperative underpinning state-formation. In other words, territorial sovereignty *itself* continued to function as a key, ongoing expression of US imperial power.¹⁷⁶ He evaluated imperial expansion as a set of continuous practices and processes of which the wars of conquest—the original continental fronts and fields of empire—served in the

¹⁷⁵ James Tully, “The Struggles of Indigenous People of and for Freedom,” in *Political Theory and the Rights of Indigenous Peoples*, eds. Duncan Ivison, Paul Patton, and Will Sanders, (New York: Cambridge, 2000): 36-60; 39. See also Glen Coulthard, who draws on Marx’s concept of primitive accumulation to cast colonialism as “structural dispossession.” Coulthard, *Red Skins, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota, 2014), 36-58.

¹⁷⁶ Deloria recognized that territorial conquest already appeared anachronistic and unnecessary in a world defined by nuclear power, yet insisted that settler conquest remained the repressed precondition of empire more broadly understood. I take it that Deloria attempted to document the way the US settler state—including the US military and the Army Corps of Engineers—appropriated Indigenous lands directly before and after World War II in part to show that to assume anachronism (even among New Left critics of empire) disavowed Indigenous presence and political subjectivity. Despite the supposed anachronism of outright land-based conquest in the era of decolonization, the US settler state continued to “conquer”—that is, expropriate—Indigenous land via the legal and political apparatus of the state itself. Therefore, territorial sovereignty continued to function as a key, ongoing expression of US imperial power. See Deloria’s empirically rich chapter on Termination. *Custer*, 55-77.

repressed settler imaginary as the symbolic and material archetype for later imperial aggression:

When the frontier was declared officially closed in 1890 it was only a short time before American imperialistic impulses drove this country into the Spanish-American War and the acquisition of America's Pacific island empire began. The tendency to continue imperialistic trends remained constant between the two world wars as this nation was involved in numerous banana wars in Central and South America (51).

These wrongs are foundational to the settler state, connecting past imaginaries of the "frontier" to present ones. Moreover, they cannot be superseded or rewritten so as to pretend that the constitutional vision was always an implicit universal, as the American Creed implies: "There has not been a time since the founding of the republic when the motives of this country were innocent." (51).

"When one considers American history in its imperialistic light," Deloria contended, "it becomes apparent that if morality is to be achieved in this country's relations with other nations a return to basic principles is in order" (51). Deloria theorized this "return" by dwelling on these continuities with other imperial projects as well as the specificities of US formations of settler colonialism. From this vantage point, an anti-colonial practice explicitly rejects the notion that an implicit universalism of constitutional principles need only be *realized*. Deloria tied treaty rights to a systematic program of rectifying the past, what would later become proposals for massive agrarian reform that are only foreshadowed in *Custer*. Deloria argued that any future policy must not be based on civic inclusion but on the "general policy of restitution for the past." This policy would include "definite commitments to fulfill extant treaty obligations," land restitution, and the recognition of non-recognized tribes. Deloria writes, "The

government has responsibility for the Indian estate because of treaty commitments and voluntary assumption of such responsibility.”¹⁷⁷

Unlike the jeremiad, which might tie reconstruction to a return to basic principles and to the demand that the US live up to those constitutional principles, Deloria’s manifesto focuses on how the conditions of expanding settler nationhood have been the destruction of Indigenous claims to political power. In this sense, his focus is not on resuscitating or living up to the old (or the normative kernel of the values that came before) but on calling forth the new: “A new sense of moral values must be inculcated into the American bloodstream.”¹⁷⁸ The “basic principles” Deloria mentions are not located within the constitutional order but in its potential reconstruction on different terms that have never existed because of the longstanding commitment to empire as a condition of settler citizenship. This demand is less a return to any previous or *original* condition than an imagined possibility of what could have been had the US not “abruptly change[d] from treaties to a program of cultural destruction”—a reference to the 1819 Civilization Fund Act (49). That Bill authorized \$10,000 annuities “for the purpose of guarding against the further decline and final extinction of the Indian tribes, adjoining the frontier settlements of the United States” and “for introducing among them the habits and arts of civilization.”¹⁷⁹ He argued, then, that relinquishing “cultural and economic imperialism” and respect for treaties are the indispensable *condition* of co-existence but one to which there is no untainted past to return because treaties everywhere have been

¹⁷⁷ *Ibid.*, 13.

¹⁷⁸ *Ibid.*, 53.

¹⁷⁹ Francis Paul Prucha, ed., *Documents of United States Indian Policy*, 3rd edition (Lincoln: University of Nebraska Press, 2000), 33.

an irreducibly colonial instrument of power and possession in the United States: “In looking back at the centuries of broken treaties, it is clear that the United States never intended to keep any of its promises” (48).

Whereas the civic inclusion narrative predicts the relatively linear extension of civil rights claims as a condition of expanding claims to universal citizenship, Deloria observed how such practices actually produce the increasing dissolution of Indigenous rights, land title, and sovereignty. To understand this pattern, Deloria looked to the past as a source of the ideological foundations of dispossession.¹⁸⁰ In *Custer*, he planted the seeds of a legal and constitutional analysis that he pursued in future works—one that began with the transnational ideological roots of practices of conquest and colonization.¹⁸¹

Termination Between Past and Future

Recall that Termination was framed, however disingenuously, as a mode of repair.

According to its supporters, Termination was a way of undoing persistent structures of disadvantage and “freeing” Indigenous peoples from the poverty and despair of reservation life so that they could share in the presumed benefits of US citizenship.

Deloria rejects this logic of civic inclusion, which was tied to a sense that settlers “know” what Indigenous peoples desire, and reframed such inclusion as a form of violence

¹⁸⁰ In *Custer*, Deloria described the Doctrine of Discovery, which “negated the rights of the Indian tribes to sovereignty and equality among the nations of the world. It took away their title to their land and gave them the right only to sell” (30). Adopted explicitly by Justice Marshall in *Johnson v. McIntosh*, “discovery gave the United States exclusive right to extinguish Indian title of occupancy either by purchase or conquest” (31).

¹⁸¹ Chapter four deals with Deloria’s more extensive engagement with these issues in works such as *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (Austin: University of Texas, 1974).

connected to the longer history of state-building and forming settler citizenship atop Indigenous lands. By creating conceptual resonances between frontier genocide and the state violence produced through Termination, Deloria confronted the ways in which the civic inclusion narrative obscured the *contemporary* reality of such practices. Deloria referred to Termination as the “great twentieth century Indian war” (62):

Just the last two decades have seen a more devious but hardly less successful war waged against Indian communities...In the past they were systematically hunted down and destroyed. Were an individual citizen to do this it would be classified as cold-blooded murder. When it was done by the U.S. Army it was an ‘Indian war’ (54).

Because Indigenous peoples were *outside* US law and their own legal and political orders were not regarded as sufficiently “civilized” (9), Deloria pointed out that Indigenous peoples were automatically seen as in a Hobbesian state of war. Using this analytic of “war,” Deloria described Termination as “a combination of the old systematic hunt and the deprivation of services” (54). Deloria’s use of war certainly resembles Michel Foucault’s well-known “inversion” of Clausewitz’s aphorism, which cast power—at least temporarily for Foucault—as a “continuation of war by other means.”¹⁸² However, I read Deloria’s recovery of the language of war as more than a way of showing how certain techniques become normalized as instruments of discipline. Reading Deloria as a political activist, I would argue that his use of the language of war redirects the kind of “wrong” at stake away from the harm of exclusion and toward the ongoing harm of colonial injustice. If the former represented the state as postcolonial—and thus having moved past practices of conquest—the latter necessitated drawing direct and rhetorically aggressive

¹⁸² Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-1976* (New York: Picador, 2003), 15-19.

links between past wars and present “wars” that functioned through the (“more devious but hardly less successful”) mechanisms of violence now claimed as instruments of inclusion by the settler state. Deloria was echoing a critical theme in circulation among other Indigenous activists throughout the 1960s, which sought to challenge some of the constraints of Cold War repression. Mel Thom (Walker River Pauite), an activist with the National Indian Youth Council, referred to Termination as a “cold war.” For Thom, opposition to Termination represented a “last resistance” that would determine whether Indigenous peoples would survive at all as distinct peoples.¹⁸³ Deloria’s analysis of Termination as a form of war likewise reframed what the dominant society regarded as domestic social policy into a matter of violent conflict that reflected the views of many Indigenous peoples that this was international relations.

To this end, I argue, Deloria honed in on the false claim that Termination merely was a matter of providing equal citizenship rights to Indigenous peoples and redirected his audience back to its actual effects. Civic inclusion under these conditions actually enabled the erosion of Indigenous sovereignty, rights, and land title. Referring to Watkins and the other senators who pushed the Termination policy, he contended, “it was thought that it would provide the elusive ‘answer’ to the Indian problem” (55). Indeed, Termination was “heavily disguised as a plan to offer the Indian people full citizenship rights”—in other words as continuous with the project of progressively realizing the civil rights of excluded subjects (76). Of course, as Deloria pointed out, Indigenous peoples had been enfranchised in 1924 under the Indian Citizenship Act, so they already had (at

¹⁸³ Thom, quoted in Stan Steiner, *The New Indians* (New York: Harper & Row, 1968), 43.

least formal) full citizenship rights. What the Termination policy did seek to accomplish was either to explicitly revoke their citizenship within their own nations, or weaken the claims to sovereignty and jurisdiction of those nations to the point that exercising such citizenship in any meaningful way would prove difficult.

Termination proponents, thus, drew from a set of discursive practices that also served as a technique of enclosure. As a political technology, it became no less than “a weapon against the Indian people in a modern war of conquest” (76). More than a limited frame that needed to be expanded to include cultural “difference” within a still-universal project of incorporation, Deloria pointed out that the extension of citizenship could serve the political function of *reproducing* practices of colonization and conquest. When it became obvious that the policy did not actually encourage integration on the terms of the civic inclusion narrative—when “it proved to be no answer at all”—“Congress continued its policy, having found a new weapon in the ancient battle for Indian land” (55). What struck Deloria about the “weapon” of Termination was that it “was not conceived as a policy of murder,” whereas the ascriptive inegalitarianism of white settler nationhood transparently licensed wars of elimination in just such a way through an explicit conception of civilizational hierarchy (54-55).

Deloria’s point here can partly be captured by what Joel Olson referred to as the ‘ideals/practices’ dichotomy: When framed as a gap between aspirational egalitarian ideals and inegalitarian practices, one misses the way in which (here) colonial practices have been integral to creating the very subject-positions through which such ideals are

embodied.¹⁸⁴ Put otherwise, one misses the way in which colonial practices of *replacing* Indigenous peoples have shaped those very ideals—and not simply in their application. Thus, when ideas like “civil rights” or “integration” themselves are used to justify the expropriation of Indigenous lands, they may shore up the normative status of settler citizenship and become part of an arsenal of dispossession. This possibility becomes sharper, too, when we examined how the (disavowed) settler self-conception would view these tight connections between assimilation, dispossession, and standing in the polity as self-evident—as requiring no explanation because they so obviously created the conditions for settler self-rule. There was no contradiction between equality of principle and inequality of practice to disentangle on this conception of the nation. Political theorists, I will argue, ought to be more attentive to the ways these terms only come to be contradictory to settler colonial rule when political action makes them so, as Deloria and his generation of Indigenous theorists and activists sought to accomplish. Assimilation, Deloria observed, always appeared historically as the handmaiden of dispossession, no less in this reformulated post-war politics of inclusion that denied the constitutive settler-Indigenous binary: “There was never a time when the white man said he was trying to help the Indian get into the mainstream of American life that he did not also demand that the Indian give up land” (173). Rather than invoking inclusion as an “unalloyed ideal,” as Olson puts it, or even a tainted ideal that can be polished and recovered, Deloria first showed the work of violence such inclusionary promises did in the present and shifted his audience’s attention to the real need for self-determination.

¹⁸⁴ Joel Olson, *The Abolition of White Democracy* (Minneapolis: University of Minnesota Press, 2004), xii-xvii.

Rethinking Custer

The rhetoric of Deloria's manifesto here, then, was aimed at differently investing his audience in the ongoing stakes of colonialism as a project that bound them to a past for which they could not simply be let off the hook. In this vein, Deloria traced the ways in which the civic inclusion narrative configures colonial dynamics as past aberrations from the American Creed, which can then be rectified via inclusion. In particular, he draws attention to the way the *temporal* qualities of this narrative manifest in subjective dispositions allowing settler society to disavow the reality of contemporary practices of enclosure by disavowing the presence of Indians at all: "People often feel guilty about their ancestors killing all those Indians years ago. But they shouldn't feel guilty about the distant past." (54). As police, the judiciary, wardens, and state officials violated treaty rights, "the general public has sat back, shed tears over the treatment of Indians a century ago, and bemoaned the plight of the Indian" (41). These responses acknowledged and lamented racialized violence in the *past*. Yet by directing this guilt toward the past, such reactions also assumed that this past could be lamented and insulated from present practices. Countering these responses that foregrounded the past as the site of spectacular—and, therefore, worse—violence, Deloria reversed this temporal script: "The tragedy of the past is that it sets precedents for land theft today..." (30).

In this vein, the title—*Custer Died For Your Sins*—analyzed this tendency to make past episodes of "exclusion" aberrational to the progressive expansion of rights, and thus to encourage dispositions that substitute "guilt" for the acknowledgment of ongoing colonial injustice that might conjure political action based not on misplaced

sympathy but real solidarity. Deloria took advantage of George Armstrong Custer's resonance in both American political culture and common Indigenous movement jokes to address settler society's investment in the sort of racial and colonial paternalism that would disavow empire as a question of inter-generational justice. The myth of "Custer's last stand" as a "grand fable of national redemption and Christian self-sacrifice" in particular functions as Deloria's foil.¹⁸⁵ The title, I argue, works at two levels to deconstruct this political function of the civic inclusion narrative.¹⁸⁶ As a pedagogical device, Deloria pushed his readers to reflect on inheritance and responsibility. "Guilt" allowed personal dissociation from the Custer figure, which would imply that settler society had moved past the counter-insurgency doctrine Custer embodied. Deloria rejected this costless disassociation, which may have had more to do with the psychic needs of settlers to imagine Indigenous peoples as an "alternative to a civilization gone wrong."¹⁸⁷ Again, while this position opened up relatively more space for settlers expressing a kind of solidarity with Indigenous peoples, it still centered the psychic and political needs of settlers and displaced actual colonial structures.

Indeed, Americans in the 1960s, Slotkin argues, were yet again reimagining the myth of Custer's last stand. In this iteration, many came to embrace an "anti-Custer" myth through popular films. In Slotkin's words, "the traditional identification of the

¹⁸⁵ Richard Slotkin, *The Fatal Environment: The Myth of the Frontier in the Age of Industrialization, 1800-1890* (New York: HarperCollins, 1985), 11.

¹⁸⁶ In order to understand the importance of Custer, the general the Minneconjou Lakota, Northern Cheyenne, and Arapaho famously defeated at Little Big Horn, Deloria explained the many variants of jokes among Indigenous people that revolve around two figures: Custer and Columbus. *Custer*, 147.

¹⁸⁷ Richard Slotkin, *The Fatal Environment*, 17.

audience with the cavalry was inverted, and we were asked to see the bluecoats as murderous ‘savages’ and killers of women and children, and the Indians as defenders of pastoral values, hearths, and homes.”¹⁸⁸ Deloria’s analysis of Termination as a rearticulation of state violence needled settlers who had not yet earned the right to disidentify from Custer. Such a reversal could not be politically meaningful insofar as this reimagining depended on disavowing how settler citizenship continued to be enabled through this violence against actual, present Indigenous peoples. Deloria admonished settler society that “*Custer* died for your sins” in order to draw a continuity between the symbolic representatives of the political community of the mid-19th century and the unacknowledged preconditions of the contemporary political order in disavowed dispossession.

By drawing this continuity, Deloria chastised settlers and questioned their (our) right to disavow Custer so easily. Consistent with what I have taken to be his broader project of tracing the continuities between past and present to center this disavowal of settler citizenship, this symbolic connection allowed him to stage the common experiences of his widely diverse Indigenous audience against an other. Deloria saw such humor as having multiple functions. Jokes about both Columbus and Custer—often poking fun at each of them as hapless dolts—gave “a solid feeling of unity and purpose to the tribes.” It brought people to a “militant edge.”

Yet humor also encouraged a kind of solidarity with non-Indigenous peoples on different terms than the sympathetic (perhaps, pitying) and ethnographic gaze attributed

¹⁸⁸ Ibid., 17.

to settlers in the opening pages and in more literal terms in the chapter on anthropologists. In this sense, humor allowed for the common exploration of “circumstances that would not make sense if presented in other than humorous form” (147). With policies like Termination often framed through a self-justifying logic, humor could reveal the connections between past and present and cut through the absurdity of this apparently endless repetition of Custer’s crimes—now committed under the seemingly unassailable good of inclusion. Here, humor also allows settlers to come into the picture somewhat as accomplices, but only on terms dictated by Indigenous peoples. Here, then, there is a congruence between the work of humor in the book as a whole and Deloria’s chapters on missionaries and anthropologists, which tried to directly reverse the presumed hierarchy of who was in charge and whose knowledge counted as legitimate in the course of political struggles.

On another level, Deloria mocked the *form* of US narratives of emancipation. Civic inclusion secularized a Christian moment of redemption of the past, misconstruing the reality of an ongoing process of occupation. Conscious of the role of missionaries as the avant-garde of conquest from Father Junipero Serra in California to missionaries in the Residential and Boarding School systems, Deloria used the Christian idiom of sin to defang this narrative in a doubly ironic way. The first irony was simply that the US could not recognize Custer’s violation of the Treaty of Fort Laramie (1868) as a sin even on its own terms: To substitute Custer for such an archetypal figure of redemption and reconciliation as Jesus recalled how this redemptive logic displaced questions of colonial rule. “Originally,” he explained,

...the Custer bumper sticker referred to the Sioux Treaty of 1868 signed at Fort Laramie in which the United States pledged to give free and undisturbed use of the lands claimed by Red Cloud in return for peace. Under the covenants of the Old Testament, breaking a covenant called for a blood sacrifice for atonement. Custer was the blood sacrifice for the United States breaking the Sioux treaty. That, at least originally, was the meaning of the slogan (148).

Deloria submitted that the Lakota—the non-Christians, those supposed to be outside the community of those redeemed of sins—punished the US for the crime of treaty breaking. Treaty breaking could not yet be acknowledged *as a crime* because of the supposedly redemptive character of civic inclusion.

Deloria also turned to the language of sin to lampoon the structure of narratives of redemption, including the civic inclusion narrative. By inserting Custer—who he labeled the “ ‘Adolph Eichmann’ of the nineteenth century’—for Christ (24), Deloria reframed the Christian moment of redemption as a comically inadequate response to practices of colonization and erasure. Alive to the experiences of the Holocaust and Nazi racial doctrine as one driver of the US’ partial turn to nominally color-blind discourses of civic identity, Deloria equated two figures—Custer and Eichmann—who both represented the pitiful banality of differently constituted genocides. That Custer could at once be Eichmann and Jesus—both functionary and messiah—alerted readers to the impossibility of narrating settler political development on the redemptive terms central to the civic inclusion narrative.

As I argued in contrasting the jeremiad with the manifesto, Deloria’s upbraiding of this dominant narrative form spoke to the role of redemption, then, as an idiom that both seems to promise the reconstitution of political community and yet is itself driven by

nationalist concerns. Prophecy did play a role in critical languages specific to different Indigenous communities: Deloria cites the Hopi prophet Thomas Banyaca (114). But prophecy was not deployed in an ambivalent relation to the narrative of an exceptional, “redeemer nation,” in George Shulman’s terms.¹⁸⁹ Rather, Deloria pointed out that the very narrative form inherent in prophecy tended to mobilize a culturally specific model of redemption that exempted some crimes from being seen as having a present hold on contemporary questions of justice. Although otherwise flexible as an ambivalent language of critique and democratic futurity, Deloria suggested that prophecy could serve to privilege an affective reconciliation as a substitute for political restitution because of the intractable nature of settler colonization. As Deloria put it, though often framed in the cultural terms of assimilation or the emancipatory language of inclusion, “The problem is and always has been the adjustment of the legal relationship between the Indian tribes and the federal government, between the true owners of the land and the usurpers” (174). Here, this “adjustment” can only occur insofar as practices of colonization are centered and the presence and practices of Indigenous peoples are front-and-center as a present force.

Legacies of Civic Inclusion and Indigenous Critical Theory

Although I have treated the question of civic inclusion thus far as primarily one that is temporally bound to an era of Termination, “Termination” continues to signify to many the diffuse threat of elimination underlying any settler politics.¹⁹⁰ So, too, does the civic

¹⁸⁹ Shulman, *American Prophecy*.

¹⁹⁰ In 1972, the NCAI debated whether Nixon’s “self-determination” policy was a new form of termination. “Self-Determination or Disguised Termination: Let’s Be Certain.

inclusion narrative continue to inform present articulations of American—and, again, more broadly Anglo-settler—political thought. Deloria’s critical intervention continues to resonate, then, since some in political theory continue to equate inclusion with emancipation. To be sure, successive generations of political theorists have rejected complacent progress narratives in favor of analyses attentive to similarly entrenched forms of domination. Yet the civic inclusion narrative continues to stalk the mainline political theory of settler-colonial polities, deflecting critics away from analytic resources and alternative political practices that confront colonial injustice in more direct terms. As I will argue in a more expansive form in the next chapter, this displacement of questions of empire-formation may have as much to do with the way political theorists have responded to the legacies of the Black freedom struggles and the Black radical tradition as it does with the erasure of Indigenous critics from the canon.

Here, I briefly want to mark how inclusion continues to be framed as a (perhaps *the*) central way of interpreting the struggles of marginalized groups within US political space, which displaces the questions of colonialism and decolonization that Deloria centered. Although refusing the civic inclusion narrative’s teleological impetus and amnesiac qualities, Judith Shklar’s well-known account of citizenship posits inclusion/exclusion as the central frame through which to interpret the political struggles

NCAI 29th Convention, October 1972.” Box 21, Folder 3, National Museum of the American Indian Archive Center, Smithsonian Institution. The language of Termination, it should be noted, also appears frequently in reference to ongoing and contemporary efforts to dissolve Indigenous nations. Gabriel S. Galanda, “Back to the Future: the GOP and Tribal Termination,” *Indian Country Today*, September 8, 2015, <http://indiancountrytodaymedianetwork.com/2015/09/09/back-future-gop-and-tribal-termination>

of marginalized subjects. Shklar interprets citizenship as a form of “social standing” emblemized by two central sociopolitical practices linked to the extension of civil rights: voting and earning.¹⁹¹ For Shklar, black chattel slavery defined full citizenship in the sense that the value of full citizenship was “derived primarily from its denial to slaves, to some white men, and to all women.”¹⁹² While more forthrightly depicting the way the legacies of slavery have haunted US political debates than Myrdal’s creedal logic would allow, Shklar still interprets the political experiences of (all, or perhaps, most) marginalized subjects as a “quest for inclusion” primarily affixed to the project of civil rights.

Rogers Smith rejects the civic inclusion narrative’s linear account of progress for a more sophisticated narrative that recognizes the possibility of both progress and regress and the ways in which racially emancipatory movements face conservative backlash. Smith retains the focus on inclusion within American Political Thought—a category that again fails to acknowledge the convergence of policy around terminations across the Anglo-settler world. While inclusion remains at one level the emancipatory thread of the US canon, Smith does parse the narrative of American Political Thought as one of multiple traditions with liberal and democratic-republic threads arrayed against “inegalitarian ascriptive” ones.¹⁹³ By casting “egalitarian” and “ascriptive” currents as

¹⁹¹ Judith Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge: Harvard University Press, 1991), 2.

¹⁹² Shklar, *American Citizenship*, 16.

¹⁹³ Rogers Smith, *Civic Ideals Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997); Rogers Smith, “Beyond Tocqueville, Myrdal, and Hartz: The Multiple Traditions in America.” *The American Political Science Review* 87.3 (September 1993): 549-566.

contradictory threads, Smith implies that the ideological sources of domination reside primarily in this ascriptive track. In other words, Smith's work tends to suggest that it is theories organized around racial hierarchy that promote colonial regimes. While his more recent work does do more to acknowledge how "post-racial" imaginaries have become dominant ways to perpetuate racial orders in the present era, consider how little this does to dislodge the dominance of "postcolonial" imaginaries in settler-colonial political space and time.¹⁹⁴ When egalitarian currents (democracy, civil rights, etc.) gain the upper hand, Smith then allows that racial domination will emerge transfigured—if only temporarily. By contrast, theorizing settler state-formation itself as a mode of ongoing empire-formation (however deeply vernacularized in the idiom of inclusion) calls for an analysis of the pervasive interconnections between democratization and colonization, which Deloria's acerbic work provides. The question that goes unaddressed in Smith's opposition between ascriptive and egalitarian modes of political discourse is the one addressed by Deloria when he analyzes the Termination policy: That is, how does a contemporary language of nominally inclusive citizenship disavow and neutralize the conditions under which that settler citizenship has been achieved? Indeed, as I have argued, Deloria's early writing here introduces a critique that directly addresses the ongoing political function of the civic inclusion narrative, which actually licenses certain democratic governing practices that perversely (attempt to) weaken the rights and institutionalized power of Indigenous peoples.

¹⁹⁴ Among other works, see Smith and Desmond King, "Racial Orders in American Political Development," *American Political Science Review* 99.1 (February 2005): 75-92.

Richard Rorty's pragmatist polemic against what he thinks of as cynical, anti-nationalist left-academic currents also differently reveals how attachments to the civic inclusion narrative continue to displace empire-formation. Consistent with his broader philosophical project, Rorty's goal in *Achieving Our Country* is to throw off the metaphysical baggage associated with liberal progress narratives but recover a basically humanist ideal of expanding the circle of humanity. Yet the logic of "achieving our country" simply secularizes the idea of realizing the inclusive core of the American Creed by reading "redemption" in a somewhat more historicist, and linguistically bound, manner. Tellingly, Rorty lumps in Leslie Marmon Silko, the Laguna Pueblo novelist and poet, among those "academics" who are not sufficiently nationalist in their orientation.¹⁹⁵ Here, then, we see a direct glimpse of how hanging onto the project of civic inclusion erases both the specificity of Indigenous critiques—Silko is a nationalist of a kind, just not for the US—and the ways in which such critiques challenge pervasive attachments to empire-formation channeled through the "achievement" of a national project.

To be sure, Shklar, Smith, Rorty, and others seeking to refashion accounts of American Political Thought dispense with at least some of the triumphalist complacency born of the civic inclusion narrative's Cold War emergence. Yet such a thread continues to tell a story about the progressive incorporation of previously excluded groups into the nation-state by framing those struggles primarily in terms of the harms of exclusion from citizenship. Casting struggles against domination through the lens of social exclusion displaced another frame that Deloria had developed precisely in response to the double-

¹⁹⁵ Richard Rorty, *Achieving Our Country: Leftist Thought in Twentieth Century America* (Cambridge: Harvard University Press, 1998), 6.

edged effects of inclusionary politics: colonial injustice and its conceptual and political undoing through a politics of decolonization. Focusing on these questions must come with the demand that political theorists actually center the questions of present repair that Indigenous activists and theorists have historically centered.

As Indigenous Studies scholars have more recently argued, grafting this narrative of inclusion—a kind of truncated and problem-ridden appropriation of Black freedom struggles, to be sure—rests on the displacement and erasure of a politics of decolonization. Kānaka Maoli scholar J. Kēhaulani Kauanui warns against the conflation of racial inclusion with Indigenous nationhood and cites the insufficiency of civil rights discourse as such for Indigenous peoples, since more recently the language of “equal rights” has been co-opted and deployed in neoconservative anti-treaty and anti-sovereigntist movements from Hawai’i to Connecticut.¹⁹⁶ Chickasaw theorist Jodi Byrd has argued that “when remediation...is framed through discourses of racialization that can be further redressed by further inclusion into the nation-state, there is a significant failure to grapple with the fact that such discourses further reinscribe the original colonial injury.”¹⁹⁷ Byrd emphasizes the insistent way that inclusion is reactivated, remaking injustice as only a problem of racial injustice—again, understood on a very truncated model of racial (in)justice—across a number of discursive fields.

By giving serious attention to Deloria’s work, my aim, then, is to resurrect an exemplary alternative intellectual history of critical Indigenous theory cued into the very

¹⁹⁶ J. Kēhaulani Kauanui, “Colonialism in Equality: Hawaiian Sovereignty and the Question of US. Civil Rights,” *South Atlantic Quarterly* 107.4 (Fall 2008): 635-650.

¹⁹⁷ Jodi Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), xxiii.

settler-colonial formation of Termination that originally grafted the language of the early civil rights movement onto Indigenous politics. In other words, recognizing precisely the logic that Kauanui and Byrd would later critique—the redeployment of the language of civil rights to repress colonial injustice—Deloria’s work addressed these dynamics just as they were emerging. If the civil rights movement provided much of the impetus behind the energetic reformulation of political theory to address the racialized legacies of chattel slavery in the form of contemporary anti-blackness, reading alongside Deloria pulls at an alternative thread of critique and political practice. By turning to Deloria, intimations of the imaginary we now call “post-racial” and the imaginary that we do not often enough call postcolonial are placed in relation to one another as entangled yet analytically separable ways of covering over different forms of domination, a phenomenon I address in the following chapter. Deloria acknowledges the power of civil rights discourse as a response to racialized injustice yet also insisted on the way inclusionary claims could be marshaled to pursue colonial-imperial projects. Read in dialogue with other decolonizing works of the later 1960s such as Martin Luther King’s interrogation of the Vietnam War and Stokely Carmichael (Kwame Ture) and Charles Hamilton’s influential *Black Power* (which is the central purpose of chapter 3), Deloria’s intervention speaks to an alternative tradition of decolonization central to scholars of Indigenous Studies but erased as a condition of constructing citizenship as implicitly a settler citizenship. In other words, this citizenship is internally diverse—perhaps even multicultural—yet bound together by pervasive attachments to the civic inclusion narrative and, thus, the disappearing grounds of colonial injustice.

As Jodi Byrd has argued, once “Indigenous lands have been reconstellated as the metropole, indigeneity itself becomes the site of inclusive remediation.”¹⁹⁸ As I have cautioned, US political theory gains a kind of internal coherence by (sometimes unwittingly) participating in the reformulation of such investments in inclusionary practices. This coherence, I have argued, is intricately bound up to the questions of genre (jeremiad vs. manifesto); the constitution of civic identity in relation to the state (settler-colonial vs. postcolonial); and the markers and criteria of political progress (inclusion vs. decolonization) that construct political theorists’ expectations of what constitute familiar demands for freedom and justice. Such investments in inclusionary practices are often remade without considering the potentially divergent projects of emancipation arising from these distinct but interconnected modes of domination—of anti-blackness and settler colonialism. What I have called the civic inclusion narrative disavows practices of empire-formation, recasting colonization as an emancipatory project of including Indigenous peoples into the US polity. Deloria’s colonial analysis of Termination within the broader scope of successive US imperial-colonial regimes acutely reveals that “equality” and “inclusion” are dependent for their political meanings on the practices in which they are enmeshed. Even refashioned into situated ideals resistant to the exceptionalist lure of “American universalism,” such terms may nevertheless prop up an ambivalent but relatively durable attachment to a postcolonial state because of the background legitimacy attributed to prior (imperial) practices of state-formation. Given the intractability of settler-colonial practices, Deloria’s work pinpoints the fact that even

¹⁹⁸ Byrd, *Transit of Empire*, 54.

on this more ambivalent view, such ideals can accelerate dispossession in order to further inclusion. Even among those who may acknowledge in a relatively deep way the racial ordering of the settler state, its colonial ordering remains a pervasively occluded object of critique.

Conclusion

In this chapter, then, I have primarily focused on the negative moment of critique in *Custer Died for Your Sins* in order to show how Deloria discloses settler states as colonial at the very moment in which they would engineer narratives that (again) produced a postcolonial identity. In focusing on this element of critique, I have not outlined much of the more positive political program sketched by Deloria in *Custer* and I have also kept in the background, save this last section, the question of how Deloria's project was related to Black freedom struggles. It was not articulated "against" civil rights but rather against a politics that left white citizenship in place as a norm to be aspired to, rather than a site of unearned and unacknowledged privileges that needed to be abolished. The next two chapters address this more positive program that reinterpreted core jurisprudential and political questions throughout the 1970s. In the next chapter, I also stage a kind of missing dialogue between Deloria and Stokely Carmichael and Charles Hamilton on the politics of self-determination, which provide a set of tools to see how struggles against anti-black racism and settler colonialism have been in conversation. Both of these movements rejected "inclusion" as a desired object of political movements and sought to refocus their audience on fundamental questions of white supremacy and settler colonialism. They proposed a politics of self-determination

that sought, respectively, a Third Reconstruction and decolonization. Yet I will also suggest that in some crucial ways, Deloria underplayed—or flatly misunderstood—the distinctiveness of Black struggles, even the nationalist variants with which Indigenous emphases on self-determination and the politics of withdrawal had much in common.

Chapter Three

Between Indigenous Sovereignty and Black Power: Reading Civil Rights in an Era of (Post)colonial Citizenship

Introduction

In the previous chapter, I argued that Deloria's *Custer Died for Your Sins* centers the question of colonial injury by displacing a narrative of Anglo-settler political development that frames oppression and emancipation in terms of exclusion and inclusion. Deloria polemicized against the effectively postcolonial terms into which this understanding freezes questions of justice and freedom. Instead, he gave renewed attention to how the US state remakes colonial practices in ways consistent with the broader imperial trajectory of the Anglo-settler world. As I argued in chapter two, Deloria's argument and his rhetorically aggressive sensibilities differed from Indigenous activist-intellectuals' earlier "hypocrisy" framing, which depended on leveraging the narrow terms of Cold War consensus to pressure the US state for fairer treatment. In contrast, Deloria argued that the exercise of US territorial sovereignty over Indigenous lands ought to be understood as an empire fully consistent with previous practices. For Deloria, new imperial-colonial practices still had clear continuities with the practices of replacement I described in chapter one. In the conclusion to chapter two, I suggested that Deloria's critique of a colonial state claiming its own postcolonial identity provides an occluded vocabulary for contemporary political theory: Whereas it is widely understood how the "post-racial" imaginary obscures questions of racial injustice, the state's self-conception as "postcolonial" is a widely accepted facet of much of contemporary social and political theory. The reality of empire-formation, Deloria argued, did not end just by

virtue of the omnipresence of settler-state institutions and settler citizenship and the (attempted) dissolution of Indigenous citizenships and Indigenous rights. Deloria's insistence on how colonial practices are remade and effectively obscured by a postcolonial narrative of civic inclusion provides an exemplary analytic that upends this postcolonial premise. *Custer* reveals how settler citizenship and its characteristic epistemological and political demands on Indigenous peoples need to be acknowledged even to begin any process resembling decolonization elsewhere in the world. For my purposes in this chapter, attention to *Custer* and his work of a year later, *We Talk, You Listen: New Tribes, New Turf*, also reconstitutes the histories that bind struggles against settler colonialism and institutionalized white supremacy together. This chapter suggests that by staging a kind of missing debate between Deloria and Stokely Carmichael and Charles Hamilton, authors of *Black Power: The Politics of Liberation in America*, we can see these structures of domination as mutually supportive while also exploring the different forms of politics that communities have mobilized and imagine alternative (actually) postcolonial futures.

Whereas the last chapter focused on the emergence of a postcolonial narrative of citizenship that disavowed settlerness, this chapter reconstructs the relation between the ideology of a post-racial and post-colonial America. Historically, we can refer back to the Termination moment as a crucial time that marks an unacknowledged shift to a postcolonial language of citizenship that co-opted civil rights mobilization against Jim Crow: The Termination movement, the White Paper in Canada, the assimilation policy in Australia, and the changing Maori lands policy in New Zealand all drew their dominant

languages from the early civil rights politics of integration. In both the US and Canada, such policies were promoted using the arguments against subordinate citizenship characteristic of NAACP arguments against Jim Crow. Here, the basic idea was that the previous “special” relationship that Indigenous peoples held in relation to the US settler state in the form of the “trust doctrine” and through the 1876 Indian Act to Canada respectively functioned as forms of paternalist racism that required dismantling, much like Jim Crow. Proponents of Termination argued that the existence of the separate institutional track in the Bureau of Indian Affairs and the then-Department of Indian Affairs and Northern Affairs itself constituted a form of racism and second-class citizenship. According to this view, it was not the ongoing reality of empire-formation that required undoing. It was instead the fact of differential treatment on its face that implied a structure of racist and subordinate citizenship needing to be rectified precisely by revoking the dual citizenship held by Indigenous peoples in their own nations.

Seen from the perspective of Deloria’s early writings, I argue, Termination meshed with a framework of universal citizenship that disavowed settlerness while claiming to undo past structures of disadvantage. Scholars of federal Indian policy tend to see the Termination policy as an anomaly or a set-back in relation to the reforms made under the Indian New Deal in the Collier Administration, which were later fulfilled in the present era of self-determination.¹⁹⁹ That narrative, though, fails to attend to the very

¹⁹⁹ The current version of the *Handbook of Federal Indian Law* exemplifies this narrative: “As federal policy gradually moved away from the termination era, there was a return to much of the basic philosophy and objectives rooted in the Indian reorganization era.” Felix S. Cohen, *Cohen's Handbook of Federal Indian Law*, 2005 ed., eds. Nell Jessup Newton, et al. (Newark, NJ: LexisNexis, 2005), pp.97-98. My simple point here is

transformation of citizenship from an explicitly settler formation to one that presumed a universal citizenship with no outside that was to be aggressively and definitively extended to Indigenous peoples. On my reading, Termination is actually a perfect instance of an emerging conception of color-blind citizenship, able to appear as a non-settler, postcolonial citizenship. No longer framed as a function of civilizational hierarchy, implementing such a citizenship becomes an imperative of settler states that rewrite their own histories as always having anticipated this universal citizenship regime. Equality replaces hierarchy. For Deloria and for many other Indigenous activists, Termination resonated beyond its short-term consequences because of the conceptual implication that it constituted a final push to carry out the project of replacement disguised as fulfilling this seemingly indisputable good of equal citizenship rights.

In other words, what becomes so difficult to untangle about contemporary settler-colonial formations is that they often operate in the name of *undoing* the past effects of racist policies. Deloria conveyed as much in his analysis when he argued that what had gone by the name of equality under such policies not only did not axiomatically resolve the problem of colonial domination, but also actively enabled colonial practices. He argued, for example, that congressional criticisms of BIA “paternalism” created a circular, genocidal logic often justified as an egalitarian social policy: “Congress always wants to do away with paternalism. So it has a policy designed to do away with Indians.

that Termination was not an anomaly or a form of regress as understood within the dominant discourses of civil rights and social progress. Instead, it hooked into those discourses in a relatively deep way. It was the relative cultural pluralism of the Indian New Deal era that ought to be seen as a kind of anomaly.

If there are no Indians, there cannot be any paternalism.”²⁰⁰ In other words, “paternalism” was often a red herring that equated any differential status or structure of governance with a kind of second-class citizenship.

Such claims to sweep aside institutionalized structures wedded to racial injustice oscillated between two poles: the avowal of a supposed reconstruction that would abolish previous structures of disadvantage (pace Senator Arthur Watkins) and the acknowledgement of motivations based rather explicitly on racial resentments. The first pole is that of “giving” Indigenous peoples equal rights—realizing the civil rights of excluded subjects—as I emphasized in the previous chapter. The second pole suggests that the US government should get rid of the “special rights” supposedly accumulated to Indigenous peoples in excess of the rights and responsibilities of non-Indigenous citizens. As an example of the latter, consider the anti-treaty rights and anti-sovereignty discourse that emerged as part of settler backlash in the 1970s and 1980s to the legal success resulting from Indigenous mobilizations primarily around fishing and hunting rights among Coast Salish treaty fishing tribes, Ojibwe tribes in Minnesota and Wisconsin, and land claims (e.g. the Oneida) in upstate New York. As political scientist Jeffrey Dudas has shown, this under-examined facet of the New Right—often groups that mobilized more at the state than the federal level—invoked the legacies of the civil rights movement as “equal rights” in order to roll back the fragile legal gains of the previous era.²⁰¹

²⁰⁰ Deloria, *Custer*, 14.

²⁰¹ Jeffrey Dudas, *The Cultivation of Resentment: Treaty Rights and the New Right* (Palo Alto: Stanford University Press, 2008).

On this latter point, the comments of then-Washington State Attorney General Slade Gordon are suggestive. Gordon, a long-time opponent of tribal sovereignty, argued that the 1974 Boldt decision (*U.S. v. Washington*), which validated in the Ninth Circuit the treaty fishing rights of tribes who signed treaties with Isaac Stevens in the 1850s, would make Indigenous peoples into “super citizens”:

From the beginning ... [it was assumed] that while the Puget Sound treaties prohibited discrimination against Indians, they did not grant Indians special privileges. [So] the Boldt decision ... was a bombshell, disrupting a long-standing policy treating Indians and non-Indians equally. Thus this state ... now has two completely unequal classes of citizens: treaty Indians and everyone else. Such an unjust resolution cries out for change, for a solution which restores equality of treatment for all citizens, Indian and non-Indian, in the fisheries resources of the state. The Boldt decision is both unjust and contrary to our basic values as a national society. A policy under which one class of citizens is entitled to special rights in perpetuity by reason of race or, more precisely, by reason of a combination of race and the luck of an ancestral treaty, is both wrong and destructive of social peace.²⁰²

Gordon initially refers back to the first face of post-colonial citizenship, arguing that there is a need to “prohibit discrimination” and promote equal treatment to ensure formal equality before the law. He opaquely suggests that this is important because of legacies of past unequal treatment. Yet he then moves more towards reasons that engage the second face of post-colonial citizenship discourse, that of racial resentment: He argues that treaty rights are “special rights” and appeals to “our” shared, basic values as intuitively arrayed against these privileges. These rights that exceed the normal rights of citizenship are

²⁰² Gordon, quoted in Jeffrey Dudas, *The Cultivation of Resentment: Treaty Rights and the New Right*, 81.

unearned and inegalitarian and, in effect, make treaty fishing rights tribes into a superior class of citizens.²⁰³

What holds these two different faces of the post-colonial citizenship narrative together? I will argue that this conceptual framing of Indigenous peoples' claims depends upon the dominant conception of anti-black racism itself as a form of lingering (often southernized) prejudice rather than a politically constructed feature of the polity deeply interwoven and reproduced in contemporary institutions. Racism here is rewritten "as an anachronistic prejudice and a personal and psychological problem, rather than a systemic problem rooted in specific social practices and pervading relations of political economy and culture."²⁰⁴ When society marginalizes this view of racism as structural, it becomes much easier for a very circumscribed vision of "civil rights" to operate as the norm through which colonial practices (the bundled logics of dispossession, usurpation, and assimilation) become (re)defined as a benign postcolonial politics of inclusion. This politics of inclusion can then be seen as benign because it fulfills the implied promise of the civil rights movement to overcome the burden of these past racialized legacies.

Historical memory of social movements becomes essential to the way that post-racial and

²⁰³ Anthropologist Jessica Cattelino has pointed out a similar dynamic in what she calls the "double bind" of sovereignty. When Indigenous peoples have pursued policies that increase their capacities for self-governance, then the settler society circulates images that imply that all Indians now benefit from "unearned" casino wealth. Besides failing to reflect economic realities for most tribes, this example of racial resentment buttresses my point about the dominant construction of sovereignty as a resented form of "special right" that exceeds the supposed universal baseline of civil rights. Cattelino, "The Double Bind of American Indian Need-Based Sovereignty," *Cultural Anthropology* 25.2 (2010): 235-263; Cattelino, *High Stakes: Florida Seminole Gaming and Sovereignty* (Durham: Duke University Press, 2008).

²⁰⁴ Penny Von Eschen, *Race Against Empire: Black Americans and Anticolonialism, 1937-1957* (Ithaca: Cornell University Press, 1997), 157.

post-colonial ideologies mutually support one another: How we interpret the political and normative lessons of the civil rights movement crucially inform how it is that sovereignty politics are received. The narrow conception of racism as solely intentional, individual acts of prejudice—a view derived from these supposed legacies of the civil rights movement—continues to function (for those like Gordon) as license to engage in an historically obscurantist and colonial understanding of treaty rights that disavows the very structures that have motivated Indigenous peoples to appeal to treaty rights in the first instance: namely, the reality of settler citizenship itself as a disavowed cross-class alliance promoting the continuation of colonial practices.

In response to such a narrow framing of racism, Indigenous peoples in the US especially (often) have had to define themselves against what the dominant settler society conceptualizes as the “gift” of civil rights and citizenship itself as the presumed corrective to racism.²⁰⁵ That is, insofar as a truncated and problem-ridden conception of Black freedom struggles as an exemplary politics of inclusion becomes the “norm” against which Indigenous claims are defined, so too does this compromise the ability of Indigenous peoples to articulate claims to self-determination because the latter are received as a significant departure from the (then-nascent) norm of colorblindness. Rather than representing an intellectual tradition that has been in conversation with Black nationalism and internationalisms that have resisted inclusion, Indigenous politics becomes a claim to “special rights” measured against the supposed civil rights norm of

²⁰⁵ I am indebted to Kevin Bruyneel here for the use of the phrase the “gift of citizenship.” Bruyneel, “Challenging American Boundaries: Indigenous Peoples and the ‘Gift’ of U.S. Citizenship,” *Studies in American Political Development* 18.1 (April 2004): 30-43.

inclusive, universal citizenship. Deloria, then, centered an analysis of US settler-colonial and white supremacist foundations and rerouted the narrative arc received by audiences to and participants in the civil rights movement as to what constituted the proper interpretive frame through which to conceptualize Black freedom struggles.

Between Black Power and Indigenous Sovereignty

In this chapter, I will explore these connections by looking at the unexplored nexus between Deloria's early writings, especially *Custer Died For Your Sins* and *We Talk, You Listen: New Tribes, New Turf*, and Stokely Carmichael (later Kwame Ture) and Charles Hamilton's *Black Power: The Politics of Liberation in America*.²⁰⁶ As a starting point for this discussion, it might be useful to note that Deloria credited Carmichael with making the language of "self-determination" and "power" legible to the broader public so that such terms could be more easily deployed in Indigenous as well as Mexican-American struggles for land, self-determination, and rights. Although this dissertation's focus is primarily on Indigenous politics, the nexus I explore in this particular chapter might also be cast in a broader frame as exposing under-researched 20th century

²⁰⁶ I have not been able to find any evidence that Deloria had personally met Carmichael or Hamilton, but his frequent references to *Black Power* and the civil rights struggle more generally across a number of writings shows that Deloria was influenced by the changing politics there. Deloria had a typescript copy of Stokely Carmichael (Kwame Ture) and Charles V. Hamilton's *Black Power: The Politics of Liberation* in his papers. Series II: Chronological Correspondences, Box 15, January-March 1970 Correspondence Folder. Letter to Charles Isaacs. Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library. Whether any influence ran in the other direction is much more difficult to assess.

connections between what Paul Gilroy calls the “Black Atlantic” and what Jace Weaver (Cherokee) has more recently called the “Red Atlantic.”²⁰⁷

In this chapter, then, I proceed as follows: First, I begin by recounting a dominant interpretive lens that equates civil rights with color blindness. I argue that Deloria contested both this framing of civil rights struggles and the thesis that Indigenous political movements ought then to be understood as an “extension” of the civil rights movement (which I call the “extension thesis”). Second, I outline Deloria’s insightful analysis of the way that (what we now think of as) settler colonialism and anti-black racism are entangled and mutually re-enforcing. Through a close reading of Deloria focusing primarily on *Custer Died for Your Sins* and *We Talk, You Listen*, I will argue that Deloria reframed questions of equality and oppression on contextual and historical terms that explained subjugation not as an aberration of the American Creed but a question of specific, historically situated forms of resource extraction and exploitation. Third, I read Carmichael and Hamilton’s *Black Power* in relation to Deloria’s reception of the text, which, he argued, provided a crucial language of self-determination for Indigenous movements and also repositioned Indigenous politics—with emphases on sovereignty and self-determination—as the normal path of collective mobilization against structures of domination. Finally, I will examine some of the discrepant claims about strategy and tactics between Deloria and Carmichael and Hamilton. In conclusion, I suggest that Deloria’s proposed institutional container, a “new constitution,” would not

²⁰⁷ Paul Gilroy, *The Black Atlantic: Modernity and Double-Consciousness* (Cambridge: Harvard University Press, 1995); Jace Weaver, *The Red Atlantic: American Indigenes and the Making of the Modern World, 1000-1927* (Chapel Hill: University of North Carolina Press, 2014).

sustain the kind of claims to self-determination that he made, a fact that paved the way for the emerging militancy and globalism of the Indigenous rights movement of the early 1970s.

Re-narrating Civil Rights

Beyond reorienting what counted as racialized harm towards questions of colonial injustice, Deloria's analysis of "war" in *Custer* also points to how moments of ideology-formation channeled the political agency of racialized and colonized subjects into potentially self-defeating projects. How dominant actors narrated the Civil Rights Movement itself shaped the capacity of Deloria and other Indigenous activists to reframe Indigenous struggles in the terms of self-determination, as with the earlier Termination moment. This dimension of the problem is, I submit, exacerbated by what has become the dominant public narrative of the Civil Rights Movement, which glorifies the movement's "classical phase," as Bayard Rustin calls the period from the *Brown v. Board* decision in 1954 to the Voting Rights Act in 1965 in his well-known argument.²⁰⁸ Especially in the US-centered historical scholarship on civil rights, Indigenous politics of this time are analyzed as a kind of *extension* or *outgrowth* of the civil rights movement itself. Such a thesis is crystallized, I submit, in the name often attributed to Indigenous struggles: the Native American Civil Rights Movement. Even some work that specifically engages the politics of Indigenous peoples seems to echo what I will call the extension thesis and recent journalistic treatments of Indigenous politics also fail to engage the colonial rather

²⁰⁸ Bayard Rustin, "From Protest to Politics: The Future of the Civil Rights Movement," *Commentary* 39.2 (February 1965): 25-31.

than the citizenship question.²⁰⁹ In his history of the development of a global Indigenous politics, Ronald Niezen argues that “among the many impacts of the Civil Rights Movement centered in the United States in the 1960s was the organization of ‘pan-Indian,’ ... groups.”²¹⁰ Troy Johnson also refers to the Red Power Movement as a Native American Civil Rights Movement.²¹¹ Besides the fact that many of the organizations centrally involved in the movement were mostly founded years before the official civil rights and Red Power era—a point made in recent work by historians Daniel Cobb, Bradley Shreve, and others—I will argue that drawing a direct line between the politics of civil rights and that of pan-Indigenous politics actually misunderstands the ways in which activists and theorists engaged with the ambivalent process through which civil rights were universalized.²¹² That is to say, certain conceptions of civil rights could be used as a weapon *against* Indigenous peoples (again, with the clearest example being

²⁰⁹ To my point about the ongoing relevance of the extension thesis, see a 2012 article on AIM’s occupation of Wounded Knee, which refers to the movement as a “militant civil rights and identity movement.” Emily Chertoff, “Occupy Wounded Knee: A 71-Day Siege and a Forgotten Civil Rights Movement,” *The Atlantic Monthly*, 23 October 2012, <http://www.theatlantic.com/national/archive/2012/10/occupy-wounded-knee-a-71-day-siege-and-a-forgotten-civil-rights-movement/263998/>. Although the author mentions the significance of Wounded Knee as the site of the 1890 massacre of Minneconjou Lakota, she fails to connect the site to the very frame of colonialism that would shed light on that event.

²¹⁰ Ronald Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity* (Berkeley: University of California Press, 2003), 42.

²¹¹ Troy Johnson, *Red Power: The Native American Civil Rights Movement* (New York: Chelsea House, 2007).

²¹² Daniel Cobb, ed., *Beyond Red Power: American Indian Politics and Activism Since 1900* (Santa Fe: School for Advanced Research Press, 2007); Daniel Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty* (Lawrence: University Press of Kansas, 2008); Bradley Shreve, *Red Power Rising: The National Indian Youth Council and the Origins of Native Activism* (Norman: University of Oklahoma Press, 2011).

Termination), even as Deloria and others would also see rights of and to citizenship in the broader society as a necessity given that they might be bound to the irreversible burdens of colonial incorporation.²¹³

By saying that this extension thesis is widespread, I do not mean to suggest that it has thereby gone unchallenged. A number of scholars—especially those in Native American and Indigenous Studies—have objected to this particular framing on the grounds that it fails to attend to the specificity of Native claims, such as the particular claims to sovereignty, treaty relations, the trust doctrine, different forms of land tenure, and other features of the historical relation between Native peoples and the United States.²¹⁴

²¹³ This is another juncture at which, as I argued in the introduction, the notion of a third space of sovereignty falls short of conceptualizing the ambivalent role of citizenship and civil rights in Deloria's era as a good that was supposed to be universally desired (as opposed to simply a "boundary" to be crossed). For Indigenous peoples, was citizenship always and everywhere an object of desire to be fully embraced or closer to what Audra Simpson calls "citizenship(s) of grief," by which she means citizenships that incurred losses due to forms of recognition imposed through colonialism? Simpson uses the term to describe the enforced patrilineal interpretation of the Indian Act, through which Mohawk women lost citizenship in their own nation when they married out. Audra Simpson, "Captivating Eunice: Membership, Colonialism, and Citizenship(s) of Grief," *Wicazo Sa Review* 24.2 (Fall 2009): 105-129. What I take from Simpson here is that citizenship and civil rights are historical sediments, and Deloria often negotiated them as practical necessities with their own particular losses attached to them—even if, again, it might be necessary to strategically negotiate, say, voting rights. Civil rights, in other words, could be a weapon against more self-determination-oriented politics in the present because of the former's presumed universal status.

²¹⁴ Niezen himself notes the way that Indigenous politics departs from civil rights politics, but on my reading he sees Indigenous politics as a relatively straightforward extension of the politics of human rights. Niezen, *The Origins of Indigenism*, 16-18. See any number of works by Indigenous and non-Indigenous scholars such as: Noenoe K. Silva (Kānaka Maoli), *Aloha Betrayed: Native Hawaiian Resistance to American Colonialism* (Durham: Duke University Press, 2004); Dale Turner (Teme-Augama Anishnabai), *This is Not a Peace Pipe: Towards a Critical Indigenous Philosophy*

I argue here, though, that this narrative does more political work than simply obscuring the specificity or difference of Indigenous claims vis-à-vis settler states. Such a narrative of extension actually loses sight of the ambivalent process of universalization through which the color-blind equality framework became the norm against which other claims of oppression, violation, and emancipation were measured in the first instance. It masks how the production of difference is already a matter of making some claims normative and others deviant in relation to that norm. This process of claiming a single strand of these plural struggles as the norm against which others were measured already had ambivalent effects. These can be seen, I submit, in my earlier analysis of the broader significance of Termination, in which a domesticated discourse of integration was taken up in order to further a project of colonization. Here, the need to move away from this extension thesis, I will argue, already can be seen long before present debates about indigeneity in Deloria's own politically-inflected narrative of the changing composition of anti-racist and anti-colonial social movements in North America. Thus, Deloria would come to contest what I call the extension thesis in part by challenging the significance of the dominant narrative arc of the Civil Rights Movement itself and the place (or lack of a place) of Indigenous peoples within it. Rather than placing Indigenous peoples at the rear-guard—latecomers or non-participants in the politics of civil rights—Deloria re-narrated them as the avant-garde of an emerging politics of self-determination. Such a

(Toronto: University of Toronto Press, 2006); J. Kēhaulani Kauanui, "Colonialism in Equality: Hawaiian Sovereignty and the Question of US. Civil Rights," *South Atlantic Quarterly* 107, no.4 (Fall 2008): 635-650; Joanne Barker (Lenape), *Native Acts: Law, Recognition, and Cultural Authenticity* (Durham: Duke University Press, 2011).

politics would create a foundation for stronger individual rights claims based on dual or competing membership in pluri-national political associations.

Deloria responded, then, to threads of an emerging, dominant narrative of civil rights. This dominant narrative arc of civil rights beamed out to white audiences will be familiar because it congealed in the 1970s with the New Right and continues to resonate in the present moment. It circulated around the breakdown of peaceful (“good”) integrationist reforms and the rise of (“bad”) more radical, separatist claims and violent urban riots. Historian Jacquelyn Dowd Hall has characterized that dominant narrative as follows:

Centering on what Bayard Rustin in 1965 called the “classical” phase of the struggle, the dominant narrative chronicles a short civil rights movement that begins with the 1954 *Brown v. Board of Education* decision, proceeds through public protests, and culminates with the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Then comes the decline. After a season of moral clarity, the country is beset by the Vietnam War, urban riots, and reaction against the excesses of the late 1960s and the 1970s, understood variously as student rebellion, black militancy, feminism, busing, affirmative action, or an overweening welfare state.²¹⁵

Hall refers to this dominant narrative as one of “declension” that operates through two primary distortions: First, it narrows the horizon of “integration” and the multifaceted fight against Jim Crow into a “minimalist program of interracialism and integration,” which “ignores...the fact that black southerners were schooled in a quest *both* for access and for self-determination that dated back to emancipation, a quest that called forth strategies ranging from tactical alliances across the color line, to the building of separate

²¹⁵ Jacquelyn Dowd Hall, “The Long Civil Rights Movement and the Political Uses of the Past,” *The Journal of American History* 91.4 (March 2005), 1234.

institutions, to migration, to economic boycotts and direct action.”²¹⁶ Second, this narrative interprets the post-classical phase movements as a breakdown that shattered the moral clarity and unity achieved through the mobilization and legislation that brought an end to segregation at the federal level.

In *Custer* and *We Talk, You Listen*, I argue, Deloria rejected the presumption of unity and moral clarity that would come to be taken up as a mere politics of colorblindness that declined into one of violence and disunity by the New Right in the 1970s and later across the political spectrum in the US.²¹⁷ Reading Deloria, one can see how such dominant receptions were already beginning to form in the late 1960s and would become imposed on both Indigenous and Black political struggles. In reframing this narrative, Deloria especially rejected this second aspect of the narrative—the implication that the movement toward a politics of self-determination represented a decline. “Decline” cast the politics of self-determination as entirely novel, intrinsically

²¹⁶ Hall, “The Long Civil Rights Movement,” 1251.

²¹⁷ My own understanding of how the New Right appropriated colorblindness as a legal and political ideal and the subsequent diffusion of this ideal throughout US society as a common sense understanding of the nature of racism as individual prejudice, and therefore of predominantly colorblind remedies has benefited from: Kimberlé Williams Crenshaw, “Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law,” *Harvard Law Review* 101.1 (May 1988): 1331-1387; Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America*, 3rd edition (New York: Rowman & Littlefield, 2009); Michelle Alexander, *The New Jim Crow: Mass Incarceration in an Age of Colorblindness* (New York: The New Press, 2010); Ian F. Haney-Lopez, “Is the ‘Post’ in Post-Racial the ‘Blind’ in Colorblind?” *Cardozo Law Review* 32 (2010): 807-831; Lopez, “Post-Racial Racism: Racial Stratification and Mass Incarceration in the Age of Obama,” *California Law Review* 98 (2010): 1023-1073. Very recently, some scholars have begun to consider the role of liberalism as a more central force in the retrenchment of a racially progressive agenda, especially through the expansion of the carceral state. See, Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014).

violent, and a departure from the colorblind equality framework that the classical phase was supposed to have embodied. In rejecting the declension narrative, Deloria reclaimed the principle of self-determination as the emancipatory normative kernel of the post-classical phase, rejecting the dominant reception history of civil rights discourse as we know it today. Such efforts at reinterpretation had a political purpose: They recast Indigenous sovereignty politics as neither reducible to civil rights (the “extension thesis”) nor as an exception to a presumed normative package of individual rights-claims. Rather, Deloria interpreted *collective* claims across differently racialized constituencies for reparations, power, and self-determination as the emerging norm, of which Indigenous struggles formed a crucial—and in certain ways, exemplary—dimension.

Defining Self-Determination

It is crucial here to specify what collective self-determination meant for Deloria in this context, since the term “self-determination” often reflected different political goals and practices. Then-president Lyndon Johnson, speaking before the Senate in March 1966, would propose a “new goal for our Indian programs; a goal that ends the old debate about termination of Indian programs and stresses self-determination; a goal that erases old attitudes of paternalism and promotes partnership and self-help.”²¹⁸ Johnson was speaking to a theme emphasized across the board of his administration in their efforts to build a “Great Society” that would diminish poverty. As Alyosha Goldstein argues, liberal War on Poverty administrators sought to leverage increased participation at the local level (“community action”) so as to encourage the further incorporation of

²¹⁸ Johnson qtd. in, Troy Johnson, *The Occupation of Alcatraz*, 34.

racialized groups into capitalist markets as self-initiating actors. On this understanding, self-determination aimed primarily at economic modernization, self-help, and self-sufficiency, with the expectation that Indigenous peoples and other minoritized actors would become assimilated and incorporated into markets and the state through the very actions of communities themselves.²¹⁹ As one policy scholar has put it, self-determination emerged within the Johnson administration as an *alternative means* of eventually terminating the federal trust responsibility to Indigenous nations—not as Termination’s opposite.²²⁰

For the Deloria of the late 1960s, self-determination meant the creation of a pluri-national state in which local Indigenous and other communities of color would set their own priorities at the local level. To be sure, such priorities set at the local level might not favor the dictates of markets or serve the interests of settler states: Even though Deloria’s earlier record as NCAI executive director clearly indicated an emphasis on the need for reservation-centered economic growth, such a project centered on integrating any “development” into the political, cultural, and ecological needs determined by and for Indigenous communities themselves.²²¹ As we will see, both Deloria and Carmichael and Hamilton took self-determination as a regulative ideal aimed at national development that

²¹⁹ Goldstein, *Poverty in Common*; for an important study that expresses these ideas—that Indigenous peoples must, in a sense, *participate* in the project of assimilation, see Sophie D. Aberle and William Brophy, *The Indian: America’s Unfinished Business* (Norman: University of Oklahoma, 1965).

²²⁰ Guy B. Senese, *Self-Determination and the Social Education of Native Americans* (New York: Praeger, 1991).

²²¹ While still executive director of the NCAI, Deloria commissioned an important 1967 study of reservation natural resources by Henry Hough. Henry W. Hough, *Development of Indian Resources* (Denver: World Press, 1967).

would guide a collective political process of liberation. Deloria used the term “tribal sovereignty” or “tribal self-determination” to mark how self-determination needed to reflect processes of collective decision-making that centered the practices, experiences, and present needs of the tribe. Carmichael and Hamilton spoke of “political modernization” to signal how self-determination meant the democratization of parallel political and economic institutions, not greater integration into capitalist markets.²²² While differently articulating the meaning of self-determination, then, both Deloria and Carmichael and Hamilton rejected previous notions that any such development required (further) integration and assimilation into a US state that did not value their communities in the first place. Instead, they adopted structural and historical lenses to explain the roots of the ongoing realities of colonialism and racism to which their politics responded, ones that refused to make their plural struggles into the limited and insufficient task of gaining civil rights and fighting individual prejudice.

Colonialism and Racism: Historical Foundations

In order to reclaim self-determination on terms that would express the demands of Black and Indigenous movements, Deloria first tacked back to the analytically separable but entangled historical connections between racial slavery (and later racial caste and Jim Crow) and colonial dispossession. Deloria argued that what has often been called the original sin of the US—the “peculiar institution” of slavery—actually ought to be understood in a double register as original *sins*. Although he does not out spell out a detailed social theory, he does sketch a clear difference between practices of

²²² Stokely Carmichael and Charles Hamilton, *Black Power: The Politics of Liberation in America* (New York: Vintage, 1967), 40.

dispossession and those of enslavement and racial subordination. As he explained in *Custer*, “We gave up land instead of life and labor. Because the Negro labored, he was considered a draft animal. Because the Indian occupied large areas of land, he was considered a wild animal.”²²³ In other words, the “Negro” and the “Indian” were animalized and cast outside of the human in ways bound to the practices to which they had been disappeared/subjected.²²⁴ These specific practices of plunder (exploitation of labor and dispossession of land) further enabled the development of more complex legalized systems of domination that followed in the wake of the end of treaty-making in 1871 and the growth of the reservation system and the passage of the 13th amendment respectively. This structural positioning, which created supposedly inferior groups, allowed whites to mobilize specific forms of racialized subjugation that justified this status:

thus whites steadfastly refused to allow blacks to enjoy the fruits of full citizenship. They systematically closed schools, churches, stores, restaurants, and public places to blacks or made insulting provisions for them. For one hundred years every program of public and private white America was devoted to the exclusion of the black...

The Indian suffered the reverse treatment. Law after law was passed requiring him to conform to white institutions. Indian children were kidnapped and forced into boarding schools thousands of miles from their home to learn the white man’s ways...Everything possible was done to ensure that Indians were forced into American life...²²⁵

²²³ Vine Deloria, Jr. *Custer Died for Your Sins: An Indian Manifesto* (New York: Macmillan, 1969), 8.

²²⁴ cf. Patrick Wolfe, “Land, Labor, and Difference: Elementary Structures of Race,” *The American Historical Review* 106.3 (June 2001): 866-905; For the broader set of arguments, see Wolfe, *Traces of History: Elementary Structures of Race* (New York: Verso, 2016).

²²⁵ Deloria, *Custer*, 8.

Here, Deloria rejected any easy analogy between the situation of Indigenous peoples and Blacks precisely because of these crucial differences. In other words, if the political situation of African-Americans could be characterized by the exploitation of labor that enabled ghettoization and exclusion, that of Indigenous peoples was the “reverse”: On the one hand, seen from the vantage point of exclusion as the norm, the treatment of Indians appeared anomalous. On the other hand, viewed as a feature of the regimes of difference constituted around enslavement and dispossession, “assimilation” made sense as a promise that included the kidnapping of Indian children; their educational indoctrination (and often systematic abuse) in residential and boarding schools; and the parceling up of reservations to different Christian denominations. These were all brutal policies of domestication, of the “wild animal [being] made into a household pet.”²²⁶

Though it might be thought that these histories could be arrayed in a single analytic frame of racialization, Deloria refuted that possibility for directly political purposes, as I will argue. As he cast it, “Having defined a specific problem—white-black—people feel they can forever include additional groups without losing the meaning of the words they are using, and it just ain’t so.” He continued, unlike the fight for “equal legal rights and economic opportunities...In an Indian-white context, [equality]

²²⁶ Although emphasizing the particular—and often poorly understood—features of this historical process, Deloria also used the language of conformity and non-conformity, which resonated directly with emerging conceptions of freedom as performative and expressive rather than as a possession—as an “unfilled potential of being.” Vine Deloria, Jr., *We Talk, You Listen: New Tribes, New Turf* (Lincoln: Bison Books, 2007 (1970)), 126. As with the parallels he drew to US counter-insurgency in Vietnam, Deloria built in a language that linked up the particular dilemmas faced by Indigenous peoples to broader questions of freedom and justice that would resonate with the US public while still insisting on the specific dimensions of colonization and un-freedom against which they mobilized.

specifically means the surrender by the white of his eternal quest for the key to turn an Indian into a Western European immigrant.”²²⁷ As Deloria put the concern here: “There is an Indian-black relationship and an Indian-white relationship that remains hidden and unexamined if one is to simply lump Indians into the white-black vocabulary and thought-world by saying AND INDIANS TOO.”²²⁸ The conflation of the two structures of domination lead to what Deloria described as a frustrating cycle of marginalization even within movements specifically focused on questions of socioeconomic and racial justice.

Although assimilation constituted a promise of inclusion, it was for Deloria always also a false promise: “There was never a time when the white man said he was trying to help the Indian get into the mainstream of American life that he did not also demand that the Indian give up land, water, minerals, timber, and other resources which would enrich the white men.”²²⁹ We see here how, for Deloria, the assimilationist project always facilitated the eventual outcome of land transfer from Indigenous collectivities to white settlers. Returning to the symbolic and psychic investments settler societies have in incorporating Indigenous peoples with which he began *Custer*, Deloria reminded his readers that such processes were no anomaly or paradox. What the intertwined colonial and racial project have in common is that they enrich and lay the political-economic foundations of white settler citizenship and sovereignty. Resonating with my conceptualization of the two faces of whiteness in chapter one, Deloria analyzed

²²⁷ Vine Deloria, Jr., *We Talk, You Listen*, 87.

²²⁸ *Ibid.*, 88.

²²⁹ Deloria, *Custer*, 173.

whiteness as a practice of identification that upheld a system of exploitation and dispossession, not as a distinct ethnicity or culture: “white culture, if it existed, depended primarily upon the exploitation of land, people, and life itself.”²³⁰ Indeed, it would be unprecedented were assimilation imperatives *not* accompanied by the demands of ongoing accumulation. Although resistant to Marxist frameworks of that time, which he viewed as incorrectly linking the accumulation of productive and techno-scientific powers to a greater promise of human liberation, Deloria characterized settler states as wedded to an “economic Darwinism” fundamentally alien to Indigenous values and practices.²³¹ These differentiated modes of domination constituted the basis on which Deloria would subsequently reflect on the normative kernel that white audiences had extracted from the Civil Rights Movement, as well as the very different reception that the ascendance of the Black Power frame received in Indigenous and Mexican organizing circles.

Deloria extended his analysis of the intertwined forms of domination facing Indigenous and Black peoples to prescribe a kind of contextual approach to political action oriented toward the seemingly insurmountable viciousness of white/settler racial domination. While Carmichael and Hamilton’s aggressive rejection of solely legalist approaches to civil rights certainly resonates with Deloria, we can also see Deloria shift the significance of this rejection for Indigenous contexts. For Deloria, the distinctive but

²³⁰ Ibid., 180.

²³¹ Deloria, *Custer*, 181. For his (later) critique of Marxism, see Deloria, “Circling the Same Old Rock,” ed. Ward Churchill, *Marxism and Native Americans* (Boston: South End Press, 1983): 113-137.

interrelated faces of white supremacy and settler colonialism provide lessons both for Indigenous peoples (“red”) and African-Americans (“black”):

It is time for both black and red to understand the ways of the white man. The white is after Indian land and resources. He always has been and always will be. For Indians to continue to think of their basic conflict with the white man as cultural is the height of folly. The problem is and always has been the adjustment of the legal relationship between the Indian tribes and the federal government, between the true owners of the land and the usurpers.

The black must understand that whites are determined to keep him out of their society. No matter how many Civil Rights laws are passed or how many are on the drawing board, the basic thrust is to keep the black out of society and harmless. The problem, therefore, is not one of legal status, it is one of culture and social and economic mobility. It is foolish for a black to depend upon a law to make acceptance of him by the white possible. Nor should he react to the rejection. His problem is social, and economic, and cultural, not one of adjusting the legal relationship between the two groups...A socio-economic, rather than a legal adjustment must consequently be the goal.²³²

For Deloria, the way the white settler state frames the “problem” of each group confounded their respective capacities to challenge domination head-on and to draw connections between their respective political situations. He suggested instead that the equality promoted on these terms would leave what we now call white supremacy and settler colonialism as practices intertwined with capitalism in place, and thus undermine any potential terms of equal treatment that would actively restore dignity to racialized and economically exploited subjects. Dominant racial discourses have determined the respective problem-spaces to which Indigenous peoples and African-Americans are forced to respond: On the one hand, for Indigenous peoples, settler society chalks up their “problem” to a reified form of cultural difference—a difference that then results in

²³² Deloria, *Custer*, 174.

inevitable cultural conflict. In turn, Deloria argued, Indigenous peoples frame the conflict as one between distinctive cultures (think of earlier Indigenous intellectuals such as Eastman, addressed in the introduction). This framing implies that a variety of resolutions of cultural conflict might be at the center of Indigenous politics, ones that the multicultural debates of two decades later would generate: assimilation, the promotion of liberal regimes of cultural toleration, or the provision of cultural rights might resolve such problems of cultural difference. Multiculturalism or robust cultural pluralism was not really on the table at this time—again, “integration” was the watchword—but Deloria was responding to those either supporting or questioning the Termination and Relocation policies by making them over as questions of Indian “cultural adjustment” or “acculturation.” Deloria dismissed “culture” as yet another settler excuse to distract attention from the hierarchies created in the course of colonization. It was these practices of domination, he argued, that Indigenous peoples needed to focus on as a condition of decolonization. In fact, Deloria argued, it is primarily the international “legal” relationship—meaning, broadly, the politics of dispossession and usurpation between separate Indigenous nations and settler states—on which such struggles would hinge.

On the other hand, African-Americans, Deloria argued, have had their struggle reduced to one for formal legal rights, a response to the lack of legal rights and protections that inhered in Jim Crow structures of domination. Such a problem-space frames the resolution to this lack of rights as inclusion, where inclusion is primarily understood as integration. In a more prescriptive vein, Deloria argued, perhaps surprisingly at first, that the law ought not to be a resource for such struggles. In this

sense, the problematic through which each form of domination is understood ought to be very different than this newly emergent frame suggests: For African-Americans, their struggle ought to be understood in two ways distinct from the color-blind equality framework.

First, Deloria argued, the problem African-Americans faced ought to be understood as socio-economic, as one for increased material resources, economic mobility, and especially land, since “No matter how many Civil Rights laws are passed or how many are on the drawing board, the basic thrust is to keep the black out of society and harmless.”²³³ Deloria argued that instead of starting from civil rights, “we should begin talking about actual economic problems; and in realistic terms we are talking about land.”²³⁴ Secondly, Deloria spoke of “culture.” Here, one can see Deloria moving the “cultural” and the affirmation of cultural difference away from a hierarchical, colonial discourse that emphasized the capabilities and readiness of subject peoples for self-government. Instead, Deloria argued that the deepened sense of cultural rootedness and self-affirmation Black Power had sparked would enable stronger, more self-sufficient communities capable of making material—and even what he would think of as spiritual—gains *despite* what both he and Hamilton and Carmichael had identified as the ugly persistence of white supremacy. Such a claim resonated with Hamilton and Carmichael’s claim that Black communities would grow stronger in “redefining” themselves and in refusing assimilation.

²³³ Ibid.

²³⁴ Ibid., 179.

Deloria's analysis presented two respects in which the situation of African-Americans and Indigenous peoples faced a common question. First, he argued that inclusion and assimilation ought not to be the desired object of their politics, since this would (differently) fail to resolve institutionalized structures of domination. Second, he urges a politics oriented toward self-determination in which individuals would increasingly ground individual rights claims in the expanding strength and visibility of the group-qua-group.

These commonalities prove more complex in examining Deloria's reception of Black Power: Even as Deloria's twofold reference to the socioeconomic and the cultural as more important than "legal status" resonate with Carmichael and Hamilton's analysis of the African-American situation, Deloria's claim that African-Americans should not "react to the rejection" of their dignity by white institutions already suggests the strain in Deloria's politics between the avowal of militant separatism(s) in African-American freedom struggles and the various separatism(s) enunciated within Indigenous struggles. Indeed, what would it mean, in a context of systematic disenfranchisement, not to react to how such particular exclusions propped up regimes of subjugation? Before I discuss some of these tensions, though, I first proceed more directly to the context out of which Black Power arose and how their articulation of an alternative to colorblind equality resonated with Deloria's approach.

Rereading Black Power

In 1968, the Kerner Commission Report, based on the work of the presidential commission established to investigate the summer 1967 riots in Chicago, Newark, Los

Angeles, and Detroit, was released. For Deloria, the report exemplified how a sanitized narrative of the classical phase of the Civil Rights Movement dovetailed with a settler-colonial politics. The Report, Deloria argued, “naïvely assumes...that blacks have been a part of the development of the nation until the present and it naïvely advances this premise [in its opening lines]: ‘One nation is moving toward two societies, one black, one white—separate and unequal.’” In this vein, Deloria argued, “The Kerner Report assumes that FORMERLY this country was one, that RECENTLY it is moving toward two unequal societies. As concerns black and white, this nation has not yet been one, and if it has been one it has been a white one.”²³⁵ Implicitly, Deloria argued, this analysis was framed around “the white world view” because its proponents presumed that the politics of riots had deformed a unified nation—one that, Deloria inveighed, never existed in the first instance.²³⁶

It was precisely the Kerner Report-style-reception of Carmichael and Hamilton’s *Black Power* that prevented it, Deloria argued, from ever being given “the careful and impartial reading it deserved.”²³⁷ White conservatives unsurprisingly “scaled every wall in the land. For them it became a naked endorsement of violence.” White liberals, on the other hand, enthusiastically endorsed a narrow, aestheticized conception of militancy that funded and put faith in those now in vogue in the late 1960s as the authentic representatives of minoritized communities. For Deloria, the capacity of well-intentioned whites to essentially “pick” leaders replicated a form of indirect rule in the guise of more

²³⁵ Ibid., 82.

²³⁶ Ibid., 83.

²³⁷ Ibid., 101.

radical, grassroots representation. I will analyze Deloria's discussion of such questions of strategy and tactics in the section to follow this one. Here, I briefly contextualize the politics offered by Black Power in order to then explore Deloria's distinctive use of this discourse to remap the politics of self-determination and tribal sovereignty in Indigenous communities.

As historian Peniel Joseph has written, even as the former SNCC chairman Stokely Carmichael came to be closely identified with this latter aestheticized performance of militant politics and with Oakland's Black Panther Party, his own commitments—reflected in earlier organizing work and writings—represented a careful, realist accounting of how persistent structures of anti-blackness shaped the field of possibilities for organizing civil rights politics.²³⁸ Deloria's reading of Black Power in *We Talk, You Listen* concurred with this assessment and centered two dimensions of this analysis: the "philosophy of the group" and "intergroup relations" on the one hand and their analysis of "indirect rule"—part of a broader argument about the nature of colonial rule in the US—on the other. Before I delve into the uses to which Deloria puts Black Power, I briefly reconstruct some of the key arguments of the work to note both the significance and the limits of Deloria's selective re-appropriation.

In *Black Power*, Carmichael and Hamilton interpret the situation of Black people in the US as a "colonial situation." For them as for Deloria, "there is no 'American dilemma.'" There is no tortured gap that ordinary (white) citizens feel between their immoral practices and the unalloyed morality of the American Creed "because black

²³⁸ Peniel Joseph, *Stokely: A Life* (New York: Basic Civitas Books, 2014).

people in this country form a colony and it is not in the interest of the colonial power to liberate them.”²³⁹ Institutional racism, they argue, is a form of colonialism. Like Deloria, they analyze racism and colonialism not only as questions of individual prejudice, but primarily as institutional: “Institutional racism,” they argue, “relies on the active and pervasive operation of anti-black attitudes and practices.”²⁴⁰ Spectacular acts of white racial terrorism—such as the famous bombing of the 16th Street Baptist Church in Birmingham—garner the most attention as “overt” instances of racial hatred, which allow “respectable” people to “absolve themselves from individual blame.” Like Deloria’s rejection of sympathetic settlers who want to “help” but will not acknowledge colonial conditions, Carmichael and Hamilton point to sheer pity or sympathy as a non-starter politically that may allow whites to avoid acknowledging their complicity in institutional racism. Referring to these whites, Carmichael and Hamilton write that “*they* would never stone a black family,” yet they tellingly “continue to support political officials and institutions that would and do perpetuate institutionally racist policies” that are “no less destructive of human life.”²⁴¹

As the book tracks in detail, their insistence on a politics of self-determination emerged from SNCC struggles beginning in April 1965 to organize the original “Panthers” in Lowndes County, Alabama, a county with an 80% black population of mostly sharecroppers entirely dominated by its white Democratic political machine to the point that not a single Black person was registered to vote when SNCC arrived on the

²³⁹ Stokely Carmichael and Charles Hamilton, *Black Power*, 5; 77.

²⁴⁰ Carmichael and Hamilton, *Black Power*, 5.

²⁴¹ *Ibid.*, 4-5.

ground.²⁴² Here, the organization of parallel black political institutions emerged from a particular struggle in which “self-determination” took the concrete form of an alternative to the white supremacist Democratic Party. Despite Carmichael’s own organizing work in which civil rights struggles were already intertwined with these sorts of demands for parallel, radically democratic institutional forms—influenced earlier by nationalist figures like Malcolm X—the authors abstract from these particular terms of struggle in ways that (quite self-consciously) effect a “break” with previous (often almost equally capacious) articulations of civil rights. As they argue of “integration,” “to black people, it has meant a way to improve their lives, economically and politically.” Yet the dominant white conception of integration has held in place, where it referred not to transformed economic and political conditions but “race mixing”—or “crumbs of cooptation.”²⁴³ As Carmichael put it in an essay in the *New Republic* in February of 1966, even if one wanted to continue to speak the language of inclusion—and, therefore, place desegregation at the center of an anti-racist platform—such “inclusion” would have to be so radically transformative that “the goal cannot really be defined as inclusion.”²⁴⁴

Hamilton and Carmichael outline four dimensions of this colonial situation, which they divide between “political” and “economic” colonialism. The first three, forms of “political colonialism,” include what they call the “white power structure”; indirect rule; and disenfranchisement (through gerrymandering and other measures). The last, a form of “economic colonialism,” describes how “exploiters come into the ghetto from outside,

²⁴² Ibid., 98-99 and all of chapter four.

²⁴³ Ibid., 37, xvii.

²⁴⁴ Stokely Carmichael, “Who is Qualified,” *The New Republic* (January 8, 1966), 21.

bleed it dry, and leave it economically dependent on the larger society.”²⁴⁵ These latter practices of colonization include an “exploitative system of credit,” price gouging, and job discrimination.²⁴⁶

Perhaps surprisingly, Deloria does not pick up, either to redeploy or critique, the anti-colonial elements of their analysis. Fanon, Nkrumah, and other key figures in the pan-Africanist movement serve as a source of inspiration in developing this analysis, but it is primarily an argument by analogy—an analogy, they admit, that “is not perfect.”²⁴⁷ Thus, the “colonial” here refers not to practices of colonization in the sense of displacement and transplantation *per se*. Instead, the term holds together a diffuse assemblage of practices of exploitation, spatial segregation, and exclusion that serve to connect the situation and struggles of Black people in the US to the transnational struggle over decolonization, especially the pan-Africanist movement.²⁴⁸ Deloria would not pick up on the anti-colonial aspects of the argument precisely because they functioned primarily by analogy. What was useful for him, I will argue, was the concept of self-determination itself.²⁴⁹

²⁴⁵ Carmichael and Hamilton, *Black Power*, 17.

²⁴⁶ *Ibid.*, 16-23.

²⁴⁷ *Ibid.*, 6.

²⁴⁸ The bibliography of the book shows quite well the somewhat malleable nature of the colonial here, as they move between works primarily oriented to the US context aiming to reject a pluralist theory of American Political Development and those that emerge from the African anti-colonial archive and the history of the British and French Empires there. Carmichael (who became Kwame Ture) would later adapt a more directly Pan-Africanist conception of political identity that moved more decisively against the domestic logic of civil rights incorporation. *Black Power*, 219-222.

²⁴⁹ While I have emphasized the way that Carmichael and Hamilton self-consciously try to show how they are breaking from the civil rights norm, the concept of self-determination itself has a longer history with different inflections in various Black

Indeed, fault-lines in that analogy with the empire-colony relationship are made visible in the somewhat different reasons they adopt a politics of self-determination. Although the colonial analysis provides the resounding analogy through which to describe white supremacy, the impetus to develop separate institutions and bases of political power arose from two somewhat different considerations of the situation of Black people in the US: The first is their rejection of the “values of the middle class,” which “permit the perpetuation of the ravages of the black community.” That is, “the goal of black people must *not* be to assimilate into middle-class America” because it is that class’ very attachments to “material aggrandizement” that enabled the colonial dehumanization of peoples of African descent.²⁵⁰ Instead, they argue for the deep democratization of the economy and experimentation with new, participatory forms that foreground the participation of those previously considered “unqualified”—a process they call “political modernization.”²⁵¹

Second, and less geared towards the above account of transformative, deep democratization, Black Power “rests on a fundamental premise: *Before a group can enter the open society, it must first close ranks.*”²⁵² Here, the separatist moment is less about creating a participatory, multiracial democracy than it is about shoring up a bargaining

nationalist struggles, in the Marcus Garvey movement, for example. The now-classic contrast between assimilationism and separatism is: Bernard Boxill, “Two Traditions in African American Political Philosophy,” *Philosophical Forum* 24 (1992-93): 119-135. For another clarifying discussion of Black nationalisms, see Tommie Shelby, “Two Conceptions of Black Nationalism: Martin Delany on the Meaning of Black Political Solidarity,” *Political Theory* 31.5 (October 2003): 664-692.

²⁵⁰ Ibid., 41.

²⁵¹ Ibid., 40.

²⁵² Ibid., 44.

position in a society whose political system is nominally pluralist but functionally white supremacist. What they call the “myth of coalition” figures centrally. This aspect of the work is often misread as rejecting *any* coalition with white allies—a reading that, again, falls in line with the conservative reaction Deloria noted. In fact, the two thinkers very specifically outline a context-based theory of forming coalitions. Future coalitions, they argue, must be based above all on the self-interest of the group. To depend merely on eliciting the fragile compassions of white liberals through non-violence would too closely bind Blacks to suffering and sacrifice that would be wasted on costly compromises, or, what they call in reference to Booker T. Washington the “politics of deference.”²⁵³ That is, both at the registers of care and survival and that of leveraging political pressure to make substantive gains, “Black people must come together and do things for themselves. They must achieve self-identity and self-determination in order to have their daily needs met.”²⁵⁴ In explicit contrast to James Baldwin’s reassertion of African-Americans’ equal ownership of the idea of “America” (as he said, “of what America must become”) a few years earlier, they wrote that “the extent to which black Americans can and do ‘trace their roots’ to Africa, to that extent will they be able to be more effective on the political scene.”²⁵⁵ Withdrawal came first, at least as an initial step on the way to the claiming of

²⁵³ For a contemporary reflection on the problems of tying democratic exemplarity to Black suffering and sacrifice, see Juliet Hooker, “Black Lives Matter and the Paradoxes of U.S. Black Politics: From Democratic Sacrifice to Democratic Repair,” *Political Theory*, published online before print, April 4, 2016. doi: 10.1177/0090591716640314.

²⁵⁴ *Ibid.*, 46.

²⁵⁵ *Ibid.*, 45; Baldwin, “My Dungeon Shook: Letter to My Nephew on the One Hundredth Anniversary of the Emancipation,” in *The Fire Next Time* (New York: Vintage, 1993), 10.

equal ownership that Baldwin sought as the central focus of reimagining an America that could account for its foundational injustice of racialized slavery.

For Deloria, *Black Power*'s analysis of the politics of self-determination resonated in several ways, often exceeding the initial contexts in which Carmichael and Hamilton themselves would likely imagine such interventions. In *Custer*, Deloria bluntly stated that much of the earlier Civil Rights Movement had been irrelevant to the needs and concerns of many Indigenous peoples. I will return later to this claim, but that irrelevance is the basis for Deloria's observation that "Black power, as a communications phenomenon, was a godsend to other groups. It clarified the intellectual concepts which had kept Indians and Mexicans confused and allowed the concept of self-determination suddenly to become valid."²⁵⁶ In other words, Carmichael's use of the language of self-determination in the course of the much more visible struggle against Jim Crow made it possible for Deloria and other non-African-American activists to recast the political positioning of Indigenous peoples—oriented toward decolonization—as an iteration of what, they argued, was becoming the normative framework of (global) anti-racist and anti-colonial movements: the politics of self-determination.

Rather than always having been about the pursuit of formal legal equality, then, Deloria recast the Civil Rights Movement as a question of dignity—"a function of man's desire for self-respect":

"The tragedy of the early days of the Civil Rights movement is that many people, black, white, red, and yellow, were sold a bill of good which said that *equality* was the eventual goal of the movement...Equality became sameness...When equality did not come, black power did come and

²⁵⁶ Deloria, *Custer*, 180.

everybody [that is, predominantly, whites] began to climb the walls in despair.²⁵⁷

Instead of adhering to the declension narrative, as Hall calls it, Deloria viewed the articulation of Black power as a result of the quite foreseeable development that Blacks would dig “beneath the equality fictions which white liberals had used to justify their great crusade.”²⁵⁸ In *We Talk, You Listen*, Deloria reiterated this narrative arc, arguing that the reception that Black Power in non-white communities differed substantially from white ones:

the reaction of people within the Indian and Mexican communities was sophisticated compared with the reception which *Black Power* received in the white community. Conservatives scaled every wall in the land. For them it became a naked endorsement of violence. “Law and Order” became code words for the suppression of the aspirations of the minority groups.²⁵⁹

White conservatives, Deloria argued, seized upon the rhetoric of militancy and claimed it incited violence in order to repress post-SNCC movements. Deloria did not equate Black Power with violence but rather celebrated its refreshing emphasis on self-determination. Black Power opened up a different problem and a different answer that “closed the era of the integrationist-individualist approach to racial problems and ushered in the era of the group as a group.” For Deloria, then, Black Power introduced what he called the “philosophy of the group” or a “philosophy of self-determination.” In doing so, “Black Power spoke not only to blacks but also to a longing within the other racial minorities to

²⁵⁷ Ibid., 179.

²⁵⁸ Ibid., 180.

²⁵⁹ Deloria, *We Talk, You Listen*, 105.

express the dignity and sovereignty of their own communities.”²⁶⁰ For Deloria, when racialized populations were conceptualized as “mere conglomerates of individuals, each person being handicapped by his peculiar color, language, and culture,” they remained relatively powerless because they implicitly could only demand additional rights as individuals. By contrast, “the concept of power, however, meant that the group could speak and demand as a group.”²⁶¹ In essence, as a way of institutionalizing this politics of self-determination, Deloria proposed a constitutional framework that would take into account the presence of multiple peoples in America—from “we the people” to “we the peoples.”²⁶²

A New Constitution?

Deloria expanded on his historical explanations of the relation between racial and colonial orders and on this basis he sought to reinterpret the constitution in order to center the politics of self-determination. Deloria explained how the constitutional framework upheld such orders by framing claims to rights and freedom in individualist terms, a tradition that certainly lay in the background of the declension narrative of the Civil Rights Movement as a move *away* from the familiar liberal conception of constitutional rights-claims. Tracing how the US system was created in opposition to the arbitrary power inherited from the “European past,” Deloria took part in the long intellectual tradition that sees John Locke’s influence as fundamental to the US constitution. He

²⁶⁰ Ibid., 100.

²⁶¹ Ibid. This might be compared to Hannah Arendt’s discussion of power in the popular sovereignty tradition as a form of horizontally shared governance distinct from violence (though, of course, without the same interrogation of colonial difference). Hannah Arendt, *On Violence* (New York: Harcourt, Brace and World), 1969.

²⁶² Ibid., 152.

identified a “contracting theory of government” (i.e. the Lockean social compact) as the “basis for states and individual rights against the federal government.” For Deloria, the Constitution is built, then, on a Lockean foundation of the “radical idealism of the individual.” A certain picture of the “solitary individual” or an “abstract notion of the individual” based on the “individual ownership of capital” dominated “European history.”²⁶³ This abstraction of a non-relational individual never existed and, moreover, obscured that fact that the basic “ideology of the Constitution orients all considerations to protect the property-holding white citizen.”²⁶⁴

To be sure, Deloria acknowledged, the Lockean conception of personhood as a claim to property in oneself had been significantly expanded through cases like *Gideon*, *Miranda*, and *Escobedo*, which (theoretically) offered an “umbrella of protection for every citizen.”²⁶⁵ Even so, the terms of this expansion of rights, he argued, depended on upholding the basic conception of the individual as protected insofar as he is an atomistic contracting subject. The basic unfitness of the entire conception of the abstract individual explains what he saw as the “increasing sense of alienation felt by individuals, even while their legal rights have been clarified and expanded.”²⁶⁶ For those incorporated into the constitutional framework as racialized groups—i.e. as never having been treated as individualized, contracting subjects of their own capital—such an acute tension proved “particularly true.”²⁶⁷

²⁶³ Deloria, *We Talk, You Listen*, 143.

²⁶⁴ *Ibid.*, 146.

²⁶⁵ *Ibid.*, 142.

²⁶⁶ *Ibid.*

²⁶⁷ *Ibid.*, 143.

The insistence on collective political autonomy as the foundation on which to build subsequent claims to rights in Black Power reverberated in Deloria's reclaiming of the US Constitution against this dominant Lockean reading. He referred to the Lockean foundation that "orients all considerations to protect the property-holding white citizen" (what I have called the settler citizen) as "the conquest-oriented interpretation" of the Constitution.²⁶⁸ An alternative interpretation, Deloria argued, would expose the Lockean contract as a fiction that effectively obscured the fact that racialized groups entered into the constitution—whether the literal document or its subsequent judicial interpretation—as peoples conquered, enslaved, or treated with in an imperial order:

In 1848, Mexicans were brought into the Constitutional framework. In 1865 blacks were brought into the Constitutional framework, and in 1871, with the end of the treaty-making period, Indian tribes were brought into the Constitutional framework. These compose the major racial minority groups today. It is important to note that IN NO CASE DID THESE GROUPS ENTER THE CONSTITUTIONAL FRAMEWORK as individuals.²⁶⁹

As such, the "contract" obscures the realities of such historical practices of incorporation, thereby failing to engage other potential forms of political association. "When groups of people are thrust into a political relationship, then it is impossible to use a contract basis. The situation clearly calls for a treaty or covenant relationship, since it encompasses the spirit of groups and not the behavior of individuals."²⁷⁰ While contracts "have specific items which are severable," relationships between peoples who have been thrust into shared political arrangements cannot so easily be dissolved. Deloria defined the treaty in

²⁶⁸ Ibid., 146; 43.

²⁶⁹ Ibid., 145.

²⁷⁰ Ibid., 148.

this context as a “pledge of faith between groups” in which each would “police itself on a moral basis.”²⁷¹ Here, then, we can see how Deloria takes treaties as a template for political associations among peoples within shared spaces. Although he does not expand significantly on Indigenous conceptions of treaty here, I will address treaties in more detail in the following chapter.

Militancy and Nationalisms

To return to Deloria’s reception of Black Power, we can see Deloria’s effort as one to rework self-determination into a framework that saw Indigenous claims to self-determination as an expression of and a response to this actual historical logic of imperial confederation. Rather than an extension of civil rights struggle as one to which Indigenous groups eventually participated and caught up to the aggressively articulated rights claims of other groups, such an interpretive lens placed “Indian tribes...much further ahead than are other groups” in collectively (re)capturing material and even psychic resources from the US state.²⁷² Again, this claim reversed the template of what I have called the “extension thesis” by placing Indigenous peoples claims at the forefront of the movement towards self-determination rather than emplotting them on the rear-guard of civil rights organizing. Deloria argued that, in certain ways, Black Power, then, did not go far enough in its insistence on finding roots for sovereignty elsewhere than the existing settler society. In particular, I will suggest that Deloria launched a critique of the actual politics of coalition and confrontation that emerged from the era of Black Power, which undermined the constitutionalized self-determination Deloria imagined as an

²⁷¹ Ibid., 148.

²⁷² Ibid., 149.

alternative order for the US polity. Deloria rejected what he called “militancy” and contrasted a politics of militancy with what he theorized as “nationalism.”

For Deloria, the politics of self-determination could go in one of two ways: “nationalism” and “militancy.” The first he variously referred to as a politics of “nationalism,” “tribalism,” or “peoplehood.” He modeled this politics on the Indigenous experience of creating and maintaining independent customary legal orders, cultural practices, myths, stories, and responsibilities within communities stewarding homelands. Deloria cast the power movements as a rejection of a politics of inclusion and an incipient gesture towards possibilities closer to those expressed in Indigenous communities. The “so-called *power* movements,” he intimated, “are primarily the urge of peoples to find their homeland and to channel their psychic energies through their land into social and economic reality.”²⁷³ Deloria proposed a nationalism primarily defined by this practice of turning inward to support tribal sovereignty. Each group, he argued, needs to forge “within themselves a sense of ‘peoplehood,’” which “ultimately means the creation of a new history and not mere amendments to the historical interpretations of white America.”²⁷⁴ Here, then, Deloria credited Carmichael and Hamilton with developing a similar sense of the need for an inward turn and the development of narratives of self-affirmation around this turn. Yet in distinguishing “nationalism” from militancy, Deloria clearly saw the development of parallel institutions as part of the

²⁷³ Deloria, *Custer*, 179.

²⁷⁴ Deloria, *We Talk, You Listen*, 44. For an elaboration of the history of the concept of peoplehood in Indigenous Studies and a more recent application, see Tom Holm, J. Diane Pearson, and Ben Chavis, “Peoplehood: A Model for the Extension of Sovereignty in American Indian Studies,” *Wicazo Sa Review*, 18.1 (Spring 2003): 7-24.

ongoing development of a “tribal” conception of the world, one that, as I will argue, translated poorly into a template for Black Power. While at times Deloria’s description of what he calls “peoplehood,” “nationalism,” or “tribalism” in *Custer* is difficult to pin down, Deloria drew this politics most sharply into relief when he contrasted “militancy” to “nationalism”:

Non-Indians must understand the differences, at least as seen in Indian country, between nationalism and militancy. Most Indians are nationalists. That is, they are primarily concerned with development and continuance of the tribe. As nationalists, Indians could not, for the most part, care less what the rest of society does. They are interested in the progress of the tribe.

Militants, on the other hand, are reactionists. They understand the white society and they progress by reacting against it. First in their ideas is the necessity of forcing a decision from those in decision-making positions. Few militants would be sophisticated enough to plan a strategy of undermining the ideological and philosophical positions of the establishment and capturing programs for their own use.²⁷⁵

In striving to articulate an alternative form of decolonizing politics, Deloria distinguished militancy from nationalism for two reasons. The first is clearly linked to promoting the “tribal” conception of the world. The nationalist adopted a kind of insularity and diffidence toward the settler society, focusing instead on the “progress of the tribe.” Deloria theorized “tribalism” less as a static quality of Indigenous peoples as such than as a model politics of self-determination that would reconfigure Indigenous cultural templates focused on community and relationships for a context of rapid social change.²⁷⁶

²⁷⁵ Deloria, *Custer*, 241.

²⁷⁶ Kevin Bruyneel defines this as a “postcolonial nationalism” because Deloria rejected the colonial binary that forces Indigenous politics to remain inside or outside the political order. Kevin Bruyneel, *Third Space*, especially 140-146. Because this chapter accents Deloria’s critique of the civic inclusion narrative and recognition-based approaches that

Of course, there is an element of political strategy here, too, in centering the program of “nationalism” as opposed to militancy: Militancy, according to Deloria, created an identity only through the political contingencies of the moment, and in opposition to white supremacist politics.

Understood through this opposition between nationalism and militancy, Deloria clearly rejected the more instrumental side of withdrawal promoted by Carmichael and Hamilton. If withdrawal was solely a matter of increased bargaining power, it did not go far enough in rejecting assimilation and focusing on group sovereignty as an end-in-itself. Partly, though, Deloria’s worry was also strategic, because he worried that it could become too reactive to the white power structure: Such a dependence on difference to shore up identity would detribalize Indigenous politics, pinning nations’ fates to the whims of settler society in the beginnings of a backlash. Deloria felt such a politics would be a fragile source of progress because of the energy siphoned away from communities into pointless, aestheticized confrontations with the state. Despite the fact that

might concede too much to this narrative, I have chosen to focus less on some of the (relatively minor) interpretive differences I have from Bruyneel. For my purposes, the concept of nationalism or tribalism is too overdetermined in the text to propose a single mode of nationalism. In fact, Deloria moved between (what seem today) incommensurable contexts to paint a picture of a tribalist future. He interwove, as examples, Black power; corporate economies of scale that render the “rugged individualist” (his words) obsolete; and the statements of prophetic Indigenous leaders like Thomas Banyaca (Hopi) and “Mad Bear Anderson” (Tuscarora), to explain different sites of social organization that had begun to displace, he argued, both the state and (traditional) capitalism as more humane sources of order. *Custer*, 180; 228-229; 113-114. To read these without considering the profound instability of these contexts seems to provide an illusory sense of a single coherent “nationalist” model. Again, despite our having placed somewhat different accents here within the small interpretive scholarship on Deloria, I have chosen to focus the bulk of my argument on the more central critique of civic inclusion, US empire, and the entanglement between the post-racial and postcolonial moments.

confrontation was of course sometimes necessary, Deloria remained reticent to make this the primarily political activity of tribes. Even if it could generate short term gains, this strategy would not pave the way to fend off attempts by the settler state to erode rights in the future.²⁷⁷

The second reason tracks the interplay between adopting short-term tactics and the longer-term strategy that Indigenous peoples should pursue in securing their aims. For Deloria, “Militants shoot their arsenal merely to attract attention and are left without any visible means to accomplish their goals.”²⁷⁸ By working to create a set of tensions as a way to pressure those in power, they may exhaust their capacity to negotiate behind the scenes. Describing the Civil Rights Movement as a politics driven by the need to create a sense of “crisis,” he argued that the Black freedom struggle “could not fall back into a slower time sequence without losing its effectiveness and apparent progressive motion forward.”²⁷⁹ He argued that “nationalists” have more political options and focus more of their energies on their communities because they do not *immediately* turn to confrontation or to violence.²⁸⁰ The notion that nationalists “always have the option” is a slightly different point that indicates how Deloria was trying throughout this period to negotiate between shorter-term tactics and a longer term de-colonial politics. Deloria thought that

²⁷⁷ Reading Deloria against Fanon’s analysis of the potentially clarifying and cathartic effects of anti-colonial counter-violence, Kevin Bruyneel interprets Deloria as contending that “violence would not be a ‘cleansing force’ freeing Indigenous people from their ‘inferiority’ because it would further bind their sense of identity and agency to recognition from the dominant settler culture rather than to the measure of tribal security and self-determination.” Kevin Bruyneel, *The Third Space*, 145.

²⁷⁸ Deloria, *Custer*, 241.

²⁷⁹ *Ibid.*, 49.

²⁸⁰ *Ibid.*, 241.

violent resistance was basically fruitless because Indigenous peoples were such a small minority within American society.

In Deloria's description of the Poor People's March in 1968, orchestrated by Ralph Abernathy and the Southern Christian Leadership Conference in the wake of King's assassination during the Memphis Sanitation workers strike, we can see Deloria's objection to the politics of militancy more concretely. Abernathy organized the conference to fulfill King's expansion of civil rights to center economic justice and to turn towards a politics of "urban disruption" in northern cities. Describing the efforts of those Indigenous militants of the National Indian Youth Council—among the few Indigenous leaders to attend the march—Deloria was inspired by the Poor People's Campaign but also disdained the Campaign in some respects for being largely "symbolic."²⁸¹ He noted that it "dissolved into catcalls at Congressional windows and rejection in Congress of the demands of the participants. After all, when you have called someone a racist, what else can you call him?"²⁸² In other words, a measure of strategic cooperation, however disingenuous, was required to extract concessions; otherwise, faced with white reaction, no avenues for achieving economic justice and the continuance of the nation were left. Deloria contrasted this "continual hammering on one point, using one type of tactic," which invited such reaction, with a "basic approach" focused on "interrelate[ing] problems, so that if progress could not be made in one area, frustration would not build up but would be directed toward other tasks, and overall progress could

²⁸¹ On the National Indian Youth Council participation in the Poor People's Campaign, see Daniel Cobb, *The Struggle for Sovereignty*, 147-170.

²⁸² Deloria, *We Talk, You Listen*, 63.

be made.”²⁸³ Deloria argued that to dissimulate often created greater leverage than a politics of confrontation. Deloria derived the former from his own experiences working to establish leverage for Indigenous peoples to receive community grants through the Johnson Administration’s Office of Economic Opportunity.²⁸⁴ This “ideological leverage” could only emerge by remaining somewhat reticent to publicly reveal the uses to which communities would put their resources. Such a politics did not rule out negotiation with the state but sought to move towards the eventual self-sufficiency and independence of communities through the capture of state resources.

This strategy of subversion, according to Deloria, did not amount to conceding that the value of Indigenous communities as such depended upon the act of state recognition itself. It was primarily about strategic political action. Deloria explained:

In effect the tribes are pressing for complete independence from federal domination while retaining the maximum federal protection of the land base and services. With that goal, tribes shift back and forth to take advantage of every opportunity. The strategy has been to hit at every weak point that would yield more power to the tribe in the basic search for independence.²⁸⁵

What was at stake, then, was not what multiculturalists such as Charles Taylor have identified as the wounds of misrecognition but rather the need for resources and power

²⁸³ Ibid., 67, 58.

²⁸⁴ The goal was to manipulate bureaucracies so as to force concessions from each of them. As Deloria put it in an interview with Daniel Cobb, the idea was to “prais[e] one agency while kicking the ass of another...” For further context to this strategy, which Deloria referred to in this interview as one of “inside-outside” manipulation, see Daniel Cobb, *The Struggle for Sovereignty*, 126.

²⁸⁵ Deloria, *We Talk, You Listen* 60.

despite the false promise of inclusion.²⁸⁶ For Deloria, such a strategy compared favorably to the calls on the student left that were emerging in the late 1960s for violent resistance to state power without calling forth the inevitable reaction that would set in with the use of actual counter-violent terrorism. In this sense, then, Deloria's approach constituted a

strategy by which moral and ethical questions can be raised so that they will convey a maximum of issue-education while making maximal use of the weaknesses of the system. In that way the good things within a system would be made better and a real type of guerilla warfare, though on a more sophisticated level, could be waged with deadly effectiveness. There would also be no way in which the revolution could devour its creators.²⁸⁷

Deloria's somewhat optimistic view on using different tactics to avoid reaction served as a counter-point to what he regarded as the emergence of prerogatives driven too much by the needs of media spectacle.

Conclusion: Resonance and Dissonance in Deloria's Politics of Self-Determination

This chapter suggests that by staging a kind of missing debate between Deloria and Carmichael and Hamilton, we can make visible these interwoven structures of domination while also exploring the different forms of politics that communities have mobilized to confront domination and imagine alternative (actually) postcolonial futures. One can see here, then, that Deloria borrowed from Carmichael and Hamilton, yet also proposed frameworks that did not quite apply directly to the politics of Black Power as the latter had imagined it. Tribal sovereignty and Black Power shared an emphasis on self-determination as a process of collective renewal and transformation. What the two

²⁸⁶ Charles Taylor, "The Politics of Recognition," in *Multiculturalism*, ed. Amy Guttmann (Princeton: Princeton University Press, 1994): 25-74.

²⁸⁷ *Ibid.*, 67.

approaches shared in common was a need to shift away from the politics of inclusion, which depended on seeing the legacies of racism and colonialism through only individualistic and attitudinal frames of racial hatred. Instead, each of these thinkers adopted an institutional and structural approach that centered histories of exploitation, dispossession, and uneven incorporation as the background to such lasting frameworks.

Deloria's work in the later 1960s, then, can be seen as a grounded, contextual approach to entangled forms of subjugation that borrowed from Carmichael and Hamilton in ways generally unacknowledged in political theory. In tying what we now identify as anti-blackness and settler colonialism together, Deloria shows how the then-emerging imaginaries of a post-racial and postcolonial society are inevitably bound together through the promotion of color-blind equality frameworks. These function through the avowal of colorblindness as a norm, which itself is enabled by recasting the normative kernel of civil rights organizing as a question of adopting a view of racism as individual prejudice that can be eradicated by tolerance and education alone.

Whereas this postcolonial identity in the US can perhaps be traced back to the American Revolution—to the identity of the US as the “first” postcolonial state—it still had and has to be renewed and affixed to changing conceptions of nation-building. At the same time, insofar as settler states continue(d) to engage in the package of colonial practices I identified via Deloria in the previous chapter, settler-state formation and its characteristic expansion of territorialized sovereignty ought to continue to be identified as a mode of empire-formation. As I have suggested via a reading of Deloria alongside his interlocutors, Carmichael and Hamilton, the dominant, declension narrative of the Civil

Rights Movement universalizes colorblindness as its central ideal. This interpretation not only sanitizes the legacies of King and other participants in the movement by stripping away its more radically democratic, socialist, anti-war, and anti-imperialist legacies, but also effectively promotes a logic of “and Indians, too.”

That is, if colorblindness poses as the normative kernel that political theorists and the public ought to extract from the Civil Rights Movement, then the Indigenous Sovereignty Movement can only be seen as a deviation from that norm. Or, hived off from the politics of sovereignty and interpreted as basically of a piece with the Civil Rights Movement, one is left with an “Indian Civil Rights Movement” that effectively sees Indigenous struggles as a late-coming “extension” of Black freedom struggles. In place of both what Hall calls the declension narrative and what I have called the extension thesis, I have traced in this chapter Deloria’s effort to reconfigure the interpretive frameworks attached to civil rights just as these received histories were beginning to congeal—though prior to the ascendance of colorblindness as the dominant narrative of the New Right and eventually of much of the US political mainstream.

For Deloria, I have argued, the politics of self-determination, which implied dual citizenship, provided the political foundation through which to make any subsequent claims on the rights of persons as citizens. Membership in a political community remained a crucial element of the claims that persons would have on rights, yet Deloria insisted that the colonial project of the assimilation of peoples into a single unified polity had failed and would continue to fail. As a political analyst attentive to ongoing practices of incorporation, Deloria reminded his audience of the actual—not the imagined—history

of the making of the United States as a nation-state. Here, imperial annexation, dispossession, and the racial enslavement of peoples take center stage in explaining contemporary political practices. Under these circumstances, those who had been incorporated in these violent and uneven ways must found their politics on their shared experiences of incorporation and demand rights of self-determination just as Indigenous peoples have.

Deloria's argument, I have suggested, works on two levels. First, to be sure, Deloria regarded a politics of self-determination as a crucial and necessary response to repression, and in particular the emerging strength of white reaction against the Civil Rights Movement. The urge to turn inward and affirm one's own histories, Deloria argued, "must be translated into the demand for recognition of the sovereignty of their groups. This can only come through political action as a defensive weapon of protection."²⁸⁸ Second, the focus on self-determination also sharply recast Indigenous peoples as the avant-garde of anti-oppression politics. By placing Indigenous struggles in the avant-garde of formulating this politics of self-determination, Deloria, I argue, made the extension thesis seem to be simply an historically implausible and theoretically deficient way of understanding Indigenous struggles and the plural struggles of the longer Civil Rights Movement. In other words, Indigenous peoples' struggles could then be understood as a central expression of the aspirations of the normative kernel of the power movements—indispensable to a more just polity, not its peripheral other. Unfortunately,

²⁸⁸ *Ibid.*, 31.

the resonances of the extension thesis still appear to inform much of the public conception of the participation of Indigenous communities in the Civil Rights Movement.

Even as Deloria borrowed from Black Power to create resonances between Indigenous projects and other social justice-oriented movements on terms that would be far more hospitable to the politics of Indigenous communities, we can see here how this borrowing might also result in important dissonances that should not be ignored. For one, Deloria insisted that “Any future coalitions of groups for change must adopt Indian formats” as an effort to “convey a maximum of issue-education” in order to forestall forces of racial reaction and resentment.²⁸⁹ Such a logic presumes that reaction was in some sense a response to the most visible articulations of militancy rather than a deeply intractable backlash to racial justice work in a white supremacist society. Indeed, while the Indigenous Sovereignty Movement would gain steam throughout the 1970s, so, too, did reaction to it. Thus, it was not, I submit, a problem that could actually be averted by better tactics as Deloria conceived.

Although one might agree with Deloria’s general attempt to economize political action—and thus certain aspects of his critique of militancy—I would argue that it represents a somewhat unfair characterization of the Civil Rights Movement as a crisis-driven politics whose own urgency undid the gains of the movement. In this sense, one might argue that Deloria’s sometimes-aversion to mass democratic action may not translate easily to the political aspirations of other racialized groups. Deloria certainly derived this sometimes-aversion from his very reasonable fear that the politics of many

²⁸⁹ Deloria, *We Talk, You Listen*, 31.

small and vulnerable Indigenous communities would be lost in the shuffle of the politics of civil rights, which made direct action as well as coalition-based politics particularly risky. Deloria envisioned a politics of self-determination more deeply oriented toward independence and withdrawal as an end-in-itself—a position that grew from the distinctive histories, resilient political authority, and kin-based genealogies of Indigenous communities.

Yet it is not clear to what extent such a politics could or ought to be adopted by African-American theorists. Instead, while Deloria's opposition between militancy and nationalism made sense in the context of small Indigenous communities, he says relatively less about the meaning of mere withdrawal for Black nationalists whose communities were hyper-visible. One might instead suggest that the dilemma of Carmichael and Hamilton is evident in the dual reasons they adopt for promoting direct action—one more instrumental and the other an ethical-political rejection of assimilation. At least in part, the need to use more direct and aggressive tactics was a result of the failure of more conciliatory ones; it was impossible under these circumstances to adopt the kind of diffidence and insularity recommended by Deloria in any longer term way.

Putting aside these fraught differences when it came to questions of organizing, Deloria and Carmichael and Hamilton together show how the ideology that we are in a post-racial era and the ideology that we are in a post-colonial era are mutual supportive, and depend on extracting a particular, narrow vision of civil rights from the social and political movements that have fallen under that rubric. In particular, I have suggested that the post-colonial (which has been with us since the American Revolution) now operates

through the consolidation of this post-racial imaginary. Universal citizenship—underpinned by triumphal and reductive narratives of the classical phase of the Civil Rights Movement—becomes the norm, which Indigenous peoples then have to frame their arguments against. Deloria's writing already anticipated how the reception of civil rights as a politics conforming to the fulfillment of colorblindness would in turn inform the reception of Indigenous politics. By consolidating that narrative, Indigenous sovereignty claims become framed as a deviant exception to this normative interpretation of racial equality. Both Deloria and Carmichael and Hamilton adopt analyses that point toward the actual conditions of colonialism and institutional racism not as lingering prejudice but as conditions shaping the polity across many dimensions.

Despite the dissonances I have described above with respect to the sometimes fraught articulation of these forms of self-determination politics, I hope to convince political theorists to adopt political theories of race that fully attend to the historical sediments of anti-black racism and settler colonialism alike in contemporary institutional forms. As I suggested in chapter one and further elaborated here, we cannot simply expand the resources adapted for the former to encompass the latter; instead, as I have argued, we should center precisely those theorists like Deloria who positioned themselves so as to reframe debates on racial politics towards questions of dispossession, usurpation, assimilation, treaties, landlessness, and Indigenous rights.

In the next two chapters, I will show how Deloria's work shifted to accommodate and express an emerging global anti-colonialism in Indigenous North America, which also ushered in an era of Indigenous militancy and legal activism. While I have

emphasized Deloria's objections to militancy here, the political situation changed quickly with the founding and growth of the American Indian Movement into a major force in the national scene by 1972. In chapters four and five, I will narrow in on two concepts, which Deloria significantly expanded upon in the early 1970s: Indigenous or tribal sovereignty and treaties. These were concepts important throughout earlier works, yet he would significantly sharpen his analysis of these concepts as the political stakes became clearer in the earlier 1970s. Such a politics would also begin to go beyond the limitations of the politics of local self-determination in important ways through activists' radical (in the sense of rooted) articulations of Indigenous sovereignty that they combined with an expansive anti-colonial transnationalism. Building from my arguments about the links between conceptions of political progress and inclusion in chapter one, I argue that Deloria's work in the early 1970s challenged even more deeply the notion of forms of progress built on a shared cultural and political symbolic order.

Chapter Four

Temporary Visibility: The Politics of Tribal Sovereignty, 1969-1976

Introduction: "From Reservation to Global Society"

In a 1976 interview that (characteristically) moved quickly between science and religion, then on to politics and law, Vine Deloria commented enthusiastically on the emergence of the American Indian Movement (AIM) as a force throughout Indian Country.²⁹⁰

Having read his cautions against militancy in the late 1960s, one might see Deloria's relatively positive assessment of AIM as a reversal of these earlier warnings against a militant politics. As I explored in the previous chapter, Deloria once claimed that militancy was attuned more to the spectacular demonstration than the everyday work of organizing. Indeed, Deloria's praise of AIM might be contrasted with White Earth Ojibwe critic, novelist, and poet Gerald Vizenor's more skeptical view. As a journalist writing for what was then called the Minneapolis Tribune (now the Minneapolis Star-Tribune) in the early 1970s, Vizenor zeroed in on what he would go on to label in later years as AIM's "racial duplicities."

For Vizenor, AIM's stereotyped self-presentation and broad and sometimes "generic" claims about Indianness—that is, claims unmoored from philosophies rooted in specific Indigenous nations' oral histories—made their own political expressions "much closer to the invented tragedies of a vanishing race than were the crossbloods who

²⁹⁰ "Vine Deloria, Jr. Interview with Michael McKale, From Reservation to Global Society: American Culture, Liberation and the Native American," *Radical Religion* 2.4 (1976): 49-58.

endured the real politics and weather on reservations.”²⁹¹ On one level, Vizenor’s critique speaks to what he called AIM’s “dubious constituencies,” since Means, Dennis Banks, the Bellecourt brothers, and other leaders were not elected officials speaking through and for any particular tribal council. More deeply than simply a problem of political representation, though, Vizenor also sensed a kind of capitulation in what he called AIM’s “romantic inversion of racialism.” Clinging to static conceptions of Indianness, AIM could only create political leverage by succumbing to or posing in identities that were merely “simulations” imposed by settler states who hoped Indigenous political authority would disappear into the past. In reversing the settler-Indigenous hierarchy and merely affirming a conception of Indigenous peoples invented for settler consumption, Vizenor argued, AIM was actually shoring up colonialism rather than overcoming its structures of domination in any substantive way.²⁹²

To be sure, Deloria expressed similar concerns to that of Vizenor: He observed that AIM could easily be read as freezing Indigenous cultures and sovereignties into an unchanging past. For Deloria, AIM’s famous showmanship represented “a return only to the external, show-business image of Indians, to wear feathers, long hair, dance and sing, and act mean all the time.” These “rigid forms and style,” Deloria argued, sometimes prevented activists from seeing their work as part of an ongoing *process* of enacting sovereignty, one “of cultural change and national development.”²⁹³ So too did Deloria

²⁹¹ Gerald Vizenor, “Introduction,” *Crossbloods: Bone Courts, Bingo, and Other Reports* (Minneapolis: University of Minnesota Press, 1990), xiii.

²⁹² Gerald Vizenor, “Introduction,” *Crossbloods*, xiii.

²⁹³ “From Reservation to Global Society,” 50.

continue to warn against uncritically copying the rhetoric of Black Power.²⁹⁴ He remained reticent of AIM's own capacity to align militant critique with solutions: "Their shortcoming," he argued, "is that they rarely offer a good alternative to conditions as they are."²⁹⁵

Despite these similar criticisms to Vizenor, Deloria appreciated AIM because of the organization leaders' active participation in the creation of a global Indigenous politics that would more directly challenge settler state sovereignties in the early 1970s. Deloria focused on the ways that AIM had brought new narratives of political grievance to the foreground, which through his own efforts he sought to translate into flexible frameworks of political sovereignty. Referring to the American Indian delegation attending the 1972 Inter-American Institute Conference, Deloria said that he was "terribly disappointed in the major Indian organizations which seem to me to support Brazilian policy against Indians."²⁹⁶ AIM, in contrast, was "the only group that has any knowledge or any sensitivity of a common hemispheric destiny."²⁹⁷ Deloria, then, still saw in AIM the capacity to connect with the "gut issues" of Indigenous peoples and simultaneously adopt this broader, global frame.²⁹⁸

²⁹⁴ Robert Warrior, "'Temporary Visibility': Deloria on Sovereignty and AIM" ed. Alan R. Velie, *Native American Perspectives in Literature and History*, (Norman: University of Oklahoma, 1995), 53.

²⁹⁵ "From Reservation to Global Society," 52.

²⁹⁶ Deloria was referring to the ongoing genocide of Indigenous groups (most notably, the Yanomami) that the Brazilian dictatorship was then carrying out. See also, Deloria, *Behind the Trail of Broken Treaties* (Austin: University of Texas, 1974), 231.

²⁹⁷ "From Reservation to Global Society," 55.

²⁹⁸ "From Reservation to Global Society," 52.

Of course, Deloria himself had earlier reframed the injustice facing Indigenous peoples around colonial practices by drawing on parallels with the Vietnam War that might resonate with a US (and Canadian) public attuned more to foreign war than ongoing colonization at home. Yet it was somewhat different to move from resonances and parallels to illuminate one's own situation in North America toward a politics based on fostering more active, transnational connections: "we [meaning Indigenous peoples within the territorial boundaries of the US] are just now coming into some kind of consciousness that transcends the tribe and area of the country in which we have lived for a century..."²⁹⁹ Such an aspiration to the global was not without its tensions: In this same interview in which he invoked this nascent global, anti-colonial consciousness, Deloria also referred back to his own continual insistence on the need for insulation and separation within spaces knit together by structures of kinship that settler societies have sought to destroy. In response to a question about "build[ing] alternatives in a society whose basic beliefs are destructive," Deloria argued: "Sometimes you can find a very comfortable niche inside, a small personal arena inside that disaster that is very satisfying. I just think that it is really terribly ambiguous for all of us at this point."³⁰⁰

Consider, then, the distance traveled from 1964 to 1976: In 1964, Deloria had envisioned the politics of self-determination in opposition to the stark possibility of Termination. His demands for the enforcement of treaty rights, the recognition of unrecognized nations, "sub-contracting" of services to Indigenous communities, and local administrative control of resources amount to a right of self-determination exercised

²⁹⁹ Ibid., 55.

³⁰⁰ Ibid., 54.

through the reimagining of Indigenous tribes as local governments with a status co-equal to that of states vis-à-vis the federal government. In 1975, Congress passed the Self-Determination and Education Assistance Act, which, along with several other pieces of legislation, began a process of institutionalizing what is now widely identified as the modern era of tribal self-determination.

Even as Deloria had been successful in achieving these significant administrative changes for which he had advocated in the 1960s, his references to a process of “national development” betrayed potential limits to the idea of self-determination when it was conceived of only as a form of self-administration. Under the conception of self-determination that Deloria and other activists had fought for, the federal government could “subcontract some functions of the Bureau of Indian Affairs to tribal governments.” Yet this treatment of tribal governments as what Deloria called in 1974 a “junior chamber of commerce” precluded—or at least avoided—the question of sovereignty. No matter how extensive was administrative devolution, it became apparent to Deloria that institutionalizing this relationship did not “clarify the legal status or legal rights of the tribe so that it could begin to function as a political entity.”³⁰¹ Such a system, he argued, “amounts to nothing more than...domestic colonialism which demeans the Indian recipients and perpetuates” an “abusive psychological frame of reference.”³⁰²

In *Custer*, Deloria argued: “Congressional policy should recognize the basic right to tribal sovereignty. Such sovereignty should include all promises contained in treaties

³⁰¹ Deloria, *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (Austin: University of Texas Press, 1974), 261.

³⁰² Deloria, *Behind the Trail of Broken Treaties*, 174.

and should recognize the eligibility of tribal governments for all federal programs which are opened to counties and cities.”³⁰³ Sovereignty, in this sense, was defined by treaty rights and the federally recognized ability to administer federal programs. By 1974, Deloria—influenced by AIM—would give sovereignty a more political edge that shifted the concept away from questions of administration and towards more fundamental questions of political authority.

In chapter five, I will argue that Deloria foregrounded the language of “sovereignty”—“Indigenous sovereignty” or “tribal sovereignty”—in the early 1970s as a way to focus on the basic sources of authority that would define any future relationship between settlers and Indigenous peoples. There, I examine how he reworked two central concepts in his 1974 work, *Behind the Trail of Broken Treaties: An Indian Declaration of Independence*: the concepts of sovereignty and treaty. The background to these interpretive moves that I explore in this subsequent chapter is that Deloria and others began to turn to international law and to a different reading of treaties to enact strategic pressure and to reimagine a politics of self-determination in ways that earlier demands for self-determination did not encompass. On the one hand, they expanded the legal tools and rights-frameworks available to activists to secure a status of sovereignty that reflected the inherent sovereignty of Indigenous nations and to enforce treaty rights. On the other hand, I argue that Deloria’s work in the 1970s represents a significant shift because he also theorized “sovereignty” and “treaties” not merely as codified legal statuses but as ongoing *practices*—and as a process that also implicated settlers in building a

³⁰³ *Custer Died for Your Sins*, 144.

decolonized political relationship. In this chapter, I embed *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (1974) among the documents that reflect this context of expanding political aspirations, especially the Assiniboine activist Hank Adams' Twenty Point Proposal, authored during the Trail of Broken Treaties' stopover in St. Paul, Minnesota in 1972.³⁰⁴

In chapter five, I show how the arguments that emerged in this era challenge critical political theorists who have questioned the legacies of civic inclusion but have yet to grapple with this politics of re-founding and renewal. There, I focus on the concept of a "paradox of founding" as a framework that allows for a deeper pluralism than the politics of civic inclusion, yet underestimates the challenge posed to settled regimes of citizenship by Deloria. In this chapter, I set the historical context of these changes: As Robert Warrior has argued, Indigenous movements were enjoying a time of "temporary visibility," during which it became possible to push new narratives of political grievance and injustice like that of "broken treaties."³⁰⁵

The argument of this chapter demonstrates how these writings emerged out of attempts to imagine new pan-Indigenous coalitions: I first begin by tracing in a suitably longer fashion the interplay between the emergence of more militant Indigenous activists in the form of AIM and others and changing US and international contexts to show how Deloria would shift his own writing to challenge the boundaries of earlier debates over the meanings of the politics of self-determination. In examining the politics of Indigenous

³⁰⁴ In the next chapter, I also examine the NCAI "Declaration of Sovereignty" (1974) and the International Indian Treaty Council's "Declaration of Continuing Independence" (1974).

³⁰⁵ Robert Warrior, "'Temporary Visibility': Deloria on Sovereignty and AIM," 53.

“declarations” from around 1972-1975, I center Deloria’s work in particular as a crucial statement within this broader activist network as an effort to move toward a more transnational anti-colonial politics focused on rebuilding genuinely international, treaty-based relations between the US and Indigenous nations.

Self-Determination: Beginning of an Era or Ambivalent Signifier?

Before I return to my reading of *Behind the Trail of Broken Treaties* itself in chapter five, I will trace in some depth that set of rapid shifts out of which this text emerged. Even though *Behind the Trail of Broken Treaties* shares many themes and arguments in common with Deloria’s previous writings analyzed in chapters two and three, I will suggest through this framing that *Behind the Trail* responds to and expresses a shifting set of strategies and narrative frames through which to contest the settler-colonial politics of incorporation. Keeping this context of rapid change and uncertainty at the center of his writing, Deloria called the time for Indigenous peoples one of “extreme complexity.”³⁰⁶ With the founding of the American Indian Movement (AIM) in the Twin Cities in 1968 and Indians of All Tribes’ occupation of Alcatraz beginning in November 1969, militants like Russell Means (Oglala Lakota) and Dennis Banks (Ojibwe) increasingly drove debates across Indian Country and affirmed more confrontational tactics. Taking a cue from and working alongside AIM, Deloria would invest time and effort into the project of recovering treaty histories and shifting Indigenous politics confined by the possessive nationalism of “American Indians” towards a more global set of resources and aspirations. I will also suggest that this more strident politics, which

³⁰⁶ Vine Deloria, Jr., *Behind the Trail*, 245.

took a cue from Haudenosaunee (Iroquois) rejections of US citizenship in particular, accessed the global in order to turn back to and reclaim Indigenous conceptions of legal and political order.³⁰⁷ Here, I will first describe a shifting set of national contexts and then I will turn to the changing transnational debates around the politics of decolonization in order to explore how Deloria and the network of activists around him would push such narratives to respond to this moment of visibility.

What AIM and Indians of All Tribes put on the agenda came in the form of a more direct assault on the legitimacy of settler states than even Deloria had previously conceived. In their proclamation on the occasion of occupying Alcatraz, the Indians of All Tribes declared: “We, the native Americans, re-claim the land known as Alcatraz Island in the name of all American Indians by right of discovery.”³⁰⁸ Here, these activists, many of whom had met in urban spaces as an unintended result of the Termination and Relocation policies, cast their demands in a language of reclamation. Given the emergence of these militant claims, the politics of self-determination as a project sufficiently realized by reimagining the US constitution had run its course in significant ways for these activists.

The decline of the War on Poverty and the relative success that the NCAI had, with Deloria’s help, in eventually forcing Termination off the agenda by the early 1970s posed a set of emerging questions for Deloria and others about recasting the politics of self-determination against these subtler forms of incorporation in this time of “extreme

³⁰⁷ Deloria, *Behind the Trail*, 18.

³⁰⁸ For the Alcatraz Proclamation, see Troy Johnson, *The Occupation of Alcatraz Island: Indian Self-Determination and the Rise of Indian Activism* (Urbana: University of Illinois Press, 1996), 53-55.

complexity.” Partly in response to actions such as Indians of All Tribes’ takeover of Alcatraz Island in November 1969, President Nixon moved away from the Termination policy and more directly affirmed a new policy of self-determination. On July 8, 1970, President Nixon delivered a special message to Congress, charting out new “Recommendations for Indian Policy.” In this address, Nixon became the first president to truly and decisively renounce the Termination policy. Casting Indigenous peoples as caught between extremes of “paternalism” and “termination,” Nixon argued: “Self-determination among the Indian people can and must be encouraged without the threat of eventual termination. In my view, in fact, that is the only way that self-determination can be effectively fostered.”³⁰⁹ Nixon used the language of the policy the NCAI demanded some four years earlier: “self-determination without Termination.” By 1970-71, then, the Alcatraz takeover and the political and educational activities of AIM in the Twin Cities to curb police violence and set up “survival schools” of Native children indicate that many activists had already ceased to reach for a political vocabulary narrowed by the dire stakes of Termination.³¹⁰ Yet what form self-determination would take was overdetermined by these contexts: Deloria, for one, found the Nixon administration’s responses to militant demands to repatriate land and renegotiate treaties in response to the

³⁰⁹ Nixon, “Special Message on Indian Affairs,” July 8, 1970, in *Public Papers of the President of the United States, Nixon*, 566. (564-576)

³¹⁰ Julie Davis, *Survival Schools: The American Indian Movement and Community Education in the Twin Cities* (Minneapolis: University of Minnesota Press, 2013).

Alcatraz protesters and AIM's takeover of Wounded Knee in spring 1973 tellingly unresponsive.³¹¹

The Trail of Broken Treaties' Twenty Point Proposal

AIM's Trail of Broken Treaties caravan in November 1972 set an agenda primarily aimed at promoting treaty-based relations between the US and Indigenous nations.³¹² Hank Adams, an Assiniboine activist and theorist, authored the crucial document expressing this platform, the Twenty Point Proposal. Deloria's *Behind the Trail of Broken Treaties* contains a long discussion of the Twenty Points and its central thrust of renewing a "treaty process" between all Indigenous peoples and the settler state. Deloria wrote in *Akwesasne Notes*, a widely circulated publication based in Kaniakhehaka Mohawk territory: "It has seemed to me that the Twenty Points which the people of the Caravan drew up and were to have presented to the federal government were the most comprehensive and incisive list of reforms that I have seen presented to any government officials for quite a while."³¹³ In a press release of the year prior, Adams clarified why he and AIM believed that treaties meant more than rights:

³¹¹ Deloria, *Behind the Trail*, vii-x. For a flavor of other responses among activists and leaders from favorable to dismissive, see Dean J. Kotlowski, "Alcatraz, Wounded Knee, and Beyond: The Nixon and Ford Administrations Respond to Native American Protest," *Pacific Historical Review* 72.2 (May 2003), 202-203. See also on Nixon, Jack D. Forbes, *Native Americans and Nixon: Presidential Politics and Minority Self-Determination, 1969-1972* (Los Angeles: UCLA American Indian Studies Center, 1981).

³¹² On the Trail of Broken Treaties caravan to Washington, DC, which grew out of AIM efforts to mobilize around the 1972 election, see Robert Warrior and Paul Chaat Smith, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: The New Press, 1996).

³¹³ *Akwesasne Notes*, Early Spring, 1973, 37-38. Deloria regarded Adams at the time as the driver of many of the central tactical and intellectual shifts within Indigenous politics since Adams' days in the National Indian Youth Council dating to its founding in the

“The most meritorious proposals for advancing Indian interests, rights, and welfare have been lost to the power processes of the American political systems. We face increasing demands to totally emerge ourselves—our 200,000 potential voters—into these political processes and systems merely to secure position to advocate that we be granted hearing for an advocacy of our desires—not to determine outcomes or ultimate results—while we have not yet been allowed to be involved with our own lives by the fundamental standards of consent and control, or consent to external control.”³¹⁴

Adams put his finger on the paradox of incorporation that continued to inform debates in the early 1970s. In this document, one can see Adams working out conceptually and politically the results of being forced to adjudicate the very existence of Indigenous peoples within settler-state institutions: In other words, in order to have their claims heard, Indigenous peoples must work within the system, but their presence within the system does not guarantee “outcomes or ultimate results.” What it does guarantee, though, is further incorporation into the system.

Renegotiating relations through treaties in the present, then, would enable Indigenous peoples to enter into relations with the US without having to risk further (potentially fruitless) incorporation. Subtitled “An Indian Manifesto for Restitution, Reparations, Restoration of Lands for a Reconstruction of an Indian Future in America,” Adams explicitly stages the document as a moment of re-founded and renewed political claims instead of progressive inclusion into the US. The preamble states:

early 1960s and the Northwest fishing rights struggles in which he was a major participant. Vine Deloria, Jr, “The Most Important Indian,” *Race Relations Reporter* 5.21 (November 1974): 26-28.

³¹⁴ Press Release: Ad Hoc Committee for New Indian Politics; Hank Adams, Chairman (Dec 2-7, 1971),” David Wilkins, ed., *The Hank Adams Reader: An Exemplary Native Activist and the Unleashing of Indigenous Sovereignty* (Golden, CO: Fulcrum, 2011), 90.

We need not give another recitation of past complaints nor engage in redundant dialogue of discontent. Our conditions and their cause for being should perhaps be best known by those who have written the record of America's action against Indian people. In 1832, Black Hawk correctly observed: *You know the cause of our making war. It is known to all white men. They ought to be ashamed of it.*

The government of the United States knows the reasons for our going to its capital city. Unfortunately, they don't know how to greet us. We go because America has been only ready to express shame, and suffer none from the expression – while remaining wholly unwilling to change to allow life for Indian people.

We seek a new American majority – a majority that is not content merely to confirm itself by superiority in numbers, but which by conscience is committed toward prevailing upon the public will in ceasing wrongs and in doing right. For our part, in words and deeds of coming days, we propose to produce a rational, reasoned manifesto for construction of an Indian future in America. If America has maintained faith with its original spirit, or may recognize it now, we should not be denied.³¹⁵

Rather than merely another enunciation of the dreary, “redundant dialogue of discontent,” the Twenty Points creates a space for the renewal of treaty-making not as a different knowledge-claim (“you know”) nor as a new moral appeal (“America has been only ready to express shame”) but as a *political* claim. Adams connects the reconstruction of Native political authority to a revitalized American democratic ethos. The preamble displaces the American founding in a perhaps surprising way: If the legitimacy of all past democratic majorities depended on a foundational violence continually remade only “by superiority in numbers,” a new majority can reshape the public will. Stated only as a conditional, though, the faith maintained with America's original spirit depends on a

³¹⁵ <http://www.aimovement.org/archives/page45.html>. The Twenty Points themselves can be found at <http://www.aimovement.org/archives/> and in Alvin Josephy, Joane Nagel, and Troy Johnson, eds., *Red Power: The American Indians' Fight for Freedom* (Lincoln: University of Nebraska Press, 1999), 44-47.

future claim that “should not [though, it seems, very well might] be denied.” As I read Adams’ proposal, it is the United States’ re-founding on legitimate grounds that depends on proof of Native reconstruction, reversing the normal valence of “dependency” between settler states and Indigenous peoples. It is not so much that Indigenous claims will *extend* the promise of the American Declaration of Independence. Indeed, Jefferson listed among the grievances in that document the notion that King George III “has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.”³¹⁶

Instead, Adams promises in the preamble that *without* the remaking of treaties and the acknowledgment of Indigenous political status as sovereignty, the Declaration of Independence will have been a falsehood—one of many “causes for making war.” In other words, what results in the absence of renewed regimes of treaty-making will have been not the claiming of American statehood against an empire—the purpose of the American Declaration of Independence—but the *reclaiming* of empire against Indigenous nations.

Adams’ proposal to renew the process of making treaties between Indigenous nations and the US might be viewed, then, as radicalizing Deloria’s earlier shift toward a politics of self-determination: The proposal came out of a more decisive rejection of the

³¹⁶ “The Declaration of Independence”

http://www.archives.gov/exhibits/charters/declaration_transcript.html. Accessed June 29, 2016.

ambivalences of incorporation that shaped the War on Poverty years, as activists demanded real, unconditional self-determination.

The Twenty Point Proposal began with the basic idea that all Indigenous peoples, as members of their own nations, ought to be in some form of treaty relation with the US.³¹⁷ It was out of *that* relationship that the US' responsibilities to Indigenous peoples grew, not (primarily) out of their historical treatment as second-class citizens. Article one demanded the restoration of the president's constitutional treaty-making authority "in order that Indian Nations may represent their own interests in the manner and method envisioned and provided in the Federal Constitution." That is, as independent nations. Articles 2 and 4 respectively called upon the president to establish a treaty commission to make new treaties and to create a separate commission to review treaty commitments and violations. Article 2 further suggested that "Authority should be granted to allow tribes to contract by separate and individual treaty, multi-tribal or regional groupings or national collective, respecting general or limited subject matter."

Article 5 called for the resubmission of unratified treaties, which had allowed the US to take away ceded lands while continuing to violate rights explicitly reserved in treaties. Article 6 declared that "all Indian people in the United States shall be considered

³¹⁷ For a more extensive discussion of the "Twenty Points," see *Behind the Trail*, 48-53. Yet another key aspect of the Twenty Points was the proposal for land reform and restoration; the repeal of the acts of termination against the Menominee, Klamath, and Colville tribes; the right of Indian nations to adopt their own membership criteria, including overlapping citizenship with multiple nations; the repeal of Public Law 280—a crucial component of Termination through which the federal government ordered states to usurp jurisdiction of reservations within their territorial boundaries. Finally, Adams—connecting imprisonment not to civil rights but to *self-government*—also argued for "alternatives to existing prison," including "Indian-operated rehabilitation and treatment centers."

to be in treaty relations with the Federal Government and governed by doctrines of such relationship.” Moreover, the twenty points also sought to ensure an “Indian right to interpret treaties,” which would give tribes some wiggle room to block moves by state governments through appeal to the Supreme Court for immediate injunctions against unilateral state actions.

In line with Adams’ proposals, then, Deloria turned to a more global frame out of a concern at the way self-determination might be as much *contained* by Nixon’s shift as it was unleashed. The waning of the War on Poverty and the stalled responses of Nixon Administration staff to the treaty question also meant that national political channels might be fast losing their effectiveness for capturing resources that would help support Indigenous communities.

Declaring Independence Again: Indian Law in a Global Context

Why did Deloria and others not turn to the global earlier—or, put otherwise, why did such a turn not take the form of a more aggressive global anti-colonialism? To be sure, Deloria’s work in the 1960s began to trace how “federal Indian law” grew out of the colonizing order of the European law of nations. It is important to consider, though, how the United Nations’ regime of decolonization enacted throughout the 1950s and 60s explicitly excluded Indigenous peoples from the politics of decolonization, echoing the exchanges of Indigenous peoples with the earlier League of Nations in the 1920s.³¹⁸ Thus, international law actively enabled settler-colonial politics and offered few

³¹⁸ On Cayuga leader Levi General Deskaheh’s mission to the League of Nations in the 1920s, see Ronald Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity* (Berkeley: University of California Press, 2003), 31-36.

resources at that time through which to challenge settler-state domination. The General Assembly of the UN passed 1514, “Declaration on the Granting of Independence to Colonial Countries and Peoples” in December 1960, which erases the presence of Indigenous peoples from the project of decolonization: “Any attempt aimed at the partial or total disruption of national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.”³¹⁹ For Indigenous peoples, this “saltwater” or “bluewater” doctrine invoked “territorial integrity” or “national unity” to limit the possibilities of applying a logic of formal decolonization to settler states. The decolonization regime, then, erected a barrier between settler societies with minority Indigenous peoples with lands that territorially overlapped with the settler majority and European metropolitan populations separated by a body of water from their (soon to be former) colonies.³²⁰ In addition to this barrier erected between decolonization resulting in statehood and that of non-state Indigenous peoples, the International Labor Organization also issued crucial rulings that preserved the legitimacy of settler-state incorporation projects at the UN.³²¹

During this period, a number of Caribbean, African, and African-American

³¹⁹ United Nations General Assembly Resolution 1514 (XV), “Declaration on the Granting of Independence to Colonial Countries and Peoples.” See Sharon Helen Venne, *Our Elders Understand Our Rights: Evolving Law Regarding Indigenous Rights* (Penticton, British Columbia: Theytus Books, 1999), 73.

³²⁰ On the “bluewater” doctrine as a colonial interpretation of the term “people(s)” in international law, see S. James Anaya, *Indigenous Peoples in International Law* (New York: Oxford University Press, 2004), 43; 75-76.

³²¹ On ILO Conventions 107 and 169, see Ronald Niezen, *The Origins of Indigenism*, 36-40. For a more in-depth history of ILO policy in relation to Indigenous peoples, see Luis Rodriguez-Piñero, *Indigenous Peoples, Postcolonialism, and International Law: the ILO Regime, 1919-1989* (New York: Oxford University Press, 2005).

thinkers and statesmen participated in what political theorist Adom Getachew calls the “reinvention” of self-determination: Diplomats and thinkers from WEB DuBois to Kwame Nkrumah remade “self-determination” in international law, transforming it from a Wilsonian principle implemented to reinforce a global racial hierarchy to a right providing the foundation and *raison d’être* of the process of decolonization.³²² Yet these instruments of international law were not amenable to Indigenous aims throughout this period because of the bluewater doctrine: It is perhaps not surprising, then, that Deloria’s analysis throughout the 60s features little mention of international law as such, in particular of this developing regime of decolonization being enacted in the United Nations throughout the 1950s and 1960s. In this section, then, I argue that Deloria, Hank Adams, and other activists turned to a narrative of broken treaties and began to link their politics more closely to international law partly because of what came to be seen as the too-narrow earlier articulation of Indigenous sovereignty as “inherent” but primarily made legible to a settler public through US constitutional law.

Legal Activism and Shifting Coalitions

Deloria’s more robust engagement with international law initially grew out of his work with the Institute for the Development of Indian Law, among the legal organizations that would initiate a number of cases to defend treaty rights, jurisdiction, land claims, and many other issues pertaining to the political rights and status of Indigenous peoples and individuals. Just as the mostly urban-based occupiers of AIM seized the political imagination of many reservation and urban Indigenous constituencies

³²² Adom Getachew, “The Rise and Fall of Self-Determination: Towards a History of Anti-Colonial World-Making” (PhD Thesis, Yale University, 2015).

alike as well as the broader US public, Deloria and a number of his collaborators founded the Institute for the Development of Indian Law in 1971.³²³ The Institute, a forerunner of the Native American Rights Fund, sought to “develop a general philosophy of Indian legal rights in contemporary society.”³²⁴ The strategy of the Institute was primarily legalistic and rights-based: Deloria and his co-founders envisaged working through the courts to take advantage of “important chinks in the armor missing which we can use to get everything back.”³²⁵ As Deloria had strategized, the Institute for the Development of Indian Law attempted for the first time to define rights tribe by tribe as well as to provide legal research and aid for tribes. The Institute issued small pamphlets for individual tribes that summarized the legal sources of their particular claims, treaty status, and so on vis-à-vis the US government as well as collating materials on many issues. The Institute also began its own journal, the *American Indian Journal* and issued a number of volumes that—along with Felix Cohen’s original *Handbook of Federal Indian Law*—formed the foundation of contemporary tribal sovereignty.

In a talk he delivered some ten years later (in December of 1984), Deloria spoke sharply of the context that gave (and gives) rise to this need for legal research: “One

³²³ Karen Ducheneaux (Cheyenne River Sioux), Frank Ducheneaux (Cheyenne River Sioux), and Kirke Kickingbird (Kiowa) also served as co-founders of the Institute. Founded the same year as the Southern Poverty Law Center (1971), the Institute is part of the under-researched emergence of cause-lawyering in Indigenous Country. The National Indian Youth Council and the more prominent Native American Rights Fund (founded in 1971) also play an important role in this story.

³²⁴ Box 15: Series II Chronological Correspondence 1969, Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library.

³²⁵ Letter to Kirke Kickingbird (Norman, OK). May 15, 1968. Box 26, Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library.

glaring omission that is apparent in modern Indian legal struggles is the almost total absence of supporting literature. In presenting the treaty arguments in the *Consolidated Wounded Knee* cases in 1975, we discovered that hardly an article had been written which gave the Indian side of the question. Every argument that was raised on behalf of Indian treaty rights had to be made in the courtroom.” In an era in which tribes continued to lack basic legal representation and access to necessary legal materials, Institute staff systematized legal materials in an effort to define and defend tribal sovereignty, ran workshops, encouraged broader educational efforts to inform tribes of their rights (treaty-based and otherwise), and fought to take advantage of temporary visibility to reframe the broader public debate to center Indigenous peoples’ sovereignty and treaty rights.³²⁶ Theirs was part of a broader legal strategy: Deloria proposed to exploit a number of legal precedents in order to “get everything back.”³²⁷

During AIM’s occupation of Wounded Knee in the spring of 1973, Deloria and several of his colleagues strategized about impending possibilities in their proposal for writing *Behind the Trail of Broken Treaties: An Indian Declaration of Independence*. The Genocide Treaty, which the Black Civil Rights Congress led by DuBois among others had long argued applied to US oppression of Black citizens, would finally come before

³²⁶ Indian Law and Theology Conference, Princeton University, December 14-16, 1984. Box 59. Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library. For the arguments presented by and on behalf of the defendants in the Wounded Knee Trials, see *The Great Sioux Nation: Sitting in Judgment on America*, ed. Roxanne Dunbar Ortiz (Lincoln: University of Nebraska Press, 2013 (1977)).

³²⁷ Letter to Kirke Kickingbird (Norman, OK). May 15, 1968. Box 26, Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library.

the Senate to be ratified.³²⁸ Since the Senate Foreign Relations Committee had proposed holding hearings post-Wounded Knee on the status of Indian treaties in the summer of 1973, it was still an open question precisely how these hearings would be framed.³²⁹

Deloria and his colleagues from the Institute for the Development of Indian Law sought to “shock the Senate Foreign Relations Committee” by recasting the hearings around how the soon-to-be-ratified Genocide Convention applied to the US relation to Indigenous peoples.³³⁰ It was, thus, initially through these more indirect instruments—prior to the founding of the UN Working Group on Indigenous Peoples—that Deloria would appeal to the concept of international law in a way that exceeded the previous terms of Cold War conceptions of development and aid.

These two wings of the movement—one committed to grassroots organizing and direct action and the other to stretching the boundaries of rights-based legal change—may seem to augur very different conceptions of politics. Although they differed in strategy, Deloria and the Institute represented an effort to serve as a nodal point between such grassroots articulations of grievances and elite policy discourses. For several years, Deloria had argued that Indigenous activists needed a unifying political coalition or some background conceptual framework held in common to generate any sort of long-term

³²⁸ Civil Rights Congress, *We Charge Genocide: The Historic Petition to the United Nations for Relief From a Crime of The United States Government Against the Negro People* (New York: Civil Rights Congress, 1951).

³²⁹ “Letter to Elaine Markson, March 9, 1973, *Behind the Trail of Broken Treaties: Research Materials*,” Box 2, Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library.

³³⁰ “*Behind the Trail of Broken Treaties: Research Materials*,” Box 2, Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library. Deloria discussed the Genocide Convention in chapter 11, “The International Arena.”

vision of pan-Indigenous political authority. Otherwise, any gains the NCAI had made confronting the Termination policy and forging self-determination could easily be rolled back again by anti-Indian political actors placed in key positions. At the November 1971 NCAI Convention, Deloria proposed that the NCAI work with the NIYC, AIM, and the newly formed National Tribal Chairmen's Association (NTCA).³³¹ In essence, Deloria proposed a division of labor between different pan-Indigenous organizations: "AIM can provide the 'activist punch' that any solid movement needs. At times the bureaucracy needs a swift kick in the you-guessed-it. AIM can provide this and NTCA and NCAI will not have to forsake their jobs to do it. NIYC can organize Indian youth and work to get them into the various programs available to Indian people." These organizational questions are directly reflected in a copy of the unofficial meeting minutes of the NCAI the following year in 1972, during which Vernon Bellecourt, a well-known Twin Cities AIM leader, proposed a "coalition of AIM, NTCA, [and] NCAI to be called COIN, Coalition of Indian Nations." According to Jack Forbes, this Coalition of Indian Nations

³³¹ Robert Warrior and Paul Chaat Smith, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: The New Press, 1997), 123. Deloria discussed Resolution 26, which he said was passed at the November 1971 NCAI meeting in "Toward a Common Indian Front," JA132, Native American Educational Services, American Indian Press Association, Records, Box 1, Folder 1, Special Collections Research Center, University of Chicago Library. 26 actually referred to a related set of issues pertaining to extending BIA services to urban Indians. "1971 Convention – Reno, Nevada, Resolution 26." Box 19, Folder 15, National Museum of the American Indian Archive Center, Smithsonian Institution "Minutes of NCAI Meeting – Donated by Rachel Bonney of North Carolina" Box 21, Folder 2, National Museum of the American Indian Archive Center, Smithsonian Institution.

eventually formed (without the approval of the more conservative NTCA) but it was not a long-lasting coalition.³³²

To be sure, Deloria's mostly failed attempts to form these coalitions reflected internecine debates about the role of tribal councils as political authorities; the dichotomy between the priorities of "urban" and "reservation" communities (even though the lines were often blurred between the two); and disagreements about the proper channels for political action.³³³ For my purposes in tracing the contexts of Deloria's work, I want to suggest that both the more militant wing of the movement *and* Deloria's more law-centered writings began to think of the politics of incorporation as a much more pervasive feature of settler-state political orders than even was previously an aspect of Deloria's writings. While this was a time of temporary visibility, the risks of incorporation and continued uncertainty about the meaning of self-determination drove these more radical proposals. These, in turn, informed Deloria's more expansive critique of the received history of theorizing both (Indigenous) sovereignty and the treaties signed between the US and Indigenous nations.

Conclusion

In this chapter, I have traced a series of subtle shifts that took place within Indigenous activist politics and in national and international contexts that allowed Vine Deloria to reframe a set of core concepts and narratives. Historians such as Daniel Cobb have theorized the "broken treaties" narrative as fundamentally continuous with earlier narratives of Indigenous grievance and sovereignty politics dating back to the early

³³² Forbes, *Native Americans and Nixon*, 60.

³³³ *Ibid*, 46-60.

1960s.³³⁴ I have sought to show how emerging narrative frames—drawing from and explaining the politics of a potential treaty process and enacting sovereignty—actually subtly shifted a number of variables: the significance of the “global” within Indigenous politics (from Cold War appeal for aid to anti-colonial solidarity); the politics of self-determination as it pertains to the incorporation of Indigenous peoples within the political systems of settler states; and the (potential) refashioning of treaty-centered political relationships between settler states and Indigenous peoples.

In examining these subtle shifts, I set the context for Deloria’s *Behind the Trail of Broken Treaties*, arguing that the subtly changing stakes of debates over Indigenous peoples’ incorporation into the US political system drove Deloria to revisit the meaning of tribal sovereignty and of treaties. As I argue in the following chapter, this turn represents a challenge to critical political theorists: However critical of the logic of civic inclusion, there is relatively less attention given to the way that Deloria’s interpretation of treaties and sovereignty actually challenges the idea of a “paradox of founding” that is based on a more critical vantage point on the politics of rights. Instead, I argue, read in the context of other Indigenous declarations of this time, Deloria’s work actually challenges settler citizenship in a deeper way, resulting in what I call a politics of repair that challenged the erasure of the historical governing structures of Indigenous peoples.

³³⁴ Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty* (Lawrence: University of Kansas Press, 2008).

Chapter Five

Displacing the Paradox of Founding: Treaties and Sovereignty in Vine Deloria, Jr.'s *Behind the Trail of Broken Treaties*

Introduction

In *Behind the Trail of Broken Treaties: An Indian Declaration of Independence*, I will argue, Deloria sought to re-conceptualize two of the key concepts that emerged from the struggles over self-determination I outlined in chapter four: sovereignty and treaties. The Twenty Points, I argued in chapter four, is a central pivot in these debates. So too is the Oglala Lakota Declaration of Independence, through which traditional Oglala Lakota people (re)declared themselves an independent sovereign nation during AIM's occupation of Wounded Knee.³³⁵ I first explore how Deloria re-conceptualized both treaties and sovereignty by re-narrating which practices ought to count as foundational to contemporary political orders. In *Behind the Trail of Broken Treaties*, Deloria emphasized moments of demanding self-determination for Native polities so as both to keep the pressure up on the US settler state in a time of temporary visibility and to relocate these founding practices on a continual basis within the treaty-making and sovereignty-enacting practices of Indigenous peoples. Read in terms of Deloria's own claim that the document constitutes a declaration of independence, *Behind the Trail* stages an interpretive authority for Indigenous peoples precisely by negating a series of dominant interpretive claims aligned with the processes through which the US assumed greater control over Indigenous polities, territories, and individuals. In this sense, I will

³³⁵ See Thomas Biolsi, *Organizing the Lakota: The Political Economy of the New Deal on the Pine Ridge and Rosebud Reservations* (Tucson: University of Arizona Press, 1992), 182-184.

argue, Deloria's declaration displaces the American founding as the central locus of American political origins and centers the international politics of treaties and plural, overlapping sovereignty. Deloria's political theory centers the fact that what is at stake in such debates are competing sources of normative and political authority.

Insofar as Deloria needed to work "within" the US constitutional order because of the irreversible sediments of colonial incorporation, I read his proposals as a pragmatic negotiation of present circumstances—an attempt to take advantage of the conditions of "temporary visibility" I laid out in chapter four. I have focused at some length on this historical context of the emergence of the "broken treaties" narrative so as to foreground the historical conditions and shifting terrain of Indigenous politics. My reading of these declarations of independence challenges a vein of scholarship in contemporary political theory that represents the founding of constitutional orders as a "paradox." Those who assert that there is a paradox of founding have fashioned a theory that, from my perspective, improves on the civic inclusion narrative: They have shown how claims to rights and personhood depend on disruptive challenges to settled claims rather than linear progress. Whereas the civic inclusion narrative depends on this latter teleological narrative of rights expansion, the paradox of politics narrates a non-linear form of progress in which new forms of politics do not derive from any inherent logic of constitutional rights. Despite the improvement this move—often associated with agonist political theory—represents over the civic inclusion narrative, such a logic of supplementation still privileges forms of political (re)ordering that hold in place "our" founding (the American founding, and in other cases, other colonial foundings) as the

dominant sites of progressive political change.³³⁶ Agonist political theorists have usefully turned our attention back to the work of politics rather than justification. They have pointed to the excesses, violences, and remainders of founding political practices, according to which states can never become fully legitimate because of these founding violences. Yet to theorize founding as a kind of paradox still fails to engage the problem of domination that becomes especially sharp when we enter into the realities of the settler-colonial condition. If political theorists such as Bonnie Honig and William Connolly turned toward the paradox of founding in order to recover the political practices of citizens denied in top-down, constitutionalist accounts of legitimation, such a move to pluralize and open up non-dominant terrains of political struggle nevertheless depends on the capacity of the *demos* to influence and transform the laws under which they are governed and to see themselves in some important respects as having authored them. Such frameworks are attached more to *pluralizing* politics, yet still depend on a relatively

³³⁶ Earlier influential discussions of the paradox of politics and political founding include: Paul Ricoeur, "The Political Paradox," William Connolly, ed. *Legitimacy and the State* (New York: New York University Press, 1984), 250-272; Hannah Arendt, *On Revolution* (New York: Viking Press 1963); Jacques Derrida, "Declarations of Independence," *New Political Science* 7.1 (1986): 7-15; Derrida, "Force of Law: The 'Mystical Foundation of Authority,'" Drucilla Cornell, Michel Rosenfeld, and David Carlson, eds. *Deconstruction and the Possibility of Justice* (New York: Routledge, 1992), 3-67; William Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox* (Ithaca: Cornell University Press, 1991); Connolly, *The Ethos of Pluralization* (Minneapolis: University of Minnesota Press, 1995); Honig, "Between Decision and Deliberation: Political Paradox in Democratic Theory," *American Political Science Review* 101.1 (February 2007): 1-17; Bonnie Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton: Princeton University Press, 2009). Examples of influential "deliberativist" and constitutionalist treatments wedded to a justification- or legitimation-based model, include: Jürgen Habermas, *Between Facts and Norms*, William Rehg, trans (Cambridge: MIT Press, 1996); Seyla Benhabib, "Deliberative Rationality and Models of Democratic Legitimacy," *Constellations* 1 (April 1994): 26-52.

unitary conception of citizens sharing in the same polity. They fail to reckon especially with the conditions of erasure as a problem calling for forms of repair specific to colonial injuries, such as land reforms to address landlessness. In other words, I understand the politics Deloria articulated instead as a problem of persistent domination that works through the erasure of Indigenous peoples' own governing structures in favor of an implicitly settler citizenship.³³⁷ I re-characterize Deloria's work in the early 1970s as an effort to negotiate a politics of *erasure* (not paradox) to recover Indigenous nationhood.

Deloria's *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (1974) exemplifies the live political dilemmas Indigenous peoples have encountered in attempting to negotiate the dynamics of political "founding" that these theorists have described through the lens of paradox. I show how Indigenous theorists negotiated political dilemmas not of "paradox" but what I will call erasure. In this sense, I argue, such arguments about the paradox of founding actually erase forms of politics that refuse to see in the logic of founding a paradox at all. This logic inadvertently privileges settler citizenship by failing to reflect on the *dissolution* of Indigenous rights ("broken treaties") that is a constitutive feature of settler constitution-building. Simply put, founding is not a paradox if it is "solved" by the elimination of one group's historical governing structures. By reading *Behind the Trail of Broken Treaties*, I will argue that we can see how Deloria challenged and *displaced* these dominant sites of founding in order to authorize renewal in the present and link up the aspirations of Indigenous peoples

³³⁷ I will say more below about the distinction between "paradox" and "erasure."

within the territorial boundaries of the US with the decolonizing practices of other Indigenous peoples.³³⁸

Deloria's aim in recovering histories of treaty-making, then, was to initiate a process of shifting towards quite different foundations of political life. In other words, such a process of repair actually displaces and negates the constitutional founding. It also calls into question settler-state claims to territoriality with demands for agrarian reform and reparation more often associated with the politics of development outside the US.³³⁹ Reading Deloria, we find that founding becomes less a "paradox" than an ongoing project of normalized incorporation. By turning to *Behind the Trail of Broken Treaties* and the other declarations of sovereignty from this era, we can see how Deloria and others

³³⁸ Much like *Custer Died for Your Sins*, many refer to *Behind the Trail of Broken Treaties* as primarily a part of the documentary history of Indigenous organizing. See, e.g., Daniel M. Cobb, "Asserting a Global Indigenous Identity: Native Activism Before and After the Cold War," in *Native Diasporas: Indigenous Identities and Settler Colonialism in the Americas*, eds. Gregory D. Smithers and Brooke N. Newman (Lincoln: University of Nebraska, 2014), 443-472. One interpreter reads *Behind the Trail* as a decolonizing critique of international relations. Glenn T. Morris (Shawnee), "Vine Deloria, Jr. and the Development of a Decolonizing Critique of Indigenous Peoples in International Relations," Richard A. Grounds, George E. Tinker, David Wilkins, ed., *Native Voices: American Indian Identity and Resistance* (Lawrence: University of Kansas Press, 2003): 97-144. Morris' reading is closer to my own understanding. Even though he is also critiquing legal precedents in US and international law, the term "critique" does not quite address the performative and constituent aspects of what the text seems to be doing—especially given the context of the other declarations of Indigenous peoples in circulation at the time. I am not aware of any interpreter who addresses this latter context. As a declaration, Deloria's text does fit with David Armitage's emphasis on declarations as instruments of state-making, though with important differences in Indigenous conceptions of how sovereignty is "made" addressed below. See David Armitage, *The Declaration of Independence: A Global History* (Cambridge: Harvard University Press, 2008).

³³⁹ One call for agrarian reparations Deloria was thinking of was a work authored by his colleagues at the Institute for Development of Indian Law, which is mentioned in *Behind the Trail of Broken Treaties* and for which Deloria wrote a preface. Kirke Kickingbird and Karen Ducheneaux, *One Hundred Million Acres* (New York: Macmillan, 1973).

attempted to create different interpretive frames through which to stage the political authority of Indigenous nations. This language—of reclamation, repair, and decolonization—is a central facet of the politics that emerged from this juncture and it better captures the radicalism of this project as a response to normalized, foundational violence that has taken different forms into the present.

In what follows in the chapter, I first return to the concept of the paradox of founding in political theory in order to explore the limits of the concept of “paradox” as a way of conceptualizing this generational shift in political claims-making. Building on the arguments of chapter two, I suggest that Deloria challenges how this framing centers settler citizenship as a condition of membership and claims-making. I then focus on *Behind the Trail of Broken Treaties*. I read Deloria’s effort to renegotiate the concepts of treaties and sovereignty as an effort to respond to normalized erasure. That is, Deloria’s re-reading of settler legal traditions is less focused on pluralizing them than it is in displacing their central thrust, which is to effectively erase the presence of Indigenous nationhood. I then turn to Deloria’s “political reading of treaties,” which I interpret as an effort to renegotiate the concept of treaty to accord with Indigenous conceptions of treaties as ongoing, negotiated relationships that cannot be unilaterally disavowed. This is part of, as you will recall from chapter four, a move towards re-opening the treaty process, an attempt to renew a relationship between Indigenous nations and the US as a form of international relations repressed by one party to those relations. Finally, I examine Deloria’s attempt to reconfigure the concept of sovereignty to accommodate Indigenous articulations of sovereignty as a non-state practice.

The Politics of Founding: Erasure, Not Paradox

The basic argument of *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* is that Indigenous peoples are sovereign nations in the international sense of that term, ought to be treated as such, and ought to be present, active subjects of international relations. “In effect,” Deloria wrote of what would become *Behind the Trail of Broken Treaties: An Indian Declaration of Independence*, “this book will be an Indian Declaration of Independence.”³⁴⁰ Although the text has been read as an extended effort to work out and defend a number of decolonizing policy proposals and/or a sharp recasting of the entire history of European and US expansion into Indigenous worlds through an imperial and colonial framework, I read this claim that the text itself is a declaration as a hermeneutic key. That is, more than simply a critique of forms of US and international law and politics that fail to acknowledge Indigenous sovereignty, *Behind the Trail of Broken Treaties* itself constitutes an interpretive and political authority that disrupts the dominant site of the American founding. The work shifts its readers toward different grounds of shared but contentious political life. The language of “broken treaties” can be deceptive in this sense because Deloria revisits the Trail of Broken Treaties protest as a way into opening space for renewing a treaty process between the US and Indigenous nations. Thus, Deloria revisits the arc of US constitutional and international law to re-center the interpretive and political authority of Indigenous peoples.

³⁴⁰ “*Behind the Trail of Broken Treaties: Research Materials*,” Box 2, Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library.

Deloria's work, I argue, actually seeks to displace the settled authority of US constitutional order as a way of opening up space for Indigenous nationhood. As we saw in chapter four, Hank Adams also referred to the US Declaration of Independence and argued, effectively that a form of warfare exercised against Indigenous peoples has been a longstanding condition of settler security and citizenship. By centering these claims, I press on the paradox of founding as an influential but inadequate account both of colonial practices of founding and of the political conditions that follow in the wake of such foundings.

Accounts of the paradox of founding in political theory can be traced most recently to debates about political theorists motivated by questions of legitimation, who typically pit themselves (or are pitted against one another by others) as "agonist" or "deliberativist" treatments of democratic and/or constitutional rule. I will briefly focus here on Bonnie Honig's account of founding as exemplary of this kind of argument: In several works, Honig sought to move away from the binary logic that seemed to structure this paradox (albeit in different ways) for thinkers like Selya Benhabib and Jürgen Habermas.

Honig reworks the dilemma first presented by Rousseau in Book II, chapters VI-VII of his *On the Social Contract*, in which he asks whether good people come first or good laws.³⁴¹ Even if one pins down "which came first," as Rousseau does through the *deus ex machina* of a "lawgiver," the paradox of where democratic sovereignty is located still remains. The legal order still needs to be continually legitimated in some fashion, so

³⁴¹ Jean-Jacques Rousseau, *On the Social Contract* (Indianapolis: Hackett, 1987), 36-41.

Rousseau's (chronological) resolution does not actually resolve the question into the future.³⁴² Instead, the paradox of founding is a *political* one that requires attention to democratic practices like "amendment, augmentation, nullification," in which the relation between law and *demos* is not resolved but remade and recast over time through the practices of citizens.³⁴³ I will not fully rehearse the contexts that led Honig to affirm the paradox as a condition of democratic politics here, which would involve doing a genealogy of the dominant communitarian, Rawlsian, and Habermasian theories of the 1970s and 80s.³⁴⁴ For my purposes, two aspects of this influential framing of founding-as-paradox fail to resonate: First, through Deloria, I theorize the violence of founding as an *ongoing* practice of normalized incorporation. The language of paradox tends to portray founding as an (inherently?) productive and open-ended field of political contestation. As I argued above, Deloria shifts our attention both to the structural closure that historically occurred when the US assumed military, economic, and political power over Indigenous nations *and* to the politics of recovering and reconstituting Indigenous sovereignty. Second, this return to practices of democratic citizenship often fails to

³⁴² Per the works just cited above, Honig offered this argument about "irresolvable" paradoxes in the context of a debate about legitimation between those who believed that deliberation and proper constitutional design could resolve such issues (such as Benhabib) and those who believed that no matter how good institutions are, still an element of irrational "decision" continues to necessarily condition the political order. Honig's fundamental insight in these debates is that there are no "independent standards of legitimation" that can really resolve this paradox.

³⁴³ Honig, "Between Decision and Deliberation: Political Paradox in Democratic Theory," *American Political Science Review* 101.1 (February 2007), 8.

³⁴⁴ Connolly's work on paradox—for which he uses a number of slightly different formulations—serves as an important precedent for Honig's longer term working out of the paradox of founding. Connolly, *Political Theory and Modernity* (New York: Wiley-Blackwell, 1991), 41-67; *Identity/Difference*, 193; *Ethos of Pluralization*, 139.

consider the question: whose practices? The affirmation of paradox closes off more than it reveals by privileging the inevitability of sustaining an order that is conditioned on erasure.³⁴⁵ Stated conceptually, paradoxes are irresolvable.

In fact, though there are actually *two* dimensions to founding—the creation of a new order and the erasure of a prior one—Honig, Connolly, and others have focused primarily on the first dimension. My focus here will be on the conditions of founding as that of erasure, which incites a different kind of struggle toward the recovery of *other* foundings—not one for “new” meanings in a same-but-re-signified founding. I then describe the kind of politics Deloria and others would leverage to recast the terms of political authority in ways that do not accede to the political authority assumed in focusing primarily on this first dimension of political struggle.

³⁴⁵ As in chapter two, I take a central framework of political theory (e.g. civic inclusion) and re-describe it to see how it works when viewed within a set of largely erased political contexts and debates deriving from the emergence of global Indigenous politics. In other words, in order to see the problem of founding as perspectival, we actually have to study how it is that Indigenous activists have formulated these questions in often starkly different terms from those even of radical political theory. Now, I am not claiming here that Honig is not attentive in certain ways to the violence of founding. Indeed, I take it that part of her aspiration is to call our attention back to the ordinary violences of law that produce structures of exclusion. Honig writes: “...we can deny or disguise the paradox of politics only by suppressing or naturalizing the exclusion of those (elements of the) people whose residual, remaindered, minoritized existence might call the pure general will into question.” Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton: Princeton University Press, 2009), 16. However, close attention to the language she uses here shows how even the critique of violence that enframes the terms of political contest here mirrors the dominant imaginary of the settler order: The existence of Indigenous peoples is “minoritized” only in a certain imaginary enforced by a dominant settler order. These, I would argue, are precisely the terms of erasure (in Honig’s language in the form of minoritization) those like Deloria have refuted and contested, a practice that I outline in what follows. I frame this below as a politics of repair pitched against what I call the colonial politics of erasure.

Accounts that explicitly acknowledge the violence of founding as colonial violence resonate more with the obvious, critical dimension of Deloria's project. Yves Winter offers the politically centered formulation of a "paradox of conquest." Winter contrasts two aspects of the politics of conquest. On the one hand, conquest introduces a "vector of disruption," meaning that the practice of conquest inaugurates a new political order by violently disrupting the old. On the other hand, in order to consolidate a new order, the conquerors need to cover over the foundational violence that continues to reverberate within a constitutional order—most obviously through the critiques and perspectives of those who are conquered. So in other words, conquest is paradoxical because it gives rise to the following problematic: "If conquest is a foundational violence that interrupts political continuity and that suspends a legal order, how can it simultaneously generate a new stable order?"³⁴⁶

Along these lines, Joan Cocks has argued that we can differentiate between the violence exercised within an already constituted social order and the (ongoing) violence through which a "new" order continually erases an "old" one.³⁴⁷ For Cocks,

³⁴⁶ Yves Winter, "Conquest," *Political Concepts: A Critical Lexicon* 1.1 <http://www.politicalconcepts.org/issue1/conquest/>. Winter traces these two "vectors" of conquest across two different political spaces: the New World context of the European conquest and colonization of Indigenous peoples and the invocation of the Norman conquest by diverse constituencies in Stuart England in the context of the English Civil War.

³⁴⁷ In one of Johan Galtung's well-known formulations (which shifts across some key statements, as Cocks notes), violence is the social phenomenon that "increases the difference between the potential and the actual" capacities of human beings with respect to some relatively stable (universal) conception of social value. Galtung, "Violence, Peace, and Peace Research," *Journal of Peace Research* 6.3 (September 1969), 168. As with the politics of civic inclusion that I examined in chapters two and three, Galtung's more critical lens still takes for granted that an already-existent (or, perhaps, not-yet-

“foundational violence” is a form of violence that *erases* a pre-existing social reality. In this sense, what Cocks calls *foundational* violence is qualitatively distinct from what Johan Galtung called *structural* violence, insofar as the former places the focus on the ongoing project of erasure continually covered over by reference in the latter to the practices and values “internal” to the already constituted order.

From Cocks, I borrow the concept of a “politics of erasure,” which construes the violence of founding as an ongoing set of practices that conspire to erase prior social and political orders. Cocks points to how this initial erasure “repeats itself in the ghostly form of the erasure from memory of the fact of the original erasure.”³⁴⁸ I theorize less the “ghostly” repetition of erasing memory than the practices that normalize ongoing incorporation and the project of transferring political authority from one polity to another under the guise of a natural or inevitable historical process. It is in this sense that I interpret Deloria’s work as a response to the erasure of Indigenous governing structures, not to a paradox that would redirect attention from the problem of legitimation by pointing out the contingency of politics. Deloria’s work is a way of recovering Indigenous nationhood that seeks to negate, as we will see, the post-treaty imposition of US administrative, military, and symbolic power over Indigenous nations. The concept of

fully-realized) normative order needs to be actualized. Thus, at the core of such violence is that it *prevents* the actualization of a social good that would otherwise be realized in its absence (that is, in the condition Galtung calls “peace”).

³⁴⁸ Cocks aptly argues: “While many contemporary political theorists...have emphasized the exclusionary impulses of the modern nation-state, it is the erasure of identities, solidarities, and whole modes of life that is the modern state’s pre-condition. Indeed, erasure—whether by forcible or ‘peacable’ methods—is the calling card of all foundational violence.” Cocks, “Foundational Violence and the Politics of Erasure,” *Radical Philosophy Review* 15.1 (2012): 104; For the longer argument, see Cocks, *On Sovereignty and Other Political Delusions* (New York: Bloomsbury Academic, 2014).

repair elevates the agency of the colonized and “calls to account” those who carry out present practices that inherit and repeat these sedimented impositions of power.³⁴⁹ While recovering moments of agency is certainly part of this project, I would argue that this is not an unconditioned form of agency nor is it a moment of pure resistance. This politics can take various forms, and I will only be attending to one voice among many here through Deloria: Gerald Vizenor’s concept of “survivance,” for example, constitutes one important statement of repair, but I focus on Deloria’s, which takes on a more self-evidently political form.³⁵⁰

I take this politics of repair as a politics responsive to conditions of erasure to have three conceptual moments within it, which I see in Deloria’s writing in *Behind the Trail of Broken Treaties*: 1) In a first conceptual moment, the politics of repair negatively refutes the politics of erasure, offering native presence as the ultimate proof of the absurdity of erasure. It says, in effect, “we are still here.” 2) In a second moment, Deloria

³⁴⁹ I take the phrase “calls to account” from Margaret Urban Walker, who has written extensively on how repair is contingent on establishing those who are harmed as having a “a moral status as full participants in reciprocal accountability relations.” Walker, “Moral Vulnerability and the Task of Reparations,” in *Vulnerability: New Essays in Feminist Philosophy*, eds. Catriona Mackenzie et. al. (New York: Oxford University Press, 2013), 110-133. For me, the question of moral status is partly dependent on rewriting our very understanding of the concept of founding through an engagement with Indigenous conceptions of treaty and sovereignty. The reason I do not spell out a more developed “meta-ethical” account of repair is that the historical and political complexities here and their repressed “intercultural” and “international” contexts run deep enough that they require an extensive contextually sensitive treatment prior to introducing a broader, meta-ethical framework. On some of these questions read more in dialogue with the historical injustice and reparations literatures, see Rebecca Tsosie, “Acknowledging the Past to Heal the Future: The Role of Reparations for Native Nations,” *Reparations*, eds. Jon Miller and Will Kymlicka (New York: Oxford University Press, 2007), 43-68.

³⁵⁰ For a key statement of practices of “survivance” among his voluminous writings, see Gerald Vizenor, *Manifest Manners: Narratives on Postindian Survivance* (Lincoln: University of Nebraska Press, 1999).

refuted this condition of erasure by pointing to the ideological work that *continually* needs to be done in order to sustain the illusion of erasure, including the *constant* integration of sanitized, non-politically threatening Indians into the national cultural symbolic. As I will argue, Deloria worked to recover treaty histories in order to reject the further domestication of Indigenous peoples as part of the post-treaty era that emerged after 1871 in the US. Deloria wrote of how these stakes of the ongoing erasure of political independence conditioned Indigenous organizing in 1973: “Did it make sense to fight for change and take risks when the next generation of whites might well destroy the hard-won agreements, eroding their meaning, as the treaties of the previous century had been reduced to rhetoric?”³⁵¹ 3) Finally, Deloria grappled with a set of political claims in which Indigenous actors affirmed concepts like “treaty” and “sovereignty” and yet wrench them out of the meanings they take on in a Euroamerican space in order to negotiate the repair of ongoing harms in a more squarely intercultural and international contextual frame. This kind of work involves repositioning the very *locations* of founding in order to claim a space of both political and interpretive authority for Indigenous peoples that affirms their political status. Deloria turned to treaties as a way of recovering Indigenous nationhood under such conditions of erasure. In relation to the debates about sovereignty inherited in democratic theory, I argue that Deloria’s work displaces democratic sovereignty and its excessive remainders as the sole axis of viable political contestation and points to a more deeply ambivalent dimension of constitutionalist, rights-based logics than is available even on radically democratic accounts. In other

³⁵¹ Vine Deloria, Jr., *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (Austin: University of Texas Press, 1974), 251.

words, this work returns us to an ongoing problem of domination that becomes increasingly embedded in state institutions, thus calling for a politics more responsive to this normalized erasure of presence. In doing so, I argue that Deloria especially centers the conditions of settler citizenship as the implicit subject position from which these claims to interpretive and political authority can be disavowed.

Reading Treaties Politically

Deloria asserted that the “recent series of incidents in Indian country [i.e. direct actions such as the occupations of Alcatraz, Wounded Knee, and the Trail of Broken Treaties] is based upon a political reading of treaties” that can be recovered from the “history of the treaty relationship” as understood by Indigenous peoples.³⁵² Deloria refuted what had been the dominant interpretation of treaties, which viewed them as “political anomalies.” He called into question a politics that secured treaty *rights* alone at the cost of regarding treaties as unchanging, codified documents to be interpreted by US courts.³⁵³ Instead, treaties also represented ongoing relationships to be negotiated among peoples, over which the US did not have a unilateral right of interpretation. Enforcing treaty rights mattered to Deloria, but treaties were also necessarily about restructuring and renegotiating relationships in the present and future.

³⁵² Ibid., 137.

³⁵³ This treaty rights angle is the one primarily taken in the NCAI’s Declaration of Sovereignty. See, “Declaration of Sovereignty, 1974”; Records of the National Congress of American Indians; Box 22; National Museum of the American Indian Archive Center, Smithsonian Institution. Deloria recognized the importance of treaty rights. Many treaty rights victories that came down throughout the 1970s had not yet occurred. But he also clearly saw treaty rights as indicative of an ongoing relationship between peoples that implied mutual *responsibilities*. In this sense, the notion that treaty rights could simply be adjudicated within the US legal system un-problematically avoided the fundamental question of political authority that *Behind the Trail* foregrounds.

Understood in its contemporary international law sense, according to article 2(1) of the Vienna Convention on the Law of Treaties (1969), “‘treaty’ means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.”³⁵⁴ Understood within US constitutional law, Deloria pointed out that by the late 19th century the dominant interpretive tradition in US jurisprudence represented treaties between Indian tribes and settler states as “quasi-fraudulent real estate transactions.”³⁵⁵ There are several elements bound together on this conception of treaties as solely instruments by which the US government has taken Indigenous peoples’ lands from them. First, the universe of treaties considered is essentially narrowed to those starting after the War of 1812, which, Deloria interpreted as “the final spasm of Indian efforts to play Great Britain off against the United States in order to preserve their own political independence.”³⁵⁶ These treaties primarily combine aspects of forced land cession or removal, territorial containment, and partial rights to recognition (or denied recognition, in many cases). Second, the aims of treaties, as indicated in the international law definition, are primarily reflected in the codified written document rather than in the negotiated record or in the tradition passed down by an Indigenous people suggestive of potentially competing interpretations of the treaty. Treaties are a one-off transaction that bind each party to the specific terms of the treaty,

³⁵⁴ “Vienna Convention on the Law of Treaties, May 23, 1969, 1155 U.N.T.S. 331.

³⁵⁵ *Ibid.*, 110. Deloria likely took the language of “real estate transaction” from the majority opinion in *State v. McCoy*, a case heard in 1963 before the Washington Supreme Court which denied treaty fishing rights to Coast Salish tribes. *State v. McCoy*, 63 Wash. 2d 421, 387 P.2d 942 (1963).

³⁵⁶ *Ibid.*, 124.

but they are not relationships in need of continual re-negotiation. They are revocable contracts. Third, treaties are only treaties in the international law sense if they are conducted between states. Because Indigenous peoples have not been recognized as political entities, treaties between the US government and Indigenous peoples are not treaties in the same sense as the one that pervades international law. Indeed, according to the reading that equated treaties with “quasi-fraudulent real estate transactions,” Indigenous nations’ political authority had been extinguished through the signing of treaties. In this latter sense, treaties were not political because they were signed not between separate peoples but between a guardian and a ward—or between two peoples anticipating a guardian-ward relationship or an eventual one-way assimilation of Indigenous peoples into the polity. Treaties, then, were a benevolent alternative to explicit military conquest that placed Indigenous peoples under the care and protection of the US state as populations of expectant future citizens, not, as Deloria writes, as “expectant nations.”³⁵⁷

This latter interpretation evolved in retrospect when various institutions had to square the reality of treaties with separate nations signed under conditions of sometimes-rough equality—or even starkly unequal circumstances—with later, near-total military supremacy. While US constitutional law (the Treaty Clause of the constitution) basically indicates that international treaties are to be followed and implemented as US domestic law, the Supreme Court and Congress made “Indian treaties” occupy a different status

³⁵⁷ Ibid., 115, 137. Deloria is summarizing here especially the post-civil war debates among “Indian reformers” about treaties. A more recent work on these debates is: C. Joseph Gentin-Pilawa, *Crooked Paths to Allotment: The Fight over Federal Indian Policy after the Civil War* (Chapel Hill: The University of North Carolina Press, 2014).

than treaties with other nations so as to disavow the conditions under which treaties were signed. Historian Francis Paul Prucha, a luminary of the study of federal Indian policy, gives an exemplary gloss of the kind of logic against which Deloria framed his reading of treaties. Prucha calls treaties a “political anomaly.” Unlike the “general rule” of treaty understood as “a formal agreement between two or more fully sovereign and recognized states... American Indian treaties have departed from that norm in numerous ways.” Further, Prucha continues, such treaties “exhibited irregular, incongruous, or even contradictory elements.”³⁵⁸ For Prucha, states cannot sign treaties with their own wards or (eventually) their own citizens, and so it is “anomalous” to consider these in the present as treaties in an international law sense.³⁵⁹ Prucha’s position lines up with a view inherited from a series of court cases in the late 19th century addressed below that rewrote the contextual significance of treaties for Indigenous and many non-Indigenous peoples to consolidate this retrospective sense of anomaly. Indeed, Deloria argued, “the argument of the federal government” had been “that the treaties were documents recording political surrender by the tribes in return for annuities from the government and reservations on their traditional homelands.”³⁶⁰ As Antony Anghie points out, the dilemma of European jurists by the late 19th century at the height of imperial expansion is that the premises of

³⁵⁸ Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley: University of California Press, 1994), 2.

³⁵⁹ As Mark Rifkin argues, the use of the term anomaly transforms an essentially *political* contest over sovereignty into a de-historicized, conceptual question that implicitly codes the disappearance of Indigenous political formations as “normal.” Of course, the norm from which the deviance of “Indian treaties” is measured is that the US *already has* sovereignty over space it constructs as domestic. Mark Rifkin, *Settler Common Sense: Queerness and Everyday Colonialism During the American Renaissance* (Minneapolis: University of Minnesota Press, 2014), 7.

³⁶⁰ Deloria, *Behind the Trail*, 118.

(then-positivist) jurisprudence suggested that non-European (here, Indigenous peoples) had no legal personhood, such that treaties signed between Europeans and non-Europeans earlier were “aberrations.” Still, the treaty as a legal concept “presupposes, at least, a sense of mutual obligations and an overarching system of law...[it] presupposed a legal universe to which both parties adhered.”³⁶¹ Yet the very notion that Indigenous and other non-European peoples lacked—or had extinguished—full legal personhood (that is, sovereignty) meant that they could not fully partake in this “overarching system of law.”³⁶²

Deloria did what I will call *treaty work* to recover the foundations of rejecting this colonial sense of anomaly and aberration that had been imported into the principles of treaty interpretation. Through his work at the Institute for the Development of Indian Law, Deloria built up a massive treaty archive, documenting treaty texts and treaty negotiation records from prior to the pre-Revolutionary War treaties with the British, the Revolutionary War Treaties, and up until the 20th century. These included both treaties ratified by Congress and those that languished unratified; treaty negotiation records; and numerous treaties between Indigenous peoples and entities other than the US government.³⁶³ Deloria used this legal archive to re-theorize treaties in a way that laid the

³⁶¹ Anthony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (New York: Cambridge University Press, 2005), 70.

³⁶² On this point vis-à-vis African polities, see also Siba N’Zatioula Grovogui, *Sovereigns, Quasi Sovereignty, and Africans: Race and Self-Determination in International Law* (Minneapolis: University of Minnesota, 1996).

³⁶³ Boxes 143-147, Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library. This latter collection eventually resulted in a two volume set, co-edited with the anthropologist Raymond DeMallie. See Vine Deloria, Jr. and Raymond DeMallie, eds., *Documents of American Indian Diplomacy:*

conceptual foundations for critiquing the basic assertion that Indigenous peoples had extinguished their sovereignty in the course of signing treaties. First, he did the historical research to evaluate a process in which the meanings of treaties actually changed significantly over time. This was a shift from relationships of mutual dependency to unilateral edict. Such relationships were not devoid of power; they came out of the geopolitics of competing colonial empires.³⁶⁴ Yet from Indigenous perspectives, they were based on a “sacred pledge of faith between nations.”³⁶⁵ Deloria described the shift from this relationship to a unilateral edict enforced by settler states on those conceptualized as present or future subject populations. Second, Deloria argued that treaties affirmed Indigenous sovereignty precisely *because* they were records of diplomacy: The very fact of negotiation indicated the existence of separate peoples, and in no single treaty is the sovereignty of a people extinguished. Even in the case of treaties of cession that forcibly extracted land from Indigenous peoples, in no case did treaties transfer *sovereignty* to the US or state that the US assumed sovereignty. “That a nation would be asked to sell its lands, thus extinguishing its political life,” he argued, “would

Treaties, Agreements, and Conventions 1775-1979 (2 volumes) (Norman: University of Oklahoma Press, 1999). Besides earlier volumes produced through his work with the Institute for the Development of Indian Law, Deloria did extensive work to document the more recent diplomacy of Indigenous peoples in negotiations with Commissioner John Collier over the Indian New Deal. Vine Deloria, Jr., ed., *The Indian Reorganization Act: Congresses and Bills* (Norman: University of Oklahoma Press, 2002). Together, these works can be seen as an effort to recover the documentary history of Indigenous diplomacies, especially vis-à-vis the US.

³⁶⁴ While he took treaties as a kind of model, in other words, he would have been familiar with arguments that recognized the contingent and *modus vivendi* geopolitics of these earlier treaties. For an argument that focuses more on this dimension of the earlier British treaty system, see Dorothy V. Jones, *License for Empire: Colonialism by Treaty in Early America* (Chicago: University of Chicago Press, 1982).

³⁶⁵ Deloria, *Behind the Trail*, 110.

be absurd in European terms.”³⁶⁶ Treaties only mark the fact of prior and ongoing sovereignty, which is recognized as pre-existing but not in any sense granted by the treaty. Among Indigenous peoples, this prior and ongoing existence indicates an “attitude that,” Deloria argued, “might be called pre-American rather than anti-American.”³⁶⁷

Without idealizing treaties as devoid of power, he centered how treaty-making practices initially functioned as clear markers of interdependence and the mutual assertion of sovereignty between Indigenous nations and the US that would only later be erased: “Treaties in the formative years of the existence of the United States were a type of sovereign manifestation because they were exercised under the independent wills of the respective contracting parties.”³⁶⁸ He took as an example the treaty between the Delaware (Lenni Lenape) nation and the delegation of Americans at Fort Pitt during the Revolutionary War, signed on September 17, 1778, often referred back to as the first treaty between the US and Indigenous nations. The delegates had come to request “permission from the Delaware Nation to travel over its lands in order to attack the British posts in southern Canada.”³⁶⁹ With the “colonists...on the ropes in the West,” they depended on the guarantee of safe passage from the Delaware people,” a reality reflected in the “humble” language of the treaty.³⁷⁰ Drawing on this expanded scope of treaty documents, Deloria first set up the basis of his argument that the concept of treaty is not co-extensive with extinguishing Indigenous sovereignty. These treaties reflect a

³⁶⁶ Ibid., 110.

³⁶⁷ Ibid., 24.

³⁶⁸ Ibid., 108.

³⁶⁹ Ibid., 118.

³⁷⁰ Ibid., 119.

situation of mutual dependency with little of the later language and aim of removal and territorial dispossession that is associated with treaty-making in the dominant interpretive tradition recited above.³⁷¹

The crucial historical turning point for Deloria came when the House unilaterally brought an abrupt end to the treaty process on March 3, 1871 by attaching a rider to the Indian Appropriations Act. The end of treaty-making preceded more extensive military actions against the Lakota and across the Great Plains.³⁷² The House rider that ended treaty-making also precipitated the Office of Indian Affairs's vast administrative expansion of the reservation system and the adoption of more total systems of confinement and social control over Indigenous peoples. The House, Deloria pointed out, continued until 1911 to pass "agreements" (called "treaty-substitutes") with Indian

³⁷¹ On the one hand, the basic tenets of this conception of the treaty has become one important way to model future relations between Indigenous and non-Indigenous peoples. Traces of this conception can be found, for example, in James Tully's contrast between the "treaty relation" and the "colonial relation." James Tully, "Part 3: Indigenous Peoples," *Public Philosophy in a New Key, Vol.1, Democracy and Civic Freedom* (New York: Cambridge University Press, 2008), 221-288. On the other hand, given that Deloria's argument is partly one about legal precedent, few in law reviews would accept the broader notion of repair that goes beyond a strictly legal account of rights reserved within treaties. The closest we get to Deloria's account from this strictly legal perspective is perhaps the "canons" of treaty construction, which suggest that treaties are to be interpreted by the courts as Indigenous peoples would have understood them at the time. See Felix S. Cohen, "Interpretation of Treaties," *Handbook of Federal Indian Law, with Reference Tables and Index* (Washington, DC: Government Printing Office, 1942), 120. Still the canons can be weighed against other principles. See, David E. Wilkins and K. Tsianina Lomawaima, *Uneven Ground: American Indian Sovereignty and Federal Law* (Norman: University of Oklahoma Press, 2001).

³⁷² The rider reads: "That hereafter no Indian nations or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty: *Provided further*, That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe." Act of March 3, 1871, ch.120, 16 Stat. 544, 566.

nations such as the Shoshones precisely because there was a need for negotiation with still relatively independent, powerful, self-governing peoples. In this sense, Deloria argued, treaties and agreements, however compromised by contexts of unequal negotiation, have an underlying legitimacy lacking in legal concepts that subsequently seek to erase and rewrite treaty-based conceptions of the relationship between Indigenous peoples and the US state.³⁷³ By signing these agreements in a nominally post-treaty era, the House (implicitly) maintained “recognition of the independence and control by the tribes over geographical territory.”³⁷⁴ Deloria argued that this rewriting of the relationship as one between a guardian and a ward (and eventually state-citizen), which erased prior relations between separate peoples, contradicted the terms of those earlier negotiations: “To have pretended decades later that the American Congress had always asserted its claim to Indian lands under the doctrine of discovery, or that it had always regulated the internal affairs of the Indian tribes in its guardianship capacity, is sheer self-serving

³⁷³ I read chapters five-seven of *Behind the Trail of Broken Treaties* as undertaking an analysis showing different aspects of the expanding colonial governance over Indigenous peoples. Each chapter respectively unpacks the varying logics of the Doctrine of Discovery, Dependent Domestic Nation status, and Congressional Plenary Power doctrines as colonial modes of conceptualizing and governing Indigenous lands and peoples. Of particular note in terms of originality is his discussion of the Northwest Ordinance as a system of land dispossession. *Behind the Trail*, 96.

³⁷⁴ *Ibid.*, 109. While one might read these subsequent agreements as “rubber stamps,” Deloria found it very significant that the House’s decision to end treaty-making was actually not a move to legalize an already existing reality of settler-state domination. Rather, I take it, declaring Indigenous peoples as domestic subjects solely governed through the administrative power of the state *produced* an imaginary in which the ongoing military conflicts between (e.g.) the various Lakota communities and the US military literally disappeared in favor of an imaginary in which Indigenous peoples were already coded as territorially contained domestic subjects. To return to the framing of anomaly, then, Deloria pointed to the real holds on territory and military power that continually told the lie to an imaginary that rendered Indigenous peoples anachronistic and thus always already domestic subjects. *Ibid.*, 110-111.

rhetoric when the nature of this first treaty is understood.”³⁷⁵ Deloria put pressure on the way such later conceptions systematically wrote a previous history of relative equality and co-dependence of separate peoples out of existence. By pointing to the constant work needed to make this post-1871 incorporation inevitable—the settler-state’s need to erase even these tenuous moments of relative independence—Deloria recovered treaty-making as an ongoing practice disavowed by one party bound to it.

By linking this argument up to international law, Deloria argued that a number of legal precedents that overrode treaties post-1871 could not possibly be legitimate in the eyes of Indigenous peoples nor of a decolonized United Nations that had not yet been brought into existence. Deloria pinpointed two supreme court cases that crystallize the late 19th century expansion of vast discretionary power over Indigenous peoples. *United States v. Kagama* (1886) and *Lone Wolf v. Hitchcock* (1903) laid out the foundations of the post-treaty era at the Supreme Court: *United States v. Kagama* reaffirmed the constitutionality of the Major Crimes Act of 1885, which assumed US federal jurisdiction of certain crimes like rape and murder on reservations, on the grounds that Indian nations were “domestic dependent nations.” In particular, Justice Miller declared the right of Congress to “govern them” and to enact laws “for their protection and for the protection

³⁷⁵ Ibid., 119. The basic idea of discovery was that the settler state claimed an underlying title to Indigenous land based on the fact of having “discovered” it. This was a doctrine that had been invoked since the 15th century by European powers. Robert J. Miller et. al, *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies* (New York: Oxford University Press, 2010). Discovery became translated into US law through Justice Marshall’s decision in *Johnson v. McIntosh* (1815). Even there, Marshall admits that discovery is a flimsy claim to underlying title, even as he adopted the notion that the US gained title by way of even limited settlement. On discovery, see Deloria, *Behind the Trail*, 85-111.

of the people with whom they come in contact” because they had been conceptualized variously as “wards of the nation,” “pupils,” and “local dependent communities.”³⁷⁶ The “anomaly” Justice Miller described in his majority opinion was the “semi-independent position” of Indigenous nations in relation to the US. Miller argued that such a position necessitated a dual imperative for federal authorities: On the one hand, since Indigenous peoples were now “weak and diminished,” they needed federal protection from the states, who constituted their “deadliest enemies.” On the other, the federal government needed to restrain them from harming or invading settler lands by imposing its jurisdiction over lands that were designated as “Indian Country.” By reaffirming the congressional authority over Indigenous peoples and lands marked by the 1871 rider, the decision paved the way for the further unilateral extension of federal authority over Indigenous peoples and territories in the form of the the Dawes Act in 1887, which further restructured tribes and individualized collective landholdings.

Lone Wolf v. Hitchcock, decided in 1903, extended and consolidated the notion that Congress had “plenary power” over Indigenous nations by making that plenary power immune to judicial review.³⁷⁷ *Lone Wolf* concerned the provisions of article 12 of the 1867 Medicine Lodge Treaty signed between the US and the Kiouasa and Comanche peoples (and an additional treaty later signed with the Apache), which confederated the three nations into the Kiowa-Comanche-Apache reservation. Like many treaties of the time, the Medicine Lodge Treaty specified that three-fourths of adult male tribal

³⁷⁶ *United States v. Kagama*, 118 U.S. 375 (1886)

³⁷⁷ *Lone Wolf V. Hitchcock* 187 U.S. (1903) 553. Deloria, *Behind the Trail of Broken Treaties*, 135.

members must sign the treaty for it to “be of any force and validity.” In 1892, the US Indian Commission of the General Allotment Act sought to enforce the General Allotment Act on the tribes, the result of which was the transfer of so-called “surplus” lands to settlers, which reduced the reservation from 138 million acres to 48 million acres. Although this latter 1892 agreement was explicitly acknowledged to have been acquired by fraudulent means, the Court ruled that it could not overturn Congress’ later ratification of the agreement in 1900. Citing *United States v. Kagama*, Justice White argued that Congress held “full administrative power...over tribal property” and that Congress acted in “perfect good faith” to protect these “wards of the government.” Congress, then, gained the power to abrogate treaty provisions so long as it could justify it to be “in the interest of the country and the Indians themselves.”³⁷⁸

For Deloria, it was this construction and expansion of congressional plenary power that needed to be eliminated as a condition of repair. *Lone Wolf* erased the treaty relation and defined Indigenous peoples as populations subject to nearly unlimited administrative powers. For Deloria, this was no paradox, since the very nationhood of the US was articulated as in need of securing these lands as a condition of expansion. Deloria argued that Indigenous peoples were demanding the repair of these relationships, and they declared their independence in order to make clear that the subsequent establishment of this federal apparatus was illegitimate.³⁷⁹ Treaties needed to return to an international status: The international law theory of treaties, Deloria argued, provided that treaties

³⁷⁸ *Lone Wolf V. Hitchcock* 187 U.S. (1903) 566, 567. My understanding of this case is due in large part to Kevin Bruyneel’s reading of the case. Bruyneel, *The Third Space of Sovereignty*, 81-89.

³⁷⁹ *Ibid.*, 136.

between the US and Indigenous nations could be no different from those between other nations.³⁸⁰ The relation between the US and Indigenous nations was not an anomalous one but a result of overlapping and contentious sovereignties negotiated in and through treaties. The “anomaly” was not the signing of treaties but rather the later attempts to *translate* this mutual independence into a guardian-ward relationship.³⁸¹ While leaving open the possibility of using other legal instruments and statuses for the promotion of tribal sovereignty—such as the framework of tribal self-government established by the 1934 Indian Reorganization Act—Deloria hinted at the illegitimacy of the legal and administrative systems that emerged out of the recasting of treaty relations based on mutual recognition into a guardian-ward relation and the general expansion of US administrative power over tribes.

Treaty-Making as Practice

Deloria also initiated a shift towards recovering Indigenous conceptions of treaty-making. In this sense, the idea of a treaty *process* put an initial, if somewhat tentative, accent on reclaiming the meanings that Indigenous peoples themselves attribute to practices of treaty-making. Here, the point is not simply to insist on treaties as ongoing written (and, therefore, codified) embodiments of sovereign *status* that ought to be considered no different from other agreements that entail mutual obligations. Rather, I argue, Deloria declared treaty-making as a present practice in which relationships are enacted and need to be negotiated in an ongoing fashion between separate peoples. In this sense, although alive to the struggle over treaty *rights* (in particular the treaty fishing

³⁸⁰ Ibid., 109.

³⁸¹ Deloria, *Behind the Trail*, 110-111.

rights of Lummi, Nisqually, Puyallup, Duwamish, Muckleshoot, and other Coast Salish peoples),³⁸² *Behind the Trail* initiated a project with a somewhat broader aim than guaranteeing rights reserved within historical treaties.³⁸³ Namely, Deloria proposed the renegotiation of treaties in the present as well the protection of practices reserved under such historical guarantees.³⁸⁴

In defining treaties as a present practice, Deloria reconstructed an Indigenous conception of a treaty as a sacred covenant signed between peoples—one that is re-consecrated and renewed through ongoing relations. He contrasted this concept of equal and ongoing relationship with the Christian origins of the concept of “dominion.”³⁸⁵ “Dominion” implied that settlers had an ongoing imperative to subjugate the earth that overwrote the terms of prior treaty agreements. In this vein, AIM continually cited the Fort Laramie Treaty of 1868 as a crucial example of such a sacred (but broken) covenant.

³⁸² For his work on behalf of Coast Salish peoples, see Deloria, *Indians of the Pacific Northwest: From the Coming of the White Man to the Present Day* (New York: Doubleday & Company, 1977).

³⁸³ As Deloria points out, the reserved rights doctrine says that all rights that tribes do not divest themselves of through signing treaties are “reserved.” But the reserved rights doctrine basically leaves untouched the question of whether later treaties of cession and removal can themselves be viewed as legitimate, since the rights themselves would be derived from a process of dispossession itself typically made possible through the threat of military conquest. Deloria errs relatively more on the side of regarding these treaties as legitimate as a condition of recovering these rights that preserve the cultural and communal integrity promised on the Indigenous understanding of the treaty, such as the rights to fish in “usual and accustomed places” in 1850s treaties signed with Coast Salish fishing nations.

³⁸⁴ Reinitiating a treaty process would include those tribes that had not had a treaty with the US as well, and were, thus, usually among the “unrecognized” tribes under the Indian Reorganization Act.

³⁸⁵ *Ibid.*, 110. See also, Deloria, “A Violated Covenant,” in ed. James Treat, *For This Land: Writings on Religion in America* (New York: Routledge, 1999), 72-76. This piece was originally published in *Event*, a monthly of the American Lutheran Church, in 1971.

The treaty came on the heels of a string of Lakota military victories. In the Fort Laramie Treaty, negotiators guaranteed the Black Hills to the Lakota for their “absolute and undisturbed use” and promised the end of further land cessions, guarantees broken beginning in 1874.³⁸⁶ As Anishinaabe (Turtle Mountain Ojibwe) scholar Heidi Kiiwetinepinesiik Stark points out, this conception of a treaty as a sacred covenant is “especially prevalent among the Prairie First Nations and Numbered Treaties signatories.”³⁸⁷ Deloria’s general aim here can be described as taking similar templates of treaty conceptions and refashioning them for present constitutional accords: Deloria’s use of the term “treaty process” resonated with practices Indigenous peoples drew upon in making treaties within treaty councils. In such councils, nations engaged in a process of symbolically renewing relations and responsibilities owed between peoples. This understanding of treaty as a bond enacted over the course of spoken negotiations exceeded the conception of treaty as a fixed legal contract codified in written, contractual agreements.³⁸⁸ Robert Williams, Jr. has more recently expanding on this insight in his exploration of treaty-making practices primarily of Iroquoian- and Algonquin-speaking

³⁸⁶ The International Indian Treaty Council (which emerged from AIM) cited the Fort Laramie Treaty in its Declaration of Continuing Independence in 1974, which had also been the basis of claims made on behalf of the independent Oglala Lakota Nation in 1973. The treaty was signed by representatives from the Brulé, Oglala, Minneconjou, Hunkpapa, Sans Arc, Cuthead, Blackfeet, Yanktonai, Santee, and the Arapaho nation. For the language of the Fort Laramie Treaty of 1868, see Kappler, *Indian Affairs, Vol II*, 999-1007.

³⁸⁷ Stark, “Changing the Treaty Question: Remedying the Right(s) Relationship,” in eds., John Borrows and Michael Coyle, *The Right(s) Relationship: Reimagining the Implementation of Historical Treaties* (Toronto: University of Toronto Press, forthcoming).

³⁸⁸ Raymond DeMallie, “Touching the Pen: Plains Indian Treaty Councils in Ethnohistorical Perspective,” ed. Frederick C. Luebke, *Ethnicity on the Great Plains* (Lincoln: University of Nebraska Press, 1980): 38-53.

peoples from 1600-1800. Williams argues that treaties functioned to generate relations in multiple ways: as sacred texts, stories, covenants, and constitutions.³⁸⁹ Here, what matters is not simply the rights constructed in written treaty documents but also, as Stark argues of the Anishinaabe case, the words spoken in the course of such negotiations and the relations solidified through this negotiation. So, too, do these accords take into account Anishinaabe conceptions of their responsibilities to the earth and to specific beings. Treaties must necessarily negotiate those “pre-existing relationships and responsibilities across Anishinaabe aki (the Earth) that were impacted by these agreements.”³⁹⁰

Here, I submit, with the retrospective aid of more recent scholars of varied Indigenous political struggles like Stark, Deloria recovered treaties as moments of founding not to assert a claim to sovereignty as an already legible structure of political rule within settler constitutional orders. Rather, treaties marked the inherent sovereignty of Indigenous peoples, and served as instruments through which to bring non-Indigenous peoples into Indigenous universes. As in previous work, Deloria brought out, insistently, that non-Indigenous peoples had a “corresponding responsibility” to uphold through treaties.³⁹¹ Thus, treaties concern not simply rights but responsibilities within an ongoing relation that have been disavowed and overwritten. In this way, Deloria conjured an interpretive space in which political organizing around the institutionalized negotiation of treaties (the “treaty process”) prefigured relations among separate peoples. This attention

³⁸⁹ Robert Williams, Jr., *Linking Arms Together: American Indian Treaty Visions of Law and Peace, 1600-1800* (New York: Routledge, 1999).

³⁹⁰ Stark, “Changing the Treaty Question.”

³⁹¹ Deloria, “A Violated Covenant,” in ed. James Treat, *For This Land: Writings on Religion in America* (New York: Routledge, 1999), 72-76.

to treaties as in-process displaced US authority to define treaties as prior impositions about which the only question still at stake was whether rights reserved in historical treaties still needed to be respected by US courts.

To give but one example, Anishinaabe (Ojibwe, Ottawa, and Potawatomi) communities continually articulated their clan, kinship, and loyalty ties to others during treaty negotiations as of a piece with their own nationhood and conception of sovereignty. According to Stark, their non-binary conception of belonging and boundaries, “frustrated American and Canadian efforts to impose fixed land boundaries, obtain land cessions, and divide Native nations internally from one another.” Often reasserting land tenure practices that combined political autonomy with seasonal access to communities bearing kinship ties, Anishinaabe leaders utilized their alliances to resist the imposition of ‘fixed’ boundaries that tied nationhood to territorial containment.”³⁹² Although Deloria very much hangs on to the language of rights at certain moments as a necessary, strategic terrain to negotiate a key language of constitutional order (thus, terms like “treaty rights” and “sovereignty rights”), his conception of treaty also makes clear that “sovereignty” is grounded in pre-existing Indigenous conceptions such as these. These conceptions bring to the table pre-existing political alliances; notions of movement and membership; and customary practices that reject the limitations of settler-imposed boundaries.

³⁹² Heidi Kiiwetinepineiik Stark, “Marked by Fire: Anishinaabe Articulations of Nationhood in Treaty Making with the United States and Canada,” *American Indian Quarterly* 36.2 (Spring 2012), 123.

To return to the more historically specific context of Deloria's treaty work, then, let me tie this conceptual reframing of treaties back to the Twenty Point Proposal. First, as I have argued, Adams and Deloria both sought to question subtle pressures of incorporation in the name of self-determination by pushing narratives of grievance of Indigenous peoples away from rectifying second-class citizenship and towards the establishment of relations that would reflect and respond to the separate national existence of Indigenous peoples. Such a process, Deloria argued, would "negate the large body of existing laws that presently affect tribal and individual rights" and replace them with mutually affirmed "rights and responsibilities" that "would depend upon the most recent treaty or agreement."³⁹³ Stated this way, we can see that Deloria (at this point) rejected much of this massive body of post-1871 federal Indian law—much of it functioning to uphold a relationship of confinement contingent upon eventual assimilation. He affirmed treaties as the only legitimate way of negotiating political authority. This legitimacy, Deloria acknowledged, would be difficult to recover when non-Indigenous peoples responded to the notion of keeping treaties merely as a matter of "general sympathy" instead of living, present relations.³⁹⁴ This latter understanding aligned treaties with a decolonizing conception of international law—not the settler logic of treaty-as-anomaly. It also, as I have argued, performed or "declared" a different imaginary corresponding to Indigenous peoples understanding of themselves as independent, sovereign nations with ongoing connections to traditional territories.

³⁹³ Deloria, *Behind the Trail*, 258.

³⁹⁴ *Ibid.*, 110.

Second, I have suggested that Deloria drew from an earlier template of treaties based on Indigenous conceptions of treaties as establishing relationships. Here, the legitimacy of the treaty process rests not only on an affirmation of the equality of peoples under a not-yet-institutionalized regime of international law. The legitimacy of a treaty process also draws from the template of treaty-making as an ongoing negotiation among peoples that preceded the politics of territorial containment of colonial settler states. By beginning work to bring Indigenous understandings of treaties to the fore, Deloria also sought to enable a set of resources through which to bring different sources of interpretive and political authority to bear on the historical interpretation of treaties. In this sense, Deloria pointed towards an active process of renewing treaty practices whose unilateral, post-1871 termination was fundamentally illegitimate in the first place.

These understandings of treaty, then, sought to move the concept of treaty from an event contained to the past to an ongoing practice that establishes an ongoing relation between Indigenous peoples and settler peoples. Whereas treaties have been erased or—having been irreparably broken, pushed into the past as a condition of securing settler citizenship—Deloria incited his audiences towards the recovery of treaties in the present.

Sovereignty: Between International Recognition and National Development

The starting point of Deloria's "political reading of treaties" was that Indigenous nations did not extinguish their own political authority in the course of signing treaties.³⁹⁵ Rather, Deloria suggested that Indigenous nations maintained rights of self-determination, regardless of whether they had ceded land. As I have argued, treaties

³⁹⁵ Ibid., 110-111.

meant more than a codified status with resulting contractual obligations to be adjudicated within US or even international law. They referred to an ongoing process or practice through which to restructure present and future relationships. Sovereignty, too, has two basic faces for Deloria in this era: First, sovereignty functioned partly as a legal and political concept geared toward international recognition. It was a legible form of political authority within international law that signified external recognition and legitimacy. Just one year after the writing of *Behind the Trail*, in the first meeting of the International Indian Treaty Council at the Standing Rock Sioux Reservation in June 1974, the delegates (of whom Deloria was one) issued a “Declaration of Continuing Independence of the Sovereign Native American Indian Nations.” Echoing Deloria’s analysis of the end of treaty-making, the Declaration proceeded to argue that “there is only one color of Mankind in the world who are not represented in the United Nations; that is the indigenous Redman of the Western hemisphere.” To rectify this situation, the Treaty Council applied for recognition at the United Nations and declared their support for “any similar application by an aboriginal people.”³⁹⁶ Deloria, then, developed an

³⁹⁶ Core members of AIM in the Twin Cities such as Vernon Bellecourt, Bill Means, and Russell Means were also founding members of IITC. <http://www.iitc.org/about-iitc/the-declaration-of-continuing-independence-june-1974/> This meeting was one among the initial events that would lead to the UN’s eventual adoption of the Declaration of the Rights of Indigenous Peoples in 2007. See Deloria’s afterword in the 1985 edition of *Behind the Trail of Broken Treaties* on the emergence of Indigenous global politics out of the Wounded Knee occupation. For a history of global Indigenous politics that traces this process of fighting for Indigenous peoples’ self-determination and rights on a global stage by looking at Maori, First Nations, and Native American activists across the Anglo-settler world, see Sheryl Lightfoot, *Global Indigenous Politics: A Subtle Revolution* (New York: Routledge, 2016).

account through which to understand the significance of the word *continuing* in this declaration.

Second, sovereignty functioned as a shorthand for a process of “national development” that involved recovering and asserting tribal practices that were made *de facto* difficult to practice or illegal with the great expansion of BIA administrative power and reservation confinement. Robert Warrior emphasizes that Deloria’s writings comprehend “sovereignty” as a *process*. Warrior shows how Deloria treats sovereignty less as an end-state of collective political autonomy than a process geared towards articulating context-specific practices of freedom.³⁹⁷ This conception of sovereignty leaves open exactly what form sovereignty should take, since it has often remained a question what could be recovered from the past. Sovereignty, Deloria wrote several years later, refers to an “aspect of a continued communal and cultural integrity” that is always developing and in process.³⁹⁸ To accord with this notion of sovereignty as a process, Deloria re-envisioned the concept of sovereignty so as to distance it especially from the static implications that go back to its European origins in notions of fixed and exclusive territorial rule. For Indigenous peoples, Deloria argued, taking on the concept of sovereignty resisted the inside/outside logic of fixed territoriality. As I argued in chapter two and expand on in the following chapter, this conception did not fall into a “third space” but often envisioned repair through the reconstruction and recovery of prior

³⁹⁷ Robert Allen Warrior, *Tribal Secrets: Recovering American Indian Intellectual Traditions* (Minneapolis: University of Minnesota, 1995), 88-98.

³⁹⁸ On national development, see “From Reservation to Global Society,” 50. On these two contexts of sovereignty, see Deloria, “Self-Determination and the Concept of Sovereignty,” ed. Roxanne Dunbar Ortiz, *Economic Development in American Indian Reservations* (Albuquerque: University of New Mexico Press, 1979), 22-38.

Indigenous conceptions of territoriality. Where such a sovereignty might be cognized as a third space in relation to institutional interactions with the US state, I argue that the practices of recovering these conceptions Deloria helped to initiate ought first to be seen as rejecting erasure. This move envisioned recovering the historical governing structures of Indigenous peoples—or, if not the exact institutions, than their principled foundations.³⁹⁹ This rejection of a logic of fixed territoriality is not well expressed in western institutional forms: Sovereignty in this frame is associated primarily with statehood and fixed territoriality, which allow for a kind of absolute decision about who is inside and who outside.⁴⁰⁰ For Deloria, tribal sovereignty becomes a way of expressing the experience of the group, which, Warrior argues, means “that American Indians have to go through a process of building community and that that process will define the future.”⁴⁰¹

Second, as with treaties, the question of linking up sovereignty with international law remained a crucial point of contention. Here, then, declaring independence from the settler state also required making the conditions of that independence legible in some ways to international legal concepts—securing recognition, as the Declaration of

³⁹⁹ As I argued in the introduction, I find the “third space” concept to be overly wedded to questions of institutional form and less attentive to the way that repair was reimagined during this era (both in ways successfully and less successfully institutionalized) in response to a universalist framework of settler-colonial politics. Thus, even when a particular political practice might be conceptualized as a “third space” with respect to the dominant political imaginary, my view is that Deloria saw this less as a hybrid practice than a process of indigenizing that nonetheless—given the circumstances—needed to be chastened by the practical realities of negotiating with the state. On the “third space,” see Bruyneel, *The Third Space of Sovereignty: The Post-colonial Politics of U.S.-Indigenous Relations*.

⁴⁰⁰ Deloria, “Self-Determination and the Concept of Sovereignty,” 26.

⁴⁰¹ Warrior, *Tribal Secrets*, 91.

Continuing Independence puts it. Deloria's account of sovereignty, then, needed to hook in to some prior doctrine or institutional arrangement in order to be legible to his audience: In particular, Indigenous communities rejected a form of decolonization that resulted in statehood. Because of this rejection of state-formation, Deloria needed to articulate an alternative arrangement of "independence" that corresponded to these aims both conceptually and institutionally. Invoking "sovereignty" within its Euro-american sensibilities could be double-edged: Reference to sovereignty as a regulative ideal could equally prop up US claims to sovereignty over Indigenous peoples as now-assimilated (or soon-assimilated) populations on the grounds of US territorial integrity.

To avoid these connotations, Deloria focused on the external and relational dimensions of the concept. He focused on the dimensions of external recognition within a given global order that upheld sovereignty as a desired object. Deloria pointed to the internationally constructed nature of sovereignty and the reality that loci of normative and political power shift over time. "Sovereignty," Deloria argued, "is not static nor absolute. It is nothing more than a construct to describe the relationship of political entities."⁴⁰² In shifting sovereignty toward this framework that emphasized relation and interdependence, he also invoked the practices of decolonization from which Indigenous peoples had been excluded under the bluewater doctrine.⁴⁰³

⁴⁰² Deloria, *Behind the Trail*, 108.

⁴⁰³ Recall that the bluewater doctrine was an exception to the dominant regime of decolonization. It instituted the notion that decolonization could not disrupt the territorial integrity of states. The implication of this doctrine has been that only colonies located on separate land masses from the metropole could be subject to decolonization. In other words, the doctrine upheld the status-quo that settler states were not colonial powers, and,

Decolonization is often taken to refer primarily to a process that reaffirmed the idea that self-determination means postcolonial nations achieve statehood and territorial control analogous to Euro-american sovereignty. This interpretation takes decolonization to effectively affirm the creation of identical units of global politics—a world of sovereign states. For Deloria, decolonization affirmed nearly the opposite: The likeness of “sovereignty” obscured the fact that peoples existed in a number of political associations. The “worldwide movement toward decolonization,” Deloria argued, affirmed that sovereignty existed as a matter of degree. That is, “sovereignty” could attach to multiple imagined geographies that did not accord with complete territorial control or the absolute decision of states.

The concept of sovereignty as complete freedom from external impediments and complete territorial control privileged the formation of empires who, having consolidated their own territoriality through conquest and colonization, could retrospectively claim that the concept applied only to them. Decolonization, Deloria argued, “has produced a host of new small nations which have come to enjoy full status in international relations, including that most coveted token of modern sovereignty, membership in the United Nations.” Yet it would be difficult to argue, for Deloria, that this token of “sovereignty” was the “same” as the sovereignty exercised by far more powerful states in international space. This condition of post-colonial inequality among nations ironically meant that there was nothing preventing Indigenous nations from becoming sovereign. Barbados, for example, which gained its independence in 1966, was “comparable in size to the

therefore, could not be decolonized. S. James Anaya, *Indigenous Peoples in International Law* (New York: Oxford University Press, 2004), 43; 75-76.

Chippewa-Cree Reservation at Rocky Boys, Montana or the Kaibab Paiute Reservation in Arizona.”⁴⁰⁴ In other words, that Barbados was sovereign and independent and the Paiute were not spoke to the exclusion at the heart of the decolonization regime. The idea that the sovereignty question in the US had been settled, Deloria suggested, was also an illusion predicated on the politics of erasure, given the “four-hundred-year struggle for freedom that the Indians had waged” against the claims to sovereignty of the US settler state.⁴⁰⁵ “Sovereignty,” Deloria argued, “permits an abundance of different forms of relative dependence or independence, any of which could be available as a model for a future U.S. Government-Indian relationship.”⁴⁰⁶ Deloria, then, moved toward thinking of sovereignty as a process of “national development” that would hold in place a recognition of rights of self-determination before the United Nations while allowing for a certain mobility and contextual sensitivity to the many possibilities of articulating political authority for Indigenous peoples.

In order to frame the politics of sovereignty in this global platform, Deloria did turn to legible institutional forms to model this process of enacting sovereignty. Deloria argued that, for the most part, Indigenous communities were not arguing for “a type of independence which would create a totally isolated community with no ties to the United States whatsoever.”⁴⁰⁷ Looking to the relation between small European states and their larger neighbors (among other examples), Deloria suggested the way the former contracted out certain governmental functions as a kind of model for the relation between

⁴⁰⁴ Deloria, *Behind the Trail*, 164.

⁴⁰⁵ *Ibid.*, 3.

⁴⁰⁶ *Ibid.*, 186.

⁴⁰⁷ *Ibid.*, 162.

Indigenous peoples and the US—again, one negotiated and worked out through a treaty process.⁴⁰⁸ Here, the “dependence” of one party upon the other in certain spheres did not imply that the one had the prerogative to erode, replace, and incorporate the political authority of the other over time. No one, for example, believed that the dependence of San Marino and Vatican City on the modern Italian state, “both [of the former] with ancient claims to independent sovereignty,” placed the two independent city-states in a lesser state of civilization than Italy, as the language of dependency in the colonial context expressed.⁴⁰⁹ Deloria referred to this as an arrangement of “contractual sovereignty,” in which economic assistance in the present did not imply the civilizational difference applied to colonial peripheries.

In order to imagine the institutional forms this relationship would take, Deloria revisited the language of the Marshall trilogy decisions. As I have described above, in the late 19th century, the end of treaty-making and extensive military campaigns against Indigenous peoples allowed for the creation of judicial precedents (*United States v. Kagama* and *Lone Wolf v. Hitchcock*) in which the earlier Marshall decisions were interpreted so as to expand the administrative power of the state to the point of simply erasing those prior treaty relations:

The United States insists on emphasizing the ‘dependent’ aspect of the domestic-nation status, and interprets this phrase to mean the total incapability of Indian people to govern themselves...under the guise of ‘trusteeship.’⁴¹⁰

⁴⁰⁸ Deloria also cited the history of the British Empire, the League of Nations mandate system, and the UN Trust system with the recognition that these associations fundamentally propped up colonial relations. *Ibid.*, 176-183.

⁴⁰⁹ *Ibid.*, 179.

⁴¹⁰ *Ibid.*, 158.

In particular, Deloria pointed out that the earlier conception of “dependency” and “trusteeship” outlined by Marshall had very little in common with its eventual conceptual implications by the end of the 19th century. According to Deloria, Justice Thompson’s dissenting opinion in *Cherokee Nation v. Georgia* outlined a quite different view of the international status of Indigenous nations from the later view of the relation as one between a population held in the care of the state as its ward. Quoting directly from Emer de Vattel’s *Law of Nations*, Thompson argued of the Cherokee nation that:

Every nation that governs itself, under what form soever, without any dependence on a foreign power, is a sovereign state. Its rights are naturally the same as any other state... We ought, therefore, to reckon in the number of sovereigns those states that have bound themselves to another more powerful, although unequal alliance... Tributary and feudatory states do not thereby cease to be sovereign and independent states...⁴¹¹

Thompson continued, “Testing the character and condition of the Cherokee Indians by these rules, it is not perceived how it is possible to escape the conclusion, that they form a sovereign state.”⁴¹² For Deloria, Thompson’s opinion represented one of three theories of legal status emerging from the Marshall trilogy cases. Whereas Thompson regarded the Cherokee as “independent and probably ‘foreign’ nations,” Justice Johnson conceived of Indigenous peoples as “existing in a state of expectant national status.” Marshall, Deloria

⁴¹¹ *Cherokee Nation v. Georgia*, quoted in Deloria, *Behind the Trail of Broken Treaties*, 116. Thompson was directly quoting from the first chapter of Vattel’s *Law of Nations*. Emer de Vattel, *The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns* (Indianapolis: Liberty Fund, 2008), 82.

⁴¹² *Ibid.*

argued, “saw Indians as dependent domestic nations with rights of self-government and a clear legal right to occupy their traditional lands.”⁴¹³

None of these models, Deloria insisted, implied that the inherent sovereignty of the Cherokee or other Indigenous peoples would eventually be erased. Rather, they implied limiting conditions on Indigenous sovereignty as to their conducting international relations and initiating land transactions with other European powers. While Deloria recognized that these limiting conditions themselves were already colonial in nature—implying, in Thompson’s gloss of Vattel, a “tributary” or “feudatory” relation of indirect rule—these limitations paled in comparison to the later assumption of unlimited administrative power over Indigenous peoples. Deloria argued that “there is no justification in treaties, statutes, or the Constitution for regarding the corporate political entity of tribal government as a ‘ward’ of the executive branch of the government.”⁴¹⁴ As with other relations of “contractual sovereignty,” “dependency” did not imply the utter submission of one party to another as a condition of divesting certain practices or rights to the other. Dependency was not wardship. Rather, Deloria argued, it implies in the present that Indigenous peoples continue to practice sovereignty, even when they are “dependent” in certain respects on the US state.

Here, Deloria argued that the treaty process might allow for a future model of an “international protectorate” in which Indigenous peoples would be recognized as sovereign but not “totally isolated” from the United States.⁴¹⁵ They might, for example,

⁴¹³ Ibid., 118.

⁴¹⁴ Ibid., 154.

⁴¹⁵ Ibid., 159.

continue to receive economic assistance from the US without having to relinquish their sovereignty as a kind of “blackmail” condition for that assistance. Such an arrangement, Deloria argued, would be expressed in the transformation of the trust in which the Department of Interior held Indigenous lands from an “active” trust to a “passive” one. Such a transformation meant that “Bureaucrats would enter the land picture only as an appellate commission to determine the validity of the transfer, not as energetic real-estate salesman attempting to reduce the tribal land holdings.”⁴¹⁶ Such a model would disallow the US government from any further seizure of Indigenous lands under this post-colonial model in which the US would exercise its role as a trustee in this very limited scope that corresponded to the rights and responsibilities established through a treaty process.

In theorizing that Indigenous sovereignties could be linked up to this global history of decolonization and proposing the opening of a treaty process, Deloria acknowledged that “the idealism in this idea is obvious.”⁴¹⁷ In other words, without significant pressure and political organizing to reverse the dominant colonial relation, the proposal would remain plausible but “the courts have never been moved to enforce morality without tremendous public pressure.”⁴¹⁸ As a moment in which it became possible to launch such new narratives of political grievance, though, Deloria seized on the Twenty Points as a central frame through which to declare independence.

Conclusion: On Founding and Repair

⁴¹⁶ Ibid., 253

⁴¹⁷ Ibid., 260.

⁴¹⁸ Ibid., 110.

Deloria's writings in the earlier 1970s provided a practice-oriented conceptual framework that channeled and clarified the rhetoric of the American Indian Movement (AIM) that focused on "broken treaties" and Indigenous sovereignty. While the NCAI had foregrounded questions of treaty *rights* since its founding in 1944, Deloria and AIM's emphasis on re-securing a treaty *relationship* made significant headway in reconceiving treaties as an historically ongoing, reciprocal relationship in need of repair. Deloria and AIM leaders did disagree on some important questions: Deloria supported the viability of the Indian Reorganization Act as one compromise expression of sufficiently Indigenous governing structures and AIM basically saw this process of legal reorganization as yet another coded practice of usurpation and erasure. Still, Deloria saw himself as channeling many of AIM's political demands into a conceptual framework grounded in the diverse histories of interaction between Indigenous nations and colonial powers.

Understood in a broader conceptual frame, I have sought to show how Deloria's work drew on Indigenous political practices of claiming independence from 1969 to 1976 to displace settler-colonial founding and position other sites of political life as more productive sources of both political struggle and the building of renewed relationships in relation to engrained structures of colonial violence. Moreover, in doing so, I have also sought to demonstrate how it is that agonist political theory conceptualizes founding in ways insufficiently attentive to these settler-colonial conditions of founding. If agonist political theorists turned toward the paradox of founding in order to recover the political practices of citizens denied in top-down, constitutionalist accounts of legitimation, such a move to pluralize and open up non-dominant terrains of political struggle nevertheless

depends on articulating a productive logic between *demos* and law. In this sense, I argue, such arguments about the paradox of founding actually erase forms of politics that refuse to see in the logic of founding a paradox at all. Stated otherwise, to stage a *colonial* founding as a paradox requires that one submit at least in part to a politics of erasure (whether stated in the idioms of domestication, incorporation, or disappearance). Even if we believe in the eruptive power of political action to bring into being “unauthorized propositions,” it is worth remembering how much the “success” of political claims-making in liberal-democratic settler states depends on certain subjects accepting and working within this logic of normalized, foundational violence.⁴¹⁹ Even if we see how differently positioned Indigenous peoples strategically work within such conditions—as Deloria, I suggest, undoubtedly does—theorists ought not to naturalize as inherently productive what might be a kind of political maneuvering born more of these irreversible sediments of foundational violence than the need of citizens to negotiate the democratic conditions of their “own” polity. Witness, for example, the very use of the term sovereignty, which Deloria had to re-conceptualize since it had little in common with the historical governing structures of many Indigenous peoples yet made sense to use as the modern “token” of legitimate authority.

In his *Constituent Moments*, Jason Frank asks how those not of the *demos* (the

⁴¹⁹ “Unauthorized propositions” is Jason Frank’s term. It “highlights” the “ungrounded and performative dimension” of certain public claims. Jason Frank, “Unauthorized Propositions: The Federalist Papers and Constituent Power,” *diacritics* 37.2-3 (Summer-Fall 2007): 103-120.

“part that has no part”) stage their own existence to be included in the demos.⁴²⁰ Deloria hands down to us a different question: How do those forcibly incorporated into the demos frame their own existence to a public as not of—and as never having been—the demos? How does one claim and vindicate that one (and one’s people) is not of this people?⁴²¹ Drawing on Rancière, Frank argues that claims to re-constituting the demos function in the future anterior: Those claiming the mantle of the people stage the conditions under which the demos “will have been” constituted in a different way. While Frank’s work has some differences from Honig’s, one can see here that the central thrust is this emphasis on the potentially virtuous circle between excesses of political legitimacy and claims performed by new political subjects.⁴²² One can see from the questions I raise here that the problem Deloria poses reminds us how political claims-making that is not oriented towards assimilation and equality usually fails to resonate with these efforts to pluralize politics. Rather, Deloria analyzed a specific axis of domination—erasure—and theorized conditions of repair that might inaugurate a movement towards more just and equal relationships.

In order to make visible these other forms of politics that refuse even these contingent conditions of political legitimacy, I turned to the politics of declaring independence that risked a kind of failure to provoke decolonization. Here, I argue, we can see how the putatively pluralizing notion of paradox does not adequately respond to

⁴²⁰ Jason Frank, *Constituent Moments: Enacting the People in Postrevolutionary America* (Durham: Duke University Press, 2010).

⁴²¹ My thanks go to Burke Hendrix for articulating the question in this way in his presentation at the 2016 Western Political Science Association conference.

⁴²² Frank uses the term “constitutive surplus,” which names a similar phenomenon to Honig’s “excesses” and “remainders.” “Unauthorized Propositions,” 111.

the persistently reconstituted structures of domination to which Deloria pointed. Reading Deloria's work within the broader context of activist struggles from 1969-1975, I have taken the "Indian Declaration(s) of Independence" of this era as indicative of a challenge to this dominant logic of founding. Rather than a productive paradox, I argue, Deloria rearticulated how founding for Indigenous peoples has represented a politics of erasure. I suggest that the within-and-against Indigenous politics of this era can be understood as a politics of repair in which activists working through different channels refuted such founding erasures and staged their ongoing existence as sovereign peoples by displacing the dominant sites of founding.

My argument here, then, shows how Deloria drew on these grassroots practices of claiming independence to recover alternative foundings around practices that both preceded and outlived the meanings attributed to them within settler-colonial political orders. Deloria, I argue, rearticulated two core sites at stake in denying the power of Indigenous peoples to found their own political orders. First, Deloria rearticulated treaty-making as a persistent site for enacting the nationhood of Indigenous peoples sometimes in relation to and sometimes against the formation of settler-colonial states. For Deloria, recovering the *practice* of treaty-making prefigured an alternative future premised on a process of renegotiating the conditions of shared and overlapping sovereignties—in line with previous Indigenous conceptions of treaty relations. Second, Deloria rearticulated sovereignty through the lens of Indigenous or tribal sovereignty. If sovereignty implied a self-enclosed arrangement in which settler states continually replicate the founding politics of erasure, I argue that Deloria recovered the politics of Indigenous sovereignty

as embodying forms of political autonomy rejecting statist conceptions of constituent power.

Deloria's work in *Behind the Trail of Broken Treaties* is necessary to think through these realities of erasure that political theory has yet to fully engage. Seen from the present, it is also limited in certain respects. One might observe from a more presentist perspective that there were significant limits in Deloria's turn to the "trust relationship" and an "international protectorate" as a model of the relation between Indigenous nations and the US. In relying on structures of international recognition inherited from the Marshall cases, Deloria bet on the fact that international law might be a resource through which to bring pressure on settler states. Yet reliance on a trust or protectorate model based in the *Cherokee Nation* case underestimated the limited expression of sovereignty that would later be seen as integral to the logic of "domestic dependency."⁴²³ Deloria recognized the limitations of domestic dependent nation status, even as he was pointing to how such a status might be rethought as a different model of international relations that recovered Indigenous nationhood.

These ideas about tribal sovereignty have been diffused into US policy in significant ways, a fact testified to in the release of the final report of the American Indian Policy Review Commission, which President Gerald Ford formed in response to the Wounded Knee trials. The Report was eventually released in 1977 with a number of

⁴²³ For a similar assessment of this history, which especially speaks to US federal Indian law jurisprudence in the aftermath of the landmark *Squamish v. Oliphant* ruling in 1978, see Robert A. Williams, Jr., *Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America* (Minneapolis: University of Minnesota Press, 2005).

recommended changes in federal Indian policy that reflected the work of Deloria and other activists throughout the 1960s and 70s who had fought against Termination and Relocation and to institutionalize tribal sovereignty. Throughout this sprawling document, the several authors refer to tribal sovereignty as a foundation of the relationship between Indigenous nations and the federal government.⁴²⁴ Nonetheless, the concept refers to sovereignty in a limited sense in practice: Tribes are “sovereign political bodies, having the power to determine their own membership and power to enact laws and enforce them within the boundaries of their reservations.”⁴²⁵ Speaking institutionally, Congress maintains plenary power over Indigenous nations and even this limited tribal sovereignty and jurisdiction has often been threatened post-1978 in prominent cases before the Supreme Court and other subsequent developments I discuss in the next chapter. Speaking more conceptually, such reforms did relatively little to address the more fundamental questions raised by Deloria, which called into question the unilateral imposition of settler political authority over Indigenous lands. The problem remains that “tribal sovereignty”—even if nominally non-extinguished and inherent—is not really considered inherent in practice because it is weighed against the interests of settler citizens within the US political and legal system, which often supersede those of Indigenous peoples.

In the next chapter, I will examine Deloria’s work post-1975. I suggest that Deloria turned many of his theoretical resources toward philosophy, extending his earlier

⁴²⁴ “American Indian Policy Review Commission: Final Report,” Submitted to Congress, May 17, 1977 (Washington, DC U.S. Government Printing Office, 1977).

⁴²⁵ “American Indian Policy Review Commission,” 4.

critiques of colonialism to a number of other fields whose epistemological frameworks supported colonialism. With the breaking apart of the “broken treaties” narrative around 1978 amid massive FBI repression of AIM; the advent of tribal gaming; and a number of other changes, self-determination and tribal sovereignty were paradoxically both institutionalized yet radically limited as to the possible expressions they could take. Deloria would step back from politics as earlier possibilities such as renewing treaty relations waned, and he would instead begin to theorize in areas such as theology, where he argued that Indigenous peoples’ conceptions of territoriality in particular make for a very different account of liberation and the sacred than the dominant account in Christian theology. In the chapter, I foreground Deloria’s increasing commitments to theorizing across Indigenous perspectives and developing such Indigenous expressions of political authority.

Chapter Six

The Politics of the Sacred: Decolonizing the Sovereignty Movement

Introduction

By 1978, Deloria knew that there was little chance that treaties would become a model for future relations between Indigenous nations and the United States. Nonetheless, activists throughout the 60s and 70s had been successful in forcing a number of changes in the relation between Indigenous nations and the US. Various fishing and hunting treaty rights cases made their way through the courts, perhaps none more of a landmark than the Boldt decision (*US v. Washington*) in 1974, which secured the treaty fishing rights of peoples of the Northwest Coast.⁴²⁶ In 1975, Congress passed the Indian Self-Determination and Education Assistance Act, which, under “PL-638 contracts,” allows for Indigenous nations to “sub-contract” and administer their own programs on reservations.⁴²⁷ This act extended the logic of Deloria’s earlier work to create a separate “Indian Desk” within the OEO, allowing Indigenous nations to initiate tribal planning and self-governance. Perhaps most significantly of all, the language of a “nation-to-nation” relationship and “tribal sovereignty” became firmly institutionalized as a way of conceptualizing the relations between the US and tribal governments in a variety of policy arenas.

Despite these important gains, even nominal policies of self-determination led to significant pushback by opponents of Indigenous sovereignty on both the left and right. While activists on the Northwest Coast, Anishinaabe communities in Minnesota and

⁴²⁶ *United States v. Washington* (384 F. Supp. 312).

⁴²⁷ Public Law No. 93-638, 88 Stat. 2203 (1975).

Wisconsin, and numerous other communities continue(d) to struggle to reclaim and enforce treaty rights, by the late 1970s a significant reversal in the Supreme Court and in the broader settler society was also underway. Local- and state-level anti-treaty rights movements made significant gains as part of the broader New Right political agenda to roll back the progressive gains of the decades prior.⁴²⁸ The Rehnquist Court decided *Oliphant v. Squamish* in 1978, which radically limited even tribal sovereignty by undercutting tribal jurisdiction within reservation lands.⁴²⁹ The FBI had infiltrated and practically dismantled the American Indian Movement, with the Longest Walk in 1978 signifying the movement's last widely-publicized action.⁴³⁰ Summing up the shift from the brief moment from around 1968-1974 when "America had simply found its ears," Phillip S. Deloria (Vine's brother, himself a lawyer and advocate for Indigenous peoples) observed: "We have returned to the time when the country contemptuously appoints as our spokesmen non-Indians who wish they were Indians."⁴³¹

I outline these changes primarily to mark how Vine Deloria's later work reflected and responded to the waning conditions of visibility that he pushed for in *Custer Died for*

⁴²⁸ See Jeffrey Dudas, *The Cultivation of Resentment: Treaty Rights and the New Right* (Palo Alto: Stanford, 2008).

⁴²⁹ *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978). On the Rehnquist Court, see Robert Williams, Jr., *Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America* (Minneapolis: University of Minnesota Press, 2005).

⁴³⁰ The FBI's systematic surveillance and infiltration of AIM has been documented in a number of works, including: Ward Churchill and Jim Vander Wall, *The FBI's Secret War Against the Black Panther Party and the American Indian Movement* (Boston: South End Press, 1990); Peter Matthiessen, *In the Spirit of Crazy Horse: The FBI's War Against the American Indian Movement* (New York: Penguin Books, 1992).

⁴³¹ Phillip S. Deloria, "The Era of Self-Determination: An Overview" in ed. Kenneth R. Philp, *Indian Self-Rule* (Logan: Utah State University Press, 1986), 204.

Your Sins. By 1978, despite having solidified many gains from the Indigenous Sovereignty Movement, Indian nations found themselves fighting against a backlash that was well under way. In addition to this backlash, the new legal status of tribes as nominally self-administered entities incorporated within the US political framework also created unexpected consequences. Not long after the discourse of sovereignty became mainstreamed in the mid-1970s, then, Deloria would take a critical axe to some of the unexpected results that stemmed from increased funding, technical assistance for development, and opportunities for self-government. In a 1977 study for the Field Foundation, Deloria laid out his critique in reference to the politics of resource exploitation on reservation lands:

“The energy crisis has only increased pressures. As royalty income or its prospects rose, tribal councils saw leasing as a source of immediate income and tended to overlook the long-term spoliation of their remaining land base and its resources. One of the main problems is the tendency of tribal governments to sell or lease energy resources for much less than worth, considered on a long-term value basis, preferring to have immediate income for present needs. Tales of corruption of tribal officials by corporate bribery are not uncommon, but cannot be taken as evidence that the white men are aiming to eliminate Indians by robbing their resources, as many Indian radicals would have it. Recent revelations in Washington show that some corporations corrupt everyone, without discrimination as to racial or ethnic origin.⁴³²

The national pan-Indigenous organizations—especially the NCAI and the NTCA—did not appreciate Deloria’s insinuation of corruption and capitulation to the demands of

⁴³² Vine Deloria, Jr., *A Better Day for Indians* (New York: Field Foundation, 1977), 8-9. Deloria does not mention any particular nations, but it seems likely that he had in mind the then-deeply contentious struggle between the Diné (Navajo) nation council and the Burnham community over coal gasification on the latter’s lands.

multinational corporations.⁴³³ If Deloria's earlier works focused primarily on laying out the terms of self-determination, tribal sovereignty, and restoration of lands, by the late 1970s, Deloria might be seen as equally critical of much of the leadership of Indigenous communities for succumbing to values inimical to tribal peoplehood. Disappointed with these results of the decade prior of organizing, he critiqued Indigenous leaders for adopting the arts of dispossession borrowed from the broader settler society. Indeed, though ambivalent about AIM's traditionalism as perhaps unresponsive to the actual present economic needs of Indigenous communities, as I argued in chapter four, Deloria was also sharply critical of those who he regarded as a new administrative elite that had developed initially out of the programs first launched during the War on Poverty. Commenting on these unintended consequences of the drive to self-administration, Deloria observed: "Government projects often became personal projects of Indian politicians, and concern for the people which had marked other eras of Indian communal existence virtually vanished in the avalanche of consultant fees."⁴³⁴ Thus, he argued, "Until Indians begin once again to conceive of themselves as communities with a political process capable of solving social problems, there cannot be a realistic approach to the solution of economic problems."⁴³⁵ Deloria's primary complaint was that any development needed to focus on serving the needs and aspirations of communities. The concept of "tribal sovereignty" itself, which he had envisioned creating such a framework

⁴³³ "...according to the NCAI convention call I am leading the anti-Indian forces in America." "Letter to Leslie Dunbar, October 8, 1977," Box 11: Special Writing Projects, Vine Deloria Papers. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library.

⁴³⁴ Deloria, *A Better Day for Indians*, 15.

⁴³⁵ *Ibid.*, 15.

of political authority, seemed no longer to provide a foundation on which to build. Instead, to Deloria, “sovereignty” began to sound much more like another concept that dressed up powerlessness as empowerment.

Summarizing this critique at a more conceptual level is a piece Deloria wrote much later in 1998, which argued that “the largest barrier to individual sovereignty that I can see is the refusal of Indians to take their own traditions seriously and simply repeat Western notions of the world.”⁴³⁶ It is this emphasis on filling out his earlier notion of sovereignty with Indigenous-centered understandings and practices that inform many of Deloria’s subsequent writings. In particular, Deloria would expand on the third concept in what David Wilkins has since called the Delorian trilogy: “the importance and sacredness of *space and place* for Indigenous nations,” understood as the “relationship Native communities have with a sacred territory.”⁴³⁷ Deloria developed this notion of sacred territory by drawing on different Indigenous nations’ oral creation histories and contrasting this conception of the relations between human communities and places developed there with the idea of territory solely as property to be exploited (as *dominium*). As we will see, Deloria turned primarily to theology to ground these contrasting visions in (for lack of a better term) religious practices that differed between Indigenous and Christian theological traditions.

⁴³⁶ Ibid., 29.

⁴³⁷ David Wilkins, “Vine Deloria Jr. and Indigenous Americans,” *Wicazo Sa Review* 21.2 (Fall 2006), 153; see also, Wilkins, “Afterword,” in Vine Deloria, Jr., *The Metaphysics of Modern Existence* (Golden, CO: Fulcrum Publishing, 2012), 287. I elaborate on the other two, self-determination and sovereignty, in chapters 2-3 and chapters 4-5 respectively.

One potential reading of Deloria here is that he withdrew from politics to the point of becoming cynical and disconnected from on-the-ground struggles.⁴³⁸ I argue that this nominal turn away from politics to theology ought to be understood as itself political.⁴³⁹ Deloria turned more decisively to theology in order to effect changes in areas that might more indirectly reaffirm and recast sovereignty as a process of enacting self-determination that would express what he viewed as a lost sense of “communal and cultural integrity.”⁴⁴⁰ This chapter focuses on Deloria’s writings on religion as a partial response to his disappointment with the results of the Indigenous Sovereignty Movement: To be sure, Deloria’s writings on religion date back as far as his initial entry into the NCAI in 1964, when he was already developing the critique of missionaries and “anthros” that would appear in *Custer Died for Your Sins* and, earlier, in the NCAI’s newsletter, the *Sentinel*. However, these ideas can be seen in a much starker light as he began to view at least some of his earlier attempts to challenge what I have called settler

⁴³⁸ In conversation, for example, one tribal legal advocate told me that Deloria’s critique of the limits of “self-administration” and especially his critique of sub-contracting amounted to a betrayal of reservation constituencies and a failure to attend to pragmatic politics. Without romanticizing Deloria, who was characteristically biting in his criticisms, I argue that his critiques were not aimed at totally giving up on the earlier, quasi-modernizing politics. But he did recognize the limits and even aporias handed down from the 1960s to the 70s and 80s. An excellent example of this discussion of the limits of self-administration that is also clearly sympathetic to the framework of the Indian New Deal is found in: Vine Deloria, Jr. and Clifford Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (New York: Pantheon Books, 1984).

⁴³⁹ As I note later on in this chapter as well, there is a long and complicated history of the relationship between theology and politics in western political thought from Socrates to Augustine to Hobbes and so on.

⁴⁴⁰ Deloria, “Self-Determination and the Concept of Sovereignty,” ed. Roxanne Dunbar Ortiz, *Economic Development in American Indian Reservations* (Albuquerque: University of New Mexico Press, 1979), 26.

citizenship as partly—and in some darker moments, totally—failed endeavors. It is there in his writings on religion that we see the kernel of his later disappointment and his sense of the need to step back from direct political engagement.

For those familiar with Deloria's later works, I do not discount the fact that Deloria wrote a number of notable works throughout the 1980s that continued to elaborate a framework focused on the political status of Indigenous nations. Such works hammer away at the numerous ways in which the self-determination policy continued to be incomplete and unsatisfactory to Indigenous peoples, most of all perhaps in the ongoing assertion of congressional plenary power over Indigenous nations.⁴⁴¹ For Deloria, the line between empowerment and powerlessness continued, then, to be razor thin—with influence dependent on a fragile legal edifice and constant tribal advocacy efforts at several levels of government. I will argue, though, that it is in many of his nominally non-political works in which Deloria presented a sustained effort to navigate a moment he perceived as one of significant political closure. Given this context, such work focused rather less on the legibility of Indigenous sovereignty politics to settler legal and political structures and significantly more on how Indigenous peoples might conceptualize and enact their own ways of knowing and acting in the present. This turn in Deloria's work represented an effort to *reground* sovereignty as a project of making

⁴⁴¹ These include: Vine Deloria, Jr. and Clifford Lytle, *American Indians, American Justice* (Austin: University of Texas Press, 1983); Deloria and Lytle, *The Nations Within*; Vine Deloria, Jr. and David Wilkins, *Tribes, Treaties, and Constitutional Tribulations* (Austin: University of Texas, 1999); Deloria and Wilkins, *The Legal Universe: Observations on the Foundations of American Law* (Golden, CO: Fulcrum Publishing, 2011). The latter was published posthumously, with Wilkins writing materials left unfinished by Deloria.

relations and responsibilities of kinship, cultivating senses of community through the telling of oral histories, and caring for and living with non-human others.

I will argue, then, that such writings constitute an effort on Deloria's part to elaborate on and ground the politics of sovereignty in the actual, varied normative worlds of Indigenous peoples. These efforts can be thought of *both* as a way to return sovereignty politics to this emphasis on community and relationships as well as to continue the work of decolonizing the epistemology and institutionalization of academic fields that Deloria began in *Custer*.⁴⁴² In what follows, I explore Deloria's later writings in the following steps: First, I turn to *God is Red*, which served as the foundation of Deloria's subsequent writings on religion and the natural sciences and explores sacred territory as a fundamental category within Indigenous political thought. Although authored in 1973 shortly after *Behind the Trail of Broken Treaties*, *God is Red* represents Deloria's first attempt to work out in longer form the differences between what he was then calling "tribal religion" and Christianity. Turning to Deloria's subsequent writings on the politics of religion, I suggest that Deloria developed an account of "religion" that demonstrated how a conception of history inherited from Christianity enables the violence of colonization. Deloria sought to reground sovereignty politics in the

⁴⁴² Deloria wrote across a number of areas in this regard, including education, archaeology, the natural sciences, and religion. In making this argument, one could certainly write a chapter on each of these themes from the massive archive of writings Deloria left. Here, I will focus primarily on his writings on religion, in part because it is a topic that seems to spring more directly from his earlier work. Admittedly, the divide is somewhat arbitrary, especially given that Deloria argued that the natural sciences and religion had a deep and entangled relationship in western philosophy. I have chosen to approach this topic as a small piece of this shifting political landscape because it would take a much longer piece of writing to cover all of these themes with the suitable depth they deserve.

conceptions of sacred territory and relationships that arise from within the practices of different Indigenous peoples. In the conclusion, I argue that these insights about history as a way of knowing that influences the political-economic structure of modern settler societies challenges efforts to rework conceptions of historical progress and, again, turns his audience towards a politics of repair.

God is Red: Decolonizing Theology

Deloria explained in an interview that he developed the title for *God is Red* as a play on the phrase “God is dead.”⁴⁴³ The latter phrase famously goes back to Nietzsche, but Deloria was responding more directly to Harvey Cox’s reading of the Lutheran, anti-Nazi theologian Dietrich Bonhoeffer. In his bestselling 1965 book, *The Secular City: Secularization and Urbanization in Theological Perspective*, the radical Christian theologian Harvey Cox built on Bonhoeffer’s work, calling the latter a “harbinger of secularism.”⁴⁴⁴ For Deloria, Cox’s argument channeled an account of modernity that needed to be cleared away in order to craft a narrative that made appropriate space for Indigenous peoples’ aspirations.⁴⁴⁵ Cox drew on a vein of Enlightenment thinking that equated “secularization” with “the liberation of man from religious and metaphysical

⁴⁴³ Interview with Regina Superman. Nov.-Dec. 1974 Correspondence folder, Box 16: Chronological Correspondence. Vine Deloria Papers. Yale Collection of Western Americana. Beinecke Rare Book and Manuscript Library.

⁴⁴⁴ Douglas Rossinow, *The Politics of Authenticity: Liberalism, Christianity, and the New Left in America* (New York: Columbia University Press, 1998), 63.

⁴⁴⁵ Deloria, *God is Red* (New York: Grossett & Dunlap, 1973), 131-138. All references are to the original 1973 edition. There is a later revised edition as well: *God is Red: A Native View of Religion, 30th Anniversary Edition* (Golden, CO: Fulcrum Publishing, 2003). The 30th Anniversary edition, published in 2003, is in the widest circulation at this point. I have chosen to refer to the original edition because Deloria makes some significant revisions that nonetheless do not change the central conceptual argument offered in 1973.

tutelage.”⁴⁴⁶ Like thinkers as diverse as Kant, Marx, Hegel, and Darwin, Cox theorized modern societies as the outcome of an evolutionary process—in Cox’s case, one from “tribes” to “towns” to “cities.”⁴⁴⁷ For Cox, the notion that one’s “own point of view is relative and conditional has become for secular man an inescapable component of that point of view.”⁴⁴⁸ Given the historic character of all claims to knowledge within this “secularization process,” Cox suggests the necessity that every person enter into a form of citizenship based on reflexive critique: “All idols and icons must be exposed for the relative and conditional things they are. Tribal naïveté must be laid to rest everywhere, and everyone must be made a citizen of the land of broken symbols.”⁴⁴⁹

Deloria responded bluntly to Cox’s popular theory of secularization. He translated Cox’s demand to overcome “tribal naïveté” as follows: “...if a religion or person is different, it or he or she must be destroyed.”⁴⁵⁰ For Cox and many others coming out of the European tradition, secularization implied radically democratic outcomes: To desacralize political authority could lead to a more participatory and egalitarian politics within a history in which divinity imposed mandated and naturalized hierarchies. For Deloria, such a narrative of lost foundations (“broken symbols”) legitimized colonialism, if sometimes unwittingly. This narrative reified an opposition between “tribal” society as primitive, changeless, and instinctive and modern society as complex, dynamic, and

⁴⁴⁶ Harvey Cox, *The Secular City: Secularization and Urbanization in Theological Perspective* (New York: Pelican Books, 1966), 15.

⁴⁴⁷ Cox referred explicitly to the German sociologist Tönnies’ famous distinction between *Gemeinschaft* and *Gesellschaft* and distinguished three stages of social formation: the tribe, town, and technopolis. *The Secular City*, 37.

⁴⁴⁸ Cox, *The Secular City*, 27.

⁴⁴⁹ *Ibid.*, 30.

⁴⁵⁰ Deloria, *God is Red*, 201.

reflexive. Cox invoked the past of the “tribe” as if contemporary Indigenous societies (if he even considered them *as* contemporary) had no intellectual or (for lack of a better term) spiritual resources worthy of consideration. Those whose own histories did not actually figure into the sociological basis of this secularization process needed to “la[y] to rest” their “idols” on what Deloria considered to be inherently asymmetric and colonial terms.

In an essay written in 1976, Deloria made a similar point about Robert Bellah’s conception of an American “civil religion,” which has broad scholarly affinities with other early insights of those later read as “communitarian,” such as Robert Putnam’s work on “social capital.”⁴⁵¹ In his influential essay, “Civil Religion in America,” Bellah argued that despite the formal separation of church and state under the Establishment Clause of the US Constitution’s First Amendment, Americans share “certain common elements of religious orientation,” which have influenced the development of an “American civil religion.”⁴⁵² Bellah’s civil religion thesis posits a background political culture (“the fabric of American life”) that sustains a common project of American citizenship in the absence of a shared, comprehensive conception of the good among citizens.

⁴⁵¹ Robert N. Bellah et. al., *Habits of the Heart: Individualism and Commitment in American Life* (Berkeley: University of California Press, 2007). In his *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2001), Robert Putnam acknowledges this affinity, noting that *Habits of the Heart* “expressed similar concerns about civic disengagement,” 507.

⁴⁵² Robert Bellah, “Civil Religion in America,” in *Beyond Belief: Essays on Religion in a Post-Traditionalist World* (Berkeley: University of California Press, 1991), 171

Pointing out Bellah's references to the concept of manifest destiny, Deloria argued that "civil religion" was based on a process of historical development with elective affinities to Christianity. To be sure, Deloria admitted, the civil religion thesis worked less through "creeds" than the "acting out of a common purpose."⁴⁵³ Yet this common purpose itself was so steeped in the "Christian theological and metaphysical understanding of the world...that America would not make sense aside from this context." While Bellah insisted that his own theory was effectively pluralist, Deloria argued that the "proper method of checking out the civil religion thesis is from the standpoint of a group which has never shared [a Christian] understanding of the universe and which has always rejected it emotionally and intellectually."⁴⁵⁴ "From the outside," Deloria contended, "there is really no difference [between civil religion and Christianity] in a practical sense and it is the world of practicality, not the world of ideas, in which we live."⁴⁵⁵ Put otherwise, the concept of civil religion played a productive role in securing the boundaries of settler citizenship. To be sure, Deloria was equally concerned about the breakdown of "community," yet he viewed its absence—i.e. the breakdown of "communal and cultural integrity" in Indigenous communities—as a problem inherited from the many historical layers of colonization.

Deloria's use of the title *God is Red*, then, reframed the stakes of such debates by arguing that Indigenous perspectives were erased in these settler-centered models of society that were designed to orient political practices. The secularization process

⁴⁵³ Deloria, "Completing the Theological Circle: Civil Religion in America," in *For This Land*, 167.

⁴⁵⁴ Deloria, "Completing the Theological Circle," 168.

⁴⁵⁵ *Ibid.*, 174.

appeared to be pluralizing because it allows for all claims to be subject to a process of reflexive critique. Deloria, though, argued that those who promoted this narrative of lost foundations were essentially demanding that Indigenous peoples forcibly enter into a dialogue in which set ideas about the conceptual validity of settler traditions over others already stacked the deck in favor of colonial outcomes. As I argued in chapter one, “tribes” were not considered as modern political subjects but rather as consigned to the past through a process of creating settler citizenship. According to Robert Warrior, reposing the tradition-modernity binary allowed Deloria to “overcome[e] what amounts to a theological assumption that tribal people live in an ossified, unchanging existence until crossing a line into dynamic existence” upon the arrival of Europeans.⁴⁵⁶ For Deloria, this narrative of lost foundations remained theological as well because it was functionally analogous to the Christian narrative of the fall. Such a narrative privileged a settler perspective that suggested that pre-colonial cultural resources could only be engaged on distant and relative terms. Such a distance—one Cox identified with critique—failed to resonate with the actual practices of peoples across different native diasporas. God, Deloria argued, was simply not dead for everyone.

There was, of course, a very precise history to which Deloria referred in confronting these sensibilities about the meaning of secularization as a form of historical progress. Raised in the Indian Episcopal Church, he was acutely familiar with the supremacist, hierarchical dimensions of church missions, dating back to Grant’s Peace Policy (1868). Under the Peace Policy, the BIA essentially parceled out education and

⁴⁵⁶ Robert Warrior, *Tribal Secrets: Recovering American Indian Intellectual Traditions* (Minneapolis: University of Minnesota Press, 1995), 79.

other communal functions of different reservation communities to competing Christian denominations.⁴⁵⁷ Over this time, the BIA banned the practice of tribal ceremonies, which Indigenous peoples then either took underground or repackaged so that they would appear in a non-religious or primarily Christian outward form.⁴⁵⁸

Given this actual history, Deloria argued that Christians needed to reckon with the violence done in their name and to ask if these policies might partly be explained as an out-growth of Christian epistemology itself. In his “Open Letter to the Heads of Christian Churches in America” (1972), Deloria accused Christian leaders of teaching “mankind to find its identity in a rewriting of history and not an affirmation of it.” This disavowal propped up the contemporary status of “our lands and communities as wards.”⁴⁵⁹ Far

⁴⁵⁷ Deloria dealt with the complex theological history of his own family in a later work that is based on an interview given by his great grandfather, the Yankton Dakota holy man Saswe, and his grandfather Tipi Sapa (Phillip J. Deloria, Sr.), also a holy man and an Episcopal priest. Deloria, *Singing for a Spirit: A Portrait of the Dakota Sioux* (Santa Fe, NM: Clear Light Publishing, 1999).

⁴⁵⁸ Deloria, *God is Red*, 247-271; *Custer Died for Your Sins*, 101-124. George “Tink” Tinker (wazhazhe, Osage) has probably done the most work to trace historically the development of the links between the mission system and the politics of dispossession and assimilation. One striking example is his chapter on Henry Whipple, Episcopal Bishop of Minnesota, who served on the 1876 Sioux Peace Commission. *Missionary Conquest: The Gospel and Native American Cultural Genocide* (Minneapolis: Augsburg Fortress, 1993); See also, Lee Irwin, “Freedom, Law, and Prophecy: A Brief History of Native American Religious Resistance,” *American Indian Quarterly* 21.1 (Winter 1997): 35-55.

⁴⁵⁹ Deloria, “Open Letter to the Heads of Christian Churches in America,” in James Treat, ed. *For This Land: Writings on Religion in America* (New York: Routledge, 1999), 77; 79, 81. In 1969, Deloria authored “More Real Involvement” (MRI) in his role as a member of the “National Committee on Indian Work,” part of the Executive Council of the Episcopal Church. In this widely circulated position paper, Deloria proposed the creation of an “Indian Desk” (similar to the Office of Economic Opportunity). In addition, he demanded both that Indigenous members have a say in the broader formulation of a national agenda for the Episcopal Church and that the Episcopal Church support Native self-determination efforts. His efforts were initially accepted and then

from allowing this presumed transition from Christian foundations to secular critique to remain unchallenged, Deloria centered Indigenous perspectives that often invoked histories, practices, and ceremonies that were explicitly not secular. As he put it in a 1974 interview:

What I tried to do in *God is Red* is provide a context, in terms of comparative religion so that these traditions...would appear important in the terms which non-Indians consider important so that the continual descriptions of tribal religions as ‘superstitions’ would appear to be what they are – simply narrow and uninformed statements.⁴⁶⁰

The framing of this history as a process of secularization obscured how claims to political authority considered “pre-secular,” “traditional,” or “superstitions” had historically been delegitimized: Deloria’s writings on religion were political, then, because they sought to address the continuing role of Christian religious concepts as they informed a secular narrative that erased the colonial context of such claims. These writings challenged settler citizenship through yet another angle that asked how theological concepts were diffused into contemporary understandings of difference and social justice.

eventually sabotaged due to internal politicking in the Episcopal Church. Deloria, “GCSP: The Demons at Work,” in James Treat, ed. *For This Land: Writings on Religion in America* (New York: Routledge, 1999), 62-63. For details of Deloria’s proposals contained in the MRI, see Owanah Anderson, *Jamestown Commitment: The Episcopal Church and the American Indian* (Cincinnati: Forward Movement, 1988), 129-131. I have thus far not been able to secure a copy of MRI; it is not to be found in his papers at Yale’s Beinecke Library.

⁴⁶⁰ Deloria’s use of the terms “religion” or “theology” are loose translations of Indigenous ceremonial practices. He is at pains to suggest that these categories are insufficient translations at best, but his point, as in other works, is to work at the evolving interface between Indigenous and settler politics in order to decolonize. Interview with Regina Superman. Nov.-Dec. 1974 Correspondence folder, Box 16: Chronological Correspondence. Vine Deloria Papers. Yale Collection of Western Americana. Beinecke Rare Book and Manuscript Library.

Deloria focused on two concepts in *God is Red* in an effort to decolonize this conception of historical progress as secularization (and later as a common civic religious project): time and space. These two concepts organize a central juxtaposition he makes between what he calls “tribal religion” (spatially organized) and “western religion” (temporally organized). Deloria primarily took on Christianity as a representative of western religion, because it has been the face of settler-state building for Indigenous nations. He argues that, from within an Indigenous perspective, neither the secularization narrative nor the civil religion narrative ever break with prior “metaphysical” conceptions of historical development inherited from Christianity. His account of Christianity sharply outlines the way the very concept of history emerges out of these Christian origins.

Christianity, Time, and History

In *God is Red*, Deloria developed a kind of philosophical anthropology of Christian and Indigenous theologies that placed them in this political context of colonialism. Deloria argued that Christianity is primarily organized as a process of temporal unfolding.⁴⁶¹ Christianity gave birth to “the concept of history.”⁴⁶² Such a concept can either be a manifestation of God’s will (theodicy) or a secular historical process, or sometimes an interaction between these two processes. Such a process might have a purpose intrinsic to it, or such a purpose might be revealed in retrospect. Both the theologies of Indigenous peoples and Christianity begin with an event of revelation. But each tradition uses a

⁴⁶¹ Political theorists have explored different angles of this question as well, especially as to the importance of theodicy as one way of understanding the interaction between divine and human agency. See, e.g., Sheldon Wolin, “The Early Christian Era: Time and Community,” in *Politics and Vision: Continuity and Innovation in Western Political Thought* (Princeton: Princeton University Press, 2006), 86-126.

⁴⁶² Deloria, *God is Red*, 111.

distinct set of epistemological tools to interpret that original event and bases different practices of organizing political and social life through these tools. They differently construct the practices by which communities come to have knowledge of revelation and subsequently translate this knowledge into practical activities.

Deloria argued that tribal religions ask “where” and Christianity asks “when” about this original event of revelation. Christianity, on the one hand, privileges time as a category through which to interpret this original event of revelation. To be sure, he does not think that these conceptions are absent space and time respectively. In Christianity, though, space is relatively less central than time; in Indigenous practices, historical time is relatively less central than space. Within Christianity, an “event” is primarily constructed as having occurred at a point in time, and subsequently knowledge of that event is gained by reconstructing that event in linear, “homogenous” time.⁴⁶³ Tribal religions, on the other hand, organize subsequent social relationships around this “particular experience at a particular place.”⁴⁶⁴ Space here is contextual and at least begins as a particular. Knowledge of this event is gained less by reconstructing precisely when that event happened than how it teaches a community to relate to themselves and others within that place.

To explain the significance of this distinction for Deloria, it helps to see how he understood the novelty of Christianity. Tribal religions remain particular in orientation: They are meaningful within a given community and provide guidance on the relation and responsibilities people practice within that space. Christianity, by contrast, came to

⁴⁶³ Ibid., 152.

⁴⁶⁴ Ibid., 200.

increasingly depend upon this temporal framework to secure adherents across a diverse array of converts and subject populations. In other words, Deloria posits a dialectic between Christianity's development into a world religion that played a role in justifying imperial expansion and its increasing reliance upon time (rather than space) as an orienting framework.

Christianity began at first with a somewhat different relation to space: According to Deloria, at its origins, Christianity—the “Jesus movement”—started out as a trend that closely resembled its other messianic contemporaries, each of whom imagined themselves in relation to an actual place: These millenarian movements “look[ed] toward a spectacular end of the world as a time of judgment and thus an end of history.”⁴⁶⁵ Taking a territorial form, they believed that God would “return [in] their own lifetime to restore the Kingdom of Israel to the glory known during the eras of David and Solomon.”⁴⁶⁶ Once these followers realized that the Kingdom of Israel would not be reborn through an eventual territorial polity, such followers had to reimagine an ideological context for what had been concrete conditions of the end of history.

No longer able to imagine salvation as connected to realizing these political conditions, Deloria conjectured, the movement transposed the “temporary doctrine that Jesus had established a ‘church’ to supervise the affairs of men” onto a Church understood as “the establishment of the organizational Church as a political power in the crumbling Roman Empire.”⁴⁶⁷ In other words, newly developed doctrine replaced the

⁴⁶⁵ Robert Warrior, *Tribal Secrets*, 72.

⁴⁶⁶ Deloria, *God is Red*, 118.

⁴⁶⁷ *Ibid.*, 121.

literal “Kingdom of Israel” with a salvation primarily oriented towards the afterlife. Salvation unfolded across time but became unmoored from any particular constituency and territory. Here, Deloria came to a crucial point: In casting the Church as the more permanent embodiment of Christ, “the whole conception of a Chosen People was radically changed from an identifiable group or nation [rooted in a place] to a mysterious conglomeration of people.”⁴⁶⁸ Unlike its Jewish predecessor, Christianity assumed a material and institutional form yet defined its constituency in relation to a temporal process over which people would be increasingly added to the fold, whether through conquest or conversion.

At this point, Deloria gives a brief gloss of the Reformation but jumps somewhat ahead to define the conceptual relationship that most concerns him as a durable aspect of the politics of colonization: Deloria’s reading here identifies a dialectical relationship between conversion (“bringing the Christian religion to the heathen”) on the one hand and temporal development on the other.⁴⁶⁹ According to Deloria, the downside of a framework oriented in time is that it is easily overwhelmed by a set of “purely political or economic considerations.” On the one hand, Christian notions of historical time become diffused into theories of historical development that justify colonial practices, such as manifest destiny. On the other hand, some of the more humane and radical impulses within Christianity are muted because Christianity aspires to a universal reach. It has to adapt itself to colonialism and capitalism in a sense because of the drive toward conversion and assimilation. “Religion,” Deloria argued, “quickly bends to whatever

⁴⁶⁸ Ibid., 211-212.

⁴⁶⁹ Ibid., 121.

forces are most dominant in the culture.”⁴⁷⁰ Deloria’s stark depiction of Christianity is softened somewhat in his ongoing, sympathetic dialogue with liberation theologians like James Cone. He did, however, continue to maintain the same basic claim that such approaches continued to depend on Christianity’s “historico-theological moorings.”⁴⁷¹ As Robert Warrior argues, Deloria’s work reflects “an unrelenting refusal to allow white Christians in the United States to speak of themselves as separate from the U.S. political economy.”⁴⁷²

Tribal Religion, Sacred Territory, and Responsibility

If Christianity organized itself around the category of history, how do tribal religions organize their practices? Deloria’s answer is that the latter are organized around space, a claim that requires attention since what he means by “space” is less an abstract idea than a kind of inter-subjectively mediated experience of and participation in the world. In an interview in which he explained his core claims in *God is Red*, Deloria spelled out that “it was as close as I could come to universalizing what I find is a tribe-by-tribe phenomenon—the concern with the land.”⁴⁷³ Deloria gave several examples of how Native religions are “spatially located,” such as the Navajo creation story:

The Navajo, for example, have sacred mountains where they believe they rose from the underworld. Now there is no doubt in any Navajo’s mind

⁴⁷⁰ Ibid., 198.

⁴⁷¹ Deloria, “Vision and Community,” in *For This Land*, 115; See also, Deloria, “On Liberation,” in *For This Land*, 100-107.

⁴⁷² Robert Warrior, *Tribal Secrets*, 78.

⁴⁷³ James R. McGraw, “God is Also Red: An Interview with Vine Deloria,” *Christianity and Crisis* 35.14 (September 15, 1975), 198. A more recent volume that addresses the concept and empirical cases about struggles over sacred land is: *Sacred Lands: Aboriginal World Views, Claims, and Conflicts*, eds. Jill Oakes et. al. (University of Manitoba, 1996).

that these particular mountains are the exact mountains where it all took place...No one can say when the creation story of the Navajo happened, but everyone is fairly certain where the emergence took place.⁴⁷⁴

According to Deloria, the place where a people emerged is not located in a chronology that is later interpretively rendered into narrative form: “Lacking a rigid chronology,” Deloria argued, “most tribal religions do not base their validity on any specific incident dividing man’s time experience into a before and after.”⁴⁷⁵ George Tinker, for example, refers to “primordial emergence stories” and, following Deloria, argues that “the relationship between a community of people and the land is established in story and reinforced in ceremony and community structure.”⁴⁷⁶ As Deloria argues, these emergence stories do not give tribes “control” or “ownership” of the land. Instead, they give them responsibilities to the land maintained over time through customary practices that in turn constitute them as a people.

What is important, then, about an event of revelation is that it sets the stage for the “ceremonies and powers used as a result of the event.”⁴⁷⁷ “But,” Deloria continued, “the ceremonies, beliefs, and great religious events of the tribes were distinct from history; they did not depend on history for their verification. If they worked for the community in the present, that was sufficient evidence of their validity.”⁴⁷⁸ Lakota winter counts, Deloria pointed out, do not record every single event. They do not lack an

⁴⁷⁴ Ibid., 138.

⁴⁷⁵ Ibid., 113. My own understanding of chronology as distinguished from historical narrative comes from: Hayden White, *The Content of the Form* (Baltimore: Johns Hopkins University Press, 1987), 1-25.

⁴⁷⁶ George Tinker, “American Indians and the Arts of the Land: Spatial Metaphors and Contemporary Existence,” *Voices from the Third World* 14.2 (1991), 180.

⁴⁷⁷ Deloria, *God is Red*, 138.

⁴⁷⁸ Ibid., 117.

understanding of historical time; rather, stories are more oriented around space than time. Belonging to the community and participating in ceremonies, then, is not established through “belief” in a particular historical narrative that requires verification through faith or reason. Rather, tribal religions are embodied practices that establish a framework for expressing relations within the community and create responsibilities to such particular sacred territories.⁴⁷⁹

Deloria expanded on these insights about the place of land as an orienting framework of Indigenous peoples in later works. Deloria wrote many of these works as part of the legislative efforts culminating in the American Indian Religious Freedom Act (1978) and its various amendments, but these essays also reflect a broader philosophical effort to conceptualize the distinctiveness of Indigenous forms of life. In “American Indians and Moral Community,” Deloria argued that tribes are made into peoples through what he terms “covenants.” This notion of covenant echoes a distinction Deloria made (discussed in chapter five) between “covenant” and “dominion.”⁴⁸⁰ “Indian tribes,” Deloria described, “acquire land as a gift from higher powers, and in turn they assume certain ceremonial duties which must be performed as long as they live on and use the land.”⁴⁸¹ Tribal peoplehood exists in relation to specific covenants premised on distinctive creation and migration stories that establish how a people has come to reciprocally interact with the land. Deloria outlined how certain kinds of responsibilities arise from how a community develops relations to land. Such covenants are less belief

⁴⁷⁹ In a report

⁴⁸⁰ Deloria, “A Violated Covenant,” in *For This Land*, 72-76.

⁴⁸¹ Deloria, “Out of Chaos,” in *For This Land*, 244.

systems in a propositional sense than they are a framework for expressing relationships expressed through embodied practices.⁴⁸² As Dene political theorist Glen Coulthard argues, “Deloria does not simply intend to reiterate the rather obvious observation that most Indigenous societies hold a strong attachment to their homelands, but is instead attempting to explicate the position that land occupies as an ontological framework for understanding relationships.”⁴⁸³

Stories in oral traditions, then, express “a certain responsibility, and that is to preserve the particularity of the world. The oral tradition has little use for broad, sweeping generalizations that seek to explain human experience.”⁴⁸⁴ Rather than emerging from the cosmological background of a natural state that guides subjects towards sovereign order, covenants emerge from diverse stories of origin, migration, and settlement that create a cultural and political landscape for a people. Deloria cited many: the Hopi four migrations; the Okanagon migration from islands to mountains; the Dakota/Lakota great race between the two-leggeds and the four-leggeds; and the Haudenosaunee gift of agriculture from the Three Sisters (corn, bean, and squash). These responsibilities are, therefore, not generalized responsibilities to all of humankind or even

⁴⁸² In a 1977 essay, “Native American Spirituality,” Deloria bluntly argues that it is even somewhat paradoxical to translate this understanding of knowledge derived from relationships into a propositional form: “. . .we do not speak of an abstraction, a set of beliefs, or a genetic propensity to be poetic and stolid. We rather describe an attitude toward the world which derives out of many experiences and which, when seen in a social setting, can be transmitted to others by the proper behavior of the possessors of the tradition.” Deloria, “Native American Spirituality,” in *For This Land*, 134.

⁴⁸³ Glen Coulthard, “Place Against Empire: Understanding Indigenous Anti-colonialism,” *Affinities: A Journal of Radical Theory, Culture, and Action* 4.2 (Fall 2010), 79.

⁴⁸⁴ Vine Deloria, Jr., “American Indians and the Moral Community,” *For This Land*, 176.

to all forms of life. Indeed, “The idea that the contract or covenant could be expanded outward to include all of humanity is absurd to most Indians.”⁴⁸⁵

Rather than isolated individuals who stand before the law and are protected by rights, family and clan structures constitute and regulate “possible relationships and experiences,” including “relationships by blood and law, all important, lasting friendships and all the special covenants established with plants, animals, and other forms of life through unique personal experiences.”⁴⁸⁶ Although responsibilities center on kin (including non-human kin), their relational expression does not imply that they are inherently *limited*: “Groupings of families, however, can extend their responsibilities and personal knowledge outward so that the tribe, as a whole, has specific relationships with every being it may encounter.”⁴⁸⁷ Different relationships, though, may very well demand “a different kind of response and carr[y] a special set of responsibilities.”⁴⁸⁸

These responsibilities pertain to humans and land alike. In contrast to conceptualizing land as a commodity, “the traditional Indian understanding of land focuses on its use, and the duties people assume when they come to occupy it.”⁴⁸⁹ Here, “land” does not only refer to the soil or the ground; it also figures a set of relationships. “Land” includes animals, as well, who can reciprocate human care and ceremony.

⁴⁸⁵ Vine Deloria, Jr., “American Indians and the Moral Community,” 177.

⁴⁸⁶ *Ibid.*, 178; cf. “early inter-species communication in which other forms of life agreed to allow themselves to be used in ceremonial and economic ways. A covenant places responsibilities on both parties and provides a means of healing any breach in the relationship.” Deloria, “If You Think About it, You Will See that it is True,” in *Spirit and Reason* (Golden, CO: Fulcrum Publishing, 1999), 51.

⁴⁸⁷ *Ibid.*

⁴⁸⁸ *Ibid.*

⁴⁸⁹ Deloria, “Out of Chaos,” in *For This Land*, 244.

Drawing on Deloria, Coulthard contends that within the Yellowknives Dené dialect of Dogrib, “land” (dè) does not simply name a “material object” of great importance; he observes that land names a reciprocal *relationship* between humans and the land. Humans, Coulthard describes, “are as much a part of the land as any other element.”⁴⁹⁰ For Deloria, too, land has a kind of agency or spirit: It is able to “grab groups of men and reorient them.”⁴⁹¹ Deloria argued that treating land as property amounts to ignoring the agency of land. It is akin to a failure to live up to these place-specific responsibilities.

These responsibilities, though, are not fixed and unchanging, a view that would place these practices within the epistemological legacies of the colonial tradition-modernity binary. Deloria argued that “New social, political, and religious forms must be found to enable tribal religions to exist in a religious sense, in spite of the inroads being made by the conditions of modern life.”⁴⁹² In this sense, Deloria developed a kind of philosophical anthropology that identified the commonalities within tribal religions not to make them into objects of knowledge. Instead, he was asking about how these forms of relation and responsibility might be renewed, given the colonial conditions under which many Indigenous peoples now lived—those of displacement and what he called “exile” by the mid-1980s.

The Politics of Sacred Territory and History

Deloria’s concept of “sacred territory” underscores the violence of colonialism in a way that also expresses profound disappointment at the ultimate way that the Indigenous

⁴⁹⁰ Glen Coulthard, “Place Against Empire,” 80.

⁴⁹¹ “God is Also Red,” 199.

⁴⁹² Deloria, *God is Red*, 224.

Sovereignty Movement came to imagine its political project. In a 1985 essay, “Out of Chaos,” Deloria described Indigenous peoples as in a condition of “exile.” “Further, because of its impact on ceremonial responsibilities,” this particular kind of exile “includes a religious dimension which modern political exile lacks.”⁴⁹³ This condition pertains even to those “many groups” who are “still living within their original occupancy areas.” To avoid describing this condition as exile, Deloria argued, “would be mistaking possession of the title to lands for the right to live on them freely, and substituting our own political concepts for the rich feeling towards lands that has always characterized Indian society.”⁴⁹⁴ In other words, once Indigenous territoriality needs to be translated into a rights-framework, responsibilities become reinterpreted into rights to exclude. Land is re-conceptualized as property. Land becomes “a quantifiable, measurable entity” and the “primary responsibility is simply to prevent a loss of value; hence any responsibility the landowner may have is only to himself.”⁴⁹⁵ In this sense, “exile” describes a condition of separation not only from one’s physical homeland, but also from the psychic and material connections through which to enact these collective responsibilities.

In other words, his later thoughts on exile are stark and sobering: They reflect a deeper sense of the wounds of colonization and set out a task of repair that goes further than reconstructing the legal relationship between Indigenous peoples and the settler state. Deloria’s reflections here suggest how the concept of sacred territory implies a

⁴⁹³ Deloria, “Out of Chaos,” 245.

⁴⁹⁴ *Ibid.*, 244.

⁴⁹⁵ *Ibid.*

somewhat different account of how colonialism replaces Indigenous nationhood with settler citizenship and, thus, what practices of decolonization might require. Here, what he identified were practices of colonization in which epistemological and material forms of violence work in concert.⁴⁹⁶ In particular, Deloria provokes us to think differently about the concept of history as itself an epistemological expression of settler citizenship. He points to how “history” colonizes other modes of being, forcing Indigenous peoples into articulating their claims in ways that make them illegible to themselves. This colonization is epistemological insofar as progressive time and an accumulative orientation to “dominion” displaces Indigenous conceptions of territoriality in which responsibilities and relations articulate through land generate peoplehood. It is also material: Settlers are able to colonize actual territory by re-spinning the web of knowledge to accord with our conception of the world and our relations to the places within it. In this sense, what is perverse about the project of erasure and replacement is that we actually seek to create a social reality in which it is no longer possible to be the kind of embodied subject able to carry out this more expansive set of responsibilities.

Already, it is possible to theorize how these set of claims put a different spin on the earlier politics of self-determination. We see Deloria in a variety of earlier texts focus rather more on the erosion of rights of self-determination and the extinguishment of sovereignty. This was a necessary political and rhetorical strategy that, as I have argued,

⁴⁹⁶ My own analytic separation of “epistemological” and “material” is a way of translating what Deloria is saying here and how it is different from his earlier work. Given his emphasis on embodied practices in which knowledge is not abstracted away from the practices themselves, “epistemology” as a term clearly does not adequately address what counts as “knowledge” seen from within the world disclosed by these practices.

highlighted how producing settler citizenship and its conceptions of political progress have been predicated upon dissolving Indigenous rights. This focus on rights of self-determination and sovereignty advanced a framework of legal and political change that linked up Indigenous struggles with the decolonization struggles of other nations. This overarching earlier focus on legal change and reworking concepts to accommodate Indigenous political forms suggests that epistemology played relatively less of a role in conceptualizing this political struggle. Deloria never gave up on using the framework of sovereignty, but he advanced a view in later years that reflects a need to engage in this deeper process of decolonization that connected the epistemological to the political. Others would build on this sensibility to initiate a critique of sovereign freedom that resonated with Deloria's re-description of different Indigenous peoplehoods.⁴⁹⁷

Conclusion

In *God is Red* and these later essays, Deloria re-centered Indigenous conceptions of sacred territory and communal practices in order to show that the concept of history adapted from Christianity continues to erase these. By elevating these practices into the same set of debates as those of other theologians, Deloria sought to confront once and for all notions that Indigenous ceremonies were more primitive or backward than Christianity. Deloria pointed out that this temporal conception of history is itself an

⁴⁹⁷ In contrast, Taiaiake Alfred (Mohawk) rejects the term sovereignty as a concept that bears little resemblance to Indigenous expressions of political authority. Taiaiake Alfred, "Sovereignty," in ed. Joanne Barker, *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination* (Lincoln: University of Nebraska Press, 2006): 33-50.

inheritance of Christianity that nested colonial practices within an epistemological framework that erased Indigenous orientations towards place and relationships.

Deloria's critique of the category of "history" alerts us to a core problem confronted by recent works in critical theory that also seek to decolonize its conception of universal or progressive history. Thomas McCarthy, for example, has described how we have seen several waves of the discourse of human development up to the present, each of which has been entangled with racist and imperialist forms of governance. Using a Habermasian critical theory framework, McCarthy argues that modernity can nonetheless "be continually transformed from within." This capacity for immanent critique from within the (it seems inescapable) frame of modern historical time is made possible by virtue of the way that modernity fosters greater "critical reflexivity."⁴⁹⁸ In her recent book, Amy Allen comes somewhat closer to seeing the problem with transforming this conception of progress from within. She calls on critical theory to "fac[e] up to the ways in which Enlightenment ideals are entangled with relations of colonial domination and epistemic violence, and not just as a function of their application."⁴⁹⁹

Deloria's argument offers a significant counterpart to those seeking to recover a conception of history that assumes that resources for anti-colonial and anti-racist projects must come from "within" modernity. This is so in the first place because their underlying assumptions erase the modes of thought embodied by Indigenous peoples. Thus, rather than aiding in decolonizing efforts, such claims may inadvertently re-impose the very

⁴⁹⁸ Thomas McCarthy, *Race, Empire, and the Idea of Human Development* (New York: Cambridge University Press, 2009), 155.

⁴⁹⁹ Amy Allen, *The End of "Progress": Decolonizing the Normative Foundations of Critical Theory* (New York: Columbia University Press, 2016), 204.

past interpretive frameworks against which Deloria had been arguing. Deloria rejected views that tie liberation to this universal and necessary conception of progress, even one chastened by a critical and reflexive sensibility.

What he suggested instead is that projects of decolonization must begin from without. They begin from the critical resources available within Indigenous modes of thought. This was not a rejection of “modernity.” Deloria was not, I argue, a primitivist or someone denying the reality of how difficult it had become to maintain such still-ongoing communal structures in colonialism’s wake. Indeed, this was the reason he turned to them, as a kind of bottom-up, ethical reservoir to reorient what he perceived as some of the wrong turns of the Sovereignty Movement. In this sense, he was not arguing that Indigenous peoples were *outside* history, a claim that would just be re-captured in the colonial tradition-modern binary in reacting to it. Instead, he was seeking to create intellectual space so that Indigenous practices would become recognized as providing this distinctive political and ethical orientation.

As an example, Deloria often compared Indigenous ways of understanding and perceiving the world through relationships to quantum perspectives on relativity. In essays such as “Perception and Maturity” and “Relativity, Relatedness, and Reality,” he developed a series of reflections on the work of philosopher of science Paul Feyerabend to raise questions about models of scientific progress as the progressive accumulation of knowledge. Deloria clarified the stakes of some of this later work:

Feyerabend is one of the few voices that sees that the body of human knowledge is not merely an instance of adding insight of non-western people to the already constructed edifice of Western knowledge but that the full content of human knowledge must be a discontinuous arrangement

of smaller bodies of knowledge derived from the many human traditions represented in planetary history.⁵⁰⁰

Deloria's statement of the problem illustrates why he saw epistemological decolonization—beginning with recognizing Indigenous knowledges *as* distinctive forms of knowledge—as entangled with the politics of decolonization. His concept of “discontinuity” called first for interrogating this pre-existing “edifice of Western knowledge.”

Deloria's re-description of Indigenous frameworks via a juxtaposition with Christian-inflected conceptions of history and human mastery first seeks to carve out a space for this recognition. Second, Deloria argued that these resources ought to be central to decolonization. Going beyond simple recognition, Deloria emphasized how Indigenous understandings of relation and covenant offer the starting point for a decolonized approach to contemporary political struggles.

⁵⁰⁰ Deloria, “Perceptions and Maturity: Reflections on Feyerabend's Point of View,” in *Spirit and Reason*, 5; Deloria, “Relativity, Relatedness, and Reality,” in *Spirit and Reason*, 32-39. Within the philosophy of science, Feyerabend is notable for radicalizing the insights of Thomas Kuhn and (less famously) Imre Lakatos, who respectively rejected Karl Popper's relatively linear account of scientific progress and instead argued that science was built on discontinuity. Feyerabend's important works include: *Against Method: Outline of an Anarchistic Theory of Knowledge*, 4th edition (New York: Verso, 2010); *Science in a Free Society* (New York: Verso, 1978); Paul Feyerabend and Imre Lakatos, *For and Against Method*, ed. Matteo Motterlini (Chicago: University of Chicago Press, 1999)

Conclusion

In the preceding work, I have presented a reading of Vine Deloria, Jr. as an Indigenous intellectual. Deloria initiated a self-conscious project of constructing a common Indigenous political perspective befitting the emergence of a global Indigenous politics. This unity-in-difference was not natural. We, settler scholars, tend to assume that there is an “Indigenous politics” that can be coherently spoken of prior to these practices of anti-colonial critique and the unity-in-difference of political struggles. Deloria’s was a political achievement, forged by confronting a politics of normalized incorporation into settler states that he aggressively named as empire. As a politically engaged form of theory that found precedents in Indigenous struggles of the 19th century, he sought to reckon with the practical violences of everyday, contemporary colonialism in ways that exceeded the limits of Cold War discourses around self-determination and (under)development.

Some might assume that what is at stake in such a project must necessarily be redeeming the “voice” or “agency” to the colonized—what Adolph Reed (in reference to Du Bois) cautions against as an uncritical, “racial vindicationist” model of intellectual history.⁵⁰¹ But even as we should be careful not to overly anachronize and “save” thinkers, who we count and take as serious interlocutors within disciplinary histories profoundly reshapes the politics that matter to the present. In other words, the temptation

⁵⁰¹ Reed sympathizes with the desire to correct the historical record in response to marginalization, but he argues that such a corrective model can too easily forget the deficits of earlier, anti-racist projects. Adolph Reed, Jr., *W.E.B Du Bois and American Political Thought: Fabianism and The Color Line* (New York: Oxford University Press, 1997), 4-6.

to “save” is a hazard of this work, and perhaps one that is not so dire given the way that these absences so profoundly minimize the capacity of many debates on empire to respond to these predicaments of power. Witness, for example, the post-September 11 debates on empire in which Hardt and Negri famously dismissed the continuing import of territorial sovereignty as a vehicle of empire.⁵⁰² We might regard this moment and the ongoing War on Terror as an occasion of imperial hegemony met with similar cultural unease and widespread resistance as was the Vietnam War in Deloria’s early activist days. If we had listened to Deloria and his successors, though, we might have entered into a very different debate about our practical entanglements with empire at home given the ways that he linked anti-colonial and anti-imperial struggles. In this vein, too, Marcus Anthony Hunter provocatively theorizes “intellectual reparations,” which he defines as the “the systematic corrective repair and redress of the epistemological, ontological, and pedagogical status quo through the purposeful inclusion of previously denied minorities scholars and their contributions to knowledge production.”⁵⁰³ The aim here, in other words, is not “just” vindicating the agency of the colonized; instead, the point is that “who counts” often reshapes the historiographical imaginary and bodies that come to matter within the field and in the public discourses into which political theorists have intervened.

⁵⁰² Michael Hardt and Antonio Negri, *Empire* (Cambridge: Harvard University Press, 2001).

⁵⁰³ Marcus Anthony Hunter, “Du Boisian Sociology and Intellectual Reparations: For Coloured Scholars Who Consider Suicide When Our Rainbows Are Not Enough,” *Ethnic and Racial Studies* 39.8 (2016), 1379. I will dilate more on “inclusion” below.

Contrast this point with much (but not all) of the work on empire in the history of political thought that I addressed in the introduction: Much of the scholarship on empire and imperialism assumes that we already have in the western tradition all the intellectual resources through which to confront the inheritance of colonial structures or legacies or only briefly gestures towards an alternative, subaltern politics. But even the most sophisticated readings of empire in the history of political thought fail to engage with the way that such concrete struggles did the work of *naming* these structures of power such as that over the politics of Termination. While I reconstruct the arc of Deloria's political thought—from his initial critique of empire to his aggressive articulation of Indigenous sovereignty to his disappointment over the endurance of capitalism and colonialism alike—this project is not a purely historicist account of Deloria's contribution. Focusing on these struggles from the past brings us back to contemporary questions of political responsibility in settler democracies, a responsibility in which we always find ourselves as inheritors of this past. For example, if Termination had “succeeded,” theorists might ask ourselves, would we today have a language of “settler colonialism” through which to name present struggles—or would these struggles fade into the past, perhaps only to be redeemed as Benjaminian “fragments” redeemed for the future? Some believe that the latter is all that is left to do anyway because the colonial project is so utterly complete. But this latter, pessimistic assumption fails to be sufficiently political and leaves actual, present Indigenous peoples in the lurch. Deloria wanted to focus first on contemporary struggles as a constant reminder of these otherwise fleeting dynamics of occupation that render Indigenous peoples a disavowed absence in settler democracies. Even if it may

turn out to be that we cannot ever undo these historical sediments, Deloria cautioned us to begin first with how the past bears on present contexts of power and powerlessness. As I argued in the body of the dissertation, this reading of Deloria is distinct from the concept of a third space of sovereignty, since it focuses on undoing structures of settler citizenship and “remapping the world” rather than acts of hybridity and transgression.

Speaking more in terms of the disciplinary shape of political theory, this project traces the emergence of the politics of civic inclusion, which has implicitly depended upon an attachment to settler citizenship in which colonial practices of normalized incorporation are either disavowed or treated as marginal to accounts of domination and oppression. The latter form of politics, civic inclusion, claims to enact a mode of repair and emancipation, but it often disavows the specific repair Deloria has called for as a condition of decolonization. Whereas contemporary debates circulate now over the successor regime to “inclusion”—the politics of recognition—such different forms re-embed colonial practices in ways that continue what I referred to in chapter one as settler democracies’ project of replacement. Read through Deloria, we can begin to confront such forms of politics and back away from some of the structuring assumptions we hold fast to about progress, equality, and inclusion that Indigenous patterns of thought often challenge and upend. By insisting on the stakes of decolonization as partly distinct from the politics of abolition through Deloria, I have also turned to him as a starting point to open up space for the distinctive modes of repair and resurgence voiced from within Diné (Navajo), Lakota/Dakota, Anishinaabe, Cree, Yakama, and many other peoples’ histories. These are articulated in different terms depending on the oral traditions, legal and

political orders, and entanglements of the several tribal nations with imperial powers even as certain concepts make possible their unity-in-difference in relation to settler-state politics. While I have not analyzed this process strictly from *within* these practices—which is a different project, to be sure—I have employed Deloria as a mediator whose liminal position allowed him to translate these different histories into a vision of critique and an overlapping imaginary of the shared commitments and practices of Indigenous peoples' politics.

In what follows, I provide a brief overview of the preceding work by summarizing its main arguments. I then respond to some potential criticisms of the project in light of my stated aim to engage the politics of contemporary colonialism. Finally, I suggest some further challenges this thesis opens up for those in political theory committed to theorizing from the margins as a way to confront engrained structures of domination.

Overview

I have argued in the preceding that Vine Deloria, Jr. can be read as an activist intellectual who recasts democratic state-building in relation to colonial practices. For Deloria, reinterpreting this history came out of the need to generate a politics attuned to the threat of assimilation and dispossession, yet open to creative new possibilities in the present. By examining Deloria in light of the legal and political practices that informed his own critical engagement with US state-formation, I have attempted to survey the concepts he developed to create a common field of political practices for indigenous peoples. Out of an earlier period of inchoate struggles in the NCAI that materialized in relation to the

Cold War ideology of the 1950s and 1960s, Deloria forged a distinctive conception of Indigenous sovereignty as an anti-colonial popular sovereignty.

As I argued most explicitly in the introduction, the notion of a distinctively “Indigenous” way of engaging politics was a practical achievement ushered in by Deloria and others in his generation. This can be seen most clearly when we look at the situation of Indigenous peoples half a century earlier. In the decades before Deloria was born in the early 1900s, Santee Dakota doctor and intellectual Ohiyesa (Charles Eastman) could remember the injured and traumatized Minneconjou survivors he had tended to in the aftermath of the Wounded Knee Massacre in 1890. One can imagine how at this nadir of political power and within the constraints of progressive era political discourse it was difficult for Eastman to think much beyond the goal of achieving US citizenship. The notion that tribal nations with distinctive (sometimes conflictual) histories could oppose a common form of colonial politics was nowhere. Whereas notions of self-determination were in circulation as legal principles in the Collier era, Deloria helped to translate these into lived experiences of Indigenous citizenships. He constructed this edifice of unity-in-difference against mandates of universal citizenship. In doing so, Deloria rethought the relations between Indigenous peoples and settler states as a form of international relations, setting the stage for an even deeper agenda of decolonization that would emerge with more force in subsequent decades. He made subsequent conceptual development possible on this foundation by recrafting the sensibilities of Indian tribes and narrating shared political and legal histories whose connections had not really been placed in a single conceptual frame before.

In chapter one, I began by offering a framework for the dissertation tailored toward an audience habituated to some of the core assumptions of critical race theory. I outline the problem of the settler citizen, which recovers the repressed political identity of the “settler” as a constitutive feature of the American democratic and racial order. By pointing to global settlerness as a different facet of whiteness (especially in the US where the language of settler has little of the practical resonance it holds elsewhere in the Anglo-settler world), I have teased out the construction of US democratic development as intertwined with practices of replacing Indigenous nationhood. The distinctive relations of power at stake in practices of colonization alert the reader to two intertwined aspects of my subsequent analysis: First, Deloria’s argument that there is a repressed continuity between explicitly settler formations and those that represent all those incorporated as citizens as equal within the standards internal to the nation-state. Second, the need to reshape the normative foundations of our thinking about the political implications of racism to respond more directly to colonialism not as a “legacy” or as a sub-set of other questions civil rights but as a constitutive feature of settler-state building in which the democratic “we” continues to be implicated. Each of these prompted me to turn to Deloria as a thinker responding more directly to the different normative and political stakes of decolonization.

In chapters two and three, I explored Deloria’s analysis of the politics of empire-formation in the post-World War II United States. Analyzing Deloria’s writings on the Termination policy, *Custer Died for Your Sins: An Indian Manifesto* in particular, I cast his manifesto as a response to what I have called the politics of civic inclusion. He

aggressively and polemically re-oriented the burgeoning cultural anxiety about empire towards the empire exercised over the “nations within.” I have argued that it is telling that Termination plays very little role in contemporary political theory’s narrative of post-WWII racial politics, which means that empire-formation in the form of settler-state building has been disavowed as a central political problem. I then extended this line of thought by examining the interrelation Deloria posited between anti-black racism and settler colonialism. By reading Deloria alongside *Black Power: The Politics of Liberation in America*, a text from which he took inspiration, I examined how the politics of self-determination responded to this politics of civic inclusion as insufficiently addressing the structural dimensions of colonialism and anti-black racism.

I then proceeded to show how Deloria moved beyond this critique of Termination and support for local self-determination and community control to expand his reflections on treaties and tribal sovereignty in *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (chapters four and five) at the height of the Indigenous Sovereignty Movement and of a guarded optimism about the fate of popular sovereignty. Whereas this politics has often been interpreted through a legal lens, I have emphasized that the concept of tribal sovereignty and that of the treaty was significant for Deloria in ways that extended beyond legal categories and forged a distinctive vision of Indigenous sovereignty as popular sovereignty. Strategic as ever, Deloria wanted to seize a moment of “temporary visibility” to claim this sovereign politics against erasure—against the sedimented layers of US state authority over Indigenous peoples and lands. I have elucidated this claim by way of contrast with the “paradox of founding” in contemporary

political theory. My reading of Deloria suggested that the “paradox” tends towards a politics of inclusion and does not go far enough in reshaping the way we think about “shared” sites of politics. Instead, I have contended that Deloria imagined a renewed political relationship between Indigenous and non-Indigenous peoples, foregrounding international and intercultural contestation over the terms of decolonization and de-occupation.

Finally, I traced the writings that emerged from Deloria’s disappointment with the politics of sovereignty, primarily his writings on religion and theology. Even as he held onto “sovereignty” as a galvanizing token of modern political legitimacy, Deloria also expressed a profound and sometimes even bitter critique of the way that Indigenous elites had succumbed to a destructive politics of development. For Deloria, “sovereignty” had always performed the dynamic work of translation, yet in later years he saw the many successes of legal recognition also effect problematic transformations of the ethical-political compass of elites. Surveying Deloria’s later internal critique of Indigenous concessions to capitalism, I argued that Deloria’s writings in this vein responded to the broader political backlash against Indigenous movements. Deloria developed the concept of sacred territory and synthesized a common account of relationships and responsibility across different Indigenous traditions to confront these twin dilemmas of backlash and self-colonization.

Possible Criticisms of This Study

This thesis has as its object to explicate Deloria’s intellectual legacy and to enter him into a dialogue on how Indigenous politics has been written out of significant traditions within

contemporary political theory. One might make several criticisms of this study; I will primarily deal with two here: First, since Carole Pateman coined the framework of a “settler contract,” one of the consistent insights of Settler Colonial Studies and Indigenous Studies have been their analysis of “expropriation” or “dispossession” as distinctive from the “exploitation” of labor.⁵⁰⁴ Deloria, too, analyzed dispossession, if not as a full-fledged analytical category than as a set of practices that were present—not past—for those who had lived through Termination. His analysis, for example, in *Behind the Trail of Broken Treaties* focused especially on how the discourse of “trusteeship” and “dependency” of the later 19th century was used to remove land from collective tribal ownership into the hands of the US. Nevertheless, I think that one can fairly point out that his work features relatively less of the analytical precision of distinguishing “dispossession” from “usurpation” or “assimilation” that is characteristic of the contemporary critical scholarship.⁵⁰⁵ Deloria does not tend to take apart these dimensions of the colonial project.

Some might argue that this is an example of how the goals of political intervention and those of conceptual critique diverge. Deloria’s analysis of empire, it might be argued, sacrifices analytical precision for the need to intervene to satisfy the

⁵⁰⁴ Carole Pateman, “The Settler Contract,” in *Contract and Domination*, Charles Mills and Carole Pateman (Malden, MA: Polity, 2007): 35-78.

⁵⁰⁵ Tully, “Exclusion and Assimilation: Two Forms of Domination in Relation to Freedom,” *Nomos* 46 Political Exclusion and Domination (2005): 191-229; Nichols, “Contract and Usurpation: Enfranchisement and Racial Governance in Settler-Colonial Contexts,” *Theorizing Native Studies* eds. Audra Simpson and Andrea Smith (Durham: Duke University Press, 2014): 99-121; Nichols, “Disaggregating Primitive Accumulation: The Dialectic of Labour and Land,” *Radical Philosophy Review* 194 (Nov./Dec. 2015): 18-28.

political aims of his time, such as the need to define an opposition and advocate for certain policies over others. At best, turning to Deloria for inspiration might appear to be somewhat analytically limiting for these reasons. At worst, the question boils down to seeing Deloria as ultimately “only” a polemicist whose significance is limited to the activist reduction of theory to immediate political goals.

I see this instead as a question of recognizing the specific insights of Deloria’s practice-oriented theorizing within a political situation that is the backdrop to our present. It is not a simple question of opposing theory and practice. Deloria was a polemicist at certain junctures, but he combined this with historical and conceptual analysis: In *Behind the Trail of Broken Treaties*, for example, Deloria used treaties as a model through which to avow Indigenous sovereignty. This model looks back to those treaties not based on land cession as a past alternative through which to imagine a different relationship between Indigenous peoples and settler society. The emphasis of Deloria’s theorizing in *Behind the Trail*, then, is primarily on establishing the baseline assumption that Indigenous peoples have an inherent sovereignty that ought to be recognized in the eyes of US and international law. Sovereignty is clearly connected to property in the liberal tradition, yet Deloria’s point was that Indigenous peoples continue to be sovereign despite having been torn—in some cases, completely—from their territories. While he supported the project of repatriating land, which dimensions of decolonization Deloria emphasized often shifted according to the political demands of the moment. Still, what stands out from all of these analyses, I argue, is his confrontation with the normalized incorporation that augured the dissolution of Indigenous peoples’ distinctive political life.

Let me put the response in sharper, less context-driven terms here as well: What is striking about the toehold Settler Colonial Studies has begun to have in political theory—exemplified in recent articles on the politics of elimination and the concept of land—is that there is significantly less engagement with Indigenous political histories and Native Studies as a condition of the entry of “settler colonialism” into the lexicon of political theory.⁵⁰⁶ Contrast this with the flourishing work in political theory on Black Political Thought and the way scholars such as Melvin Rogers and Lawrie Balfour move between intellectual and political history, conceptual innovation, and contemporary political projects.⁵⁰⁷ The benefits of this kind of work are twofold as I see them: First, these studies enliven our sense of the dilemmas posed to democracies by racial injustice, just as I hold the preceding work to have contributed to a project of addressing those posed by colonial injustice. Second, such works also address the risk of conceptual reification that

⁵⁰⁶ I do not mean this to as a critique of much of the current work on settler colonialism. This project contributes to and draws sustenance from that work. However, I do mean this as a critique of the way I think the settler-colonial paradigm might begin—and perhaps already has—been taken up by some political theorists. Take two just-published articles by scholars that treat the politics of elimination and the concept of land—which they both see as elements of global colonialism—but are thin on conceptualizing the role of either within or in dialogue with Indigenous politics, despite the wide availability of such an understanding from Native Studies: Steven Johnston, “Lincoln’s Decisionism and the Politics of Elimination,” *Political Theory*, first published on June 13, 2016, doi:10.1177/0090591716651110; Bonnie Honig, “What Kind of Thing is Land? Hannah Arendt’s Object Relations, or The Jewish Unconscious of Arendt’s Most ‘Greek’ Text,” *Political Theory* 44.3 (June 2016): 307-336. In fairness to Honig, she does engage with Native Studies in a footnote, but the point of both of these studies is critical self-reflection rather than any extended engagement with other ways of thinking and theorizing that inform the specific injuries and repair from and of colonial practices.

⁵⁰⁷ For example: Melvin Rogers, “The People, Rhetoric, and Affect: On the Political Force of Du Bois’ The Souls of Black Folk,” *American Political Science Review*, 106.1 (February 2012): 188-203; Lawrie Balfour, *Democracy’s Reconstruction: Thinking Politically with W.E.B Du Bois* (New York: Oxford University Press, 2011).

critical theorists warn us against. By continually finding ourselves in a history of prior political struggles, we are reminded that political concepts arise from political confrontations of the past that continue to bear on the present. Some in Native Studies have brought up these concerns about over-committing to settler colonialism as a framework precisely because those picking it up might very well treat it as an *a priori* category rather than a matter of historical struggle over the terms of empire, decolonization, and de-occupation.⁵⁰⁸ Thus, this project seeks to foreground the study of Indigenous Political Thought as a politically engaged form of anti-colonial critique that focuses on the forming of concepts from these sites of violence and re-negotiation of the terms of empire.

Another potential criticism of this study is that Deloria's approach does little to incorporate the connections between settler-colonial practices and gender domination. I readily admit that this is an important limitation of the study, both politically and theoretically speaking. Deloria had little of substance to say about gender, and so it did not make sense to include that directly in the conceptual lens of the dissertation. More recently, Indigenous and non-Indigenous scholars and activists have shown how the colonial project has depended upon reshaping Indigenous social relations via the imposition of compulsory heterosexuality and patriarchal social structures. Many works

⁵⁰⁸ Joanne Barker, "Why 'Settler Colonialism' Isn't Exactly Right," Tequila Sovereign Blog, February 12, 2011, <https://tequilasovereign.wordpress.com/2011/02/14/why-settler-colonialism-isnt-exactly-right/>; "Settler What?" April 11, 2011, <https://tequilasovereign.wordpress.com/2011/04/10/settler-what/>; "Settled Contradictions, Necessary Boycotts: A Report from NAISA," May 21, 2011, <http://tequilasovereign.blogspot.com/2011/05/settled-contradictions-necessary.html>.

variously explore the historical formation and contemporary effects of settler-state violence and the gendered/heterosexist nature of settler-colonial modes of power.⁵⁰⁹

While Deloria is limited in his inability to see—and, therefore, analyze—gender, it is also important to note that all of these recent interventions also build on the politics of self-determination and sovereignty. In fact, they show—counter the liberal multiculturalism “minorities within minorities” scholarship—that, for example, the catastrophic levels of sexual violence committed against Indigenous women are directly connected to the ongoing limitations on tribal sovereignty. Dating back to the Supreme Court Case *Oliphant v. Squamish* in 1978, tribes often lack jurisdiction over the majority of cases of Native women assaulted by non-Native men. The situation compounds the legacy of sexual violence against Native women with present-day colonial structures.⁵¹⁰ My point in raising this example here is that Deloria himself did not sufficiently analyze changing gendered subjectivities or domination, but the concepts of sovereignty and self-determination he elaborated upon continue to be central to the work of Indigenous and

⁵⁰⁹ See, Lee Maracle, *I am Woman: A Native Perspective on Sociology and Feminism* (British Columbia: Raincoast Books, 2002); Mark Rifkin, *When Did Indians Become Straight?: Kinship, the History of Sexuality, and Native Sovereignty* (New York: Oxford University Press, 2011); Scott Lauria Morgenson, *Spaces Between Us: Queer Settler Colonialism and Indigenous Decolonization* (Minneapolis: University of Minnesota, 2011); Sarah Deer, *The Beginning and End of Rape: Confronting Sexual Violence in Native America* (Minneapolis: University of Minnesota, 2015); Jaskiran K. Dhillon, “Indigenous Girls and the Violence of Settler Colonial Policing,” *Decolonization: Indigeneity, Education & Society* 4.2 (2015): 1-31. Louise Erdrich’s fictional account of a woman raped on land subject to overlapping jurisdictions—and thus whose rapist is immune from tribal court prosecution—illustrates the real-life consequences of gendered colonial violence; Erdrich, *The Round House* (New York: Harper Perennial, 2012).

⁵¹⁰ On “synthesizing safety and sovereignty,” see Deer, *The Beginning and End of Rape*. On “minorities within minorities,” see *Minorities within Minorities: Equality, Right, and Diversity*, eds. Avigail Eisenberg and Jeff Spinner-Halev (New York: Cambridge University Press, 2005).

non-Indigenous feminists and queer theorists. Like Deloria, they show how this historical context of sedimented incorporation must inform present analyses.

Implications and Challenges

What is unique about this study from the perspective of political theory is that I introduce a thinker whose work and surrounding contexts are usually conceived of as outside of the western canon. This may be seen as a weakness, limiting in that Deloria is not speaking directly to political theorists. I see Deloria's position of relative exteriority as an epistemological marker of a disavowed absence at the heart of settler democracies. This project lends itself to rethinking three central questions: 1) Given that Deloria sees destruction and elimination—the literal dissolution of Indigenous forms of social and political life—where many liberal-democratic theories see progress and inclusion, how might we rethink the politics of progress? 2) Who and what counts as political theory? 3) What is the role of race, ethnicity, and indigeneity in politics—left politics in particular? I take each of these in turn.

First, how might we rethink the politics of progress? Within political theory, there is a usual split between two ways of conceptualizing progress: The first is closely affiliated with what I have called the civic inclusion narrative, which sees progress as a relatively linear process towards a (now usually immanently) shared object of politics (chapter two). While contemporary agonists have revisited the linear temporality piece of this story and also denaturalize claims to inevitability, they, too, privilege a narrative of progressive constitutional rights expansion that implicitly depends on shared sites of political meaning (chapter five). Another set of scholars not dealt with in the preceding

emphasize despair and tragedy, viewing in the end of 20th century revolutionary possibilities a sign of foreclosed pasts.⁵¹¹ This debate, then, is usually understood as an opposition between despair and hope.

My own reading of Deloria provides a mixed lesson that sees this usual opposition as an unhelpful residue of the settlerness of contemporary political theory. My interpretation puts the *politics* first, meaning that I do not think there really can be an *a priori* affective stance towards historical progress. An ethos, in itself, is not a politics. It depends significantly on the stakes of historically situated forms of power. In this case, progress often has taken the form of settler democratization, in which the boundaries of settler sovereignty are perpetually secured by erasing Indigenous presence and sovereignty: Paradoxically, this is regress—not progress—from Deloria’s perspective. As to this settler-colonial situation, Deloria reminded his readers of how such dispositions taken up by settlers had very specific meanings across settler-colonial space and time and tended towards a support for some narratives of history over others. *Despair*, Deloria argued, was usually expressed in the form of tragedy, with Native peoples having (conveniently) succumbed to their sad but inevitable demise.⁵¹² Despair is far too easy here. *Hope*, in contrast, shared elective affinities with romance, with the implication that

⁵¹¹ For a prominent recent example, see Robyn Marasco, *The Highway of Despair: Critical Theory After Hegel* (Columbia University Press, 2015).

⁵¹² For a further exploration of narrative, settler colonialism, and political responsibility, see David Temin and Adam J. Dahl, “Narrating Historical Injustice: Responsibility and the Politics of Memory,” unpublished ms.; cf. Gordon M. Sayre, *The Indian Chief as Tragic Hero: Native Resistance and the Literatures of America, from Moctezuma to Tecumseh* (Chapel Hill: University of North Carolina, 2005).

the book can be closed on the past, and “we” can move forward through a process of reconciliation.

If we think back to chapter two, Deloria, by contrast, used a significant dose of humor and irony to intervene in the present to respond to genocidal rupture. I have argued that this had a twofold political purpose. First, it created among Indigenous peoples a common sense of the colonial injury perpetuated on them by settlers. Second, it also allowed settlers in a limited way to understand the absurdity and irrationality of the settler-colonial situation from the perspective of Indigenous peoples. By drawing on humor and anger alike, Deloria allowed settlers to *enter in* to this reality of historical *regress*, while also denying them the politically easy positions of either wallowing in despair or seizing a too-easy hope. Rather, his position insists upon Indigenous sovereignty as a starting point for any subsequent mutual engagement and serious repair. In this sense, Deloria’s often provocative and—as Robert Warrior once argued—“unrelenting refusal to allow white Christians in the United States to speak of themselves as separate from the U.S. political economy” might be read as a call to political responsibility.⁵¹³ Solidarity expressed by settlers needs to be driven by an acknowledgment of these fundamentals of Indigenous self-determination and of the present history of conquest and colonization. As an eminently practical political thinker, Deloria drove home the reality of regress and the need for moments of separation while also searching for a space of productive solidarity and decolonization.

⁵¹³ Robert Warrior, *Tribal Secrets*, 78.

Second, who and what counts as political theorizing? This dissertation contributes to the expansion of the discipline beyond “the West.” Yet it also pushes back against the “assumed correspondence between ‘comparative’ and ‘non-Western’” that has become a marker of Comparative Political Theory.⁵¹⁴ While I have pointed to the *absence* of Indigenous figures in the canon, the implications of my argument are not that this absence can be corrected by simply including Indigenous figures or entering into a dialogue of representative voices of “West” and “non-West” detached from the politics of colonization. To the contrary, my project insists that “inclusion” and “dialogue” as objects of desire might well lead less to the illusory goal of a truly comparative political theory than to consolidation of “the terms upon which exclusions and inequalities are grounded.”⁵¹⁵ Instead, I have used comparison to question these very terms of inclusion by moving between interpretive frames and political practices. The project has asked: How would the history of post-war political theory have looked differently were the politics of empire-formation not disavowed or later marginalized as a peripheral and reactive expression of “identity politics”?

This project also suggests, however, that this critical sensibility about the politics of comparison can have conservative valences at times. Because turning to those outside the western canon risks enabling a form of epistemological colonization, some might think that it is better to focus only on critiquing the already existing resources within the canon. At best, this critique can encourage a politics that tries to redirect the latent

⁵¹⁴ Murad Idris, “Political Theory and the Politics of Comparison,” first published online July 26, 2016, *Political Theory* DOI:10.1177/0090591716658912.

⁵¹⁵ Idris, “Political Theory and the Politics of Comparison,” 5.

emancipatory resources in the canon towards better ends by placing them in disavowed scenes of subjection. At worst, it can more firmly ensconce and legitimize the boundaries that already exist as the arbiters of what and who counts as political theory and may do little to decolonize theory epistemologically even where that is the avowed goal.

My turn to Deloria seeks to avoid the pitfalls of a reified inclusion and epistemological colonization alike by providing a kind of intellectual reparations to him and his generation of Indigenous thinkers. Although it may seem like an obvious point, this problem of comparison can be evaded partly by refusing to represent thinkers as bearers of the weight of an entire “tradition” or “culture.” Archival research such as I have done plays an important part in moving away from the abstract model of a dialogue of representative voices because the empirics often illuminate how politics inform concept-formation. Following the line of the archive requires treating someone like Deloria as influenced by the various sources and political necessities one finds there. This attention to criss-crossing influences and the politics of mediation, though, is not identical to creolizing political theory, nor is it the same as recovering cultural hybridity. For me—and for Deloria as well—this is primarily because issuing truth-claims about creolization and hybridity in settler-colonial contexts typically results in the politically disabling and settler-colonial claim that we are all somehow native.⁵¹⁶ I have analyzed Deloria as an

⁵¹⁶ For a more optimistic account of the creolization of cultures via the Caribbean experience, see Jane Anna Gordon, *Creolizing Political Theory: Reading Rousseau Through Fanon* (Philadelphia: Fordham University Press, 2014). For a critique of “hybridity” on similar grounds to my own that the discourse renders “conceptually and normatively indefensible the political claims of culture,” see Nikolas Kompridis, “Normativizing Hybridity/Neutralizing Culture,” *Political Theory* 33.3 (June 2005): 318-343.

Indigenous thinker while simultaneously exploring his need to borrow, engage, and compare in order to reconstruct the terms of indigeneity and decolonization. I reconstruct Deloria not as someone who somehow embodies or typifies the “pluralistic and often fragmented worlds” of Indigenous Political Thought, nor, in Audra Simpson’s words, a “test case.”⁵¹⁷ I have tried instead to emphasize rather the opposite: that Deloria was important to constructing the intellectual edifice of political achievements—among them the very notion of a common Indigenous politics—which themselves would come to define the debates and contests over the meaning of Indigenous politics in the 21st century. For example, as my chapter six shows, Deloria himself came to work in a somewhat comparative framework, constantly refusing accounts of Indigenous peoples’ political and cultural life that would be defined and reduced to the constraints of capitalist or Christian dogmas.

Finally, what is the role of race, ethnicity, and indigeneity in politics—left politics in particular? One of the longstanding debates on the North American left that refracts through political theory has been whether racial or class divisions reflect the primary antagonisms that structure contemporary politics. The political question behind the debate has been to ask which of these then ought to be the main focus of resistance and political organizing on the left. I have been motivated to research and write this project partly to confront an ongoing assumption that I understand as a marker of the settlerness of political theory. For some, any politics confronting racial oppression is of necessity a limited politics because it is based on the particular, the situated, and the

⁵¹⁷ Idris, “Political Theory and the Politics of Comparison,” 2; Simpson, *Mohawk Interruptus: Political Life Across the Border of Settler States*, 11.

provincial. On these accounts, attachment to particular identities can too easily fray class and civic solidarities or might result in a politically disabling *ressentiment* for those who hold onto the injuries of racialized oppression in the form of a stabilized but wounded identity.⁵¹⁸

These analyses are limited by their conception of what counts as important forms of domination as well as the politics they assume can be generated in three ways: First, settler-colonial politics are a politics of expropriation and incorporation into the nation-state. When we analyze the *ongoing* character of empire, we come to see how attention to class alone actually relies on and perpetuates this demand for incorporation. In fact, I see Deloria as exemplary in that he provides an analysis of colonial practices while revealing the ideological character of historical narratives that do not address this ongoing reality of expropriation and empire-formation. Throughout, I have used the terms *racialization* and *colonization* to show how racial positions are structurally produced rather than the language of “difference” that tends to reify these positions as solely a matter of identity. The boundaries of settler democracy actually have cohered around these foundational but ongoing forms of replacement. As I suggested in chapter one, the normative dilemmas such practices set off bring different sites of normative valuation into view than those taken to be universal. What is at stake is not the parochial, the provincial, the local, but, for Deloria, normative worlds and attachments erased and resiliently re-spun. To be sure, the normative questions that ultimately surround processes of translation and interaction

⁵¹⁸ On how *ressentiment* generates such “wounded attachments”, see Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995).

are infinitely complex. To be sure, no one is sealed off from modernity and macro-processes of empire-formation, yet in a neoliberal age of hyper-mobile capital, it is crucial to recast the universal and the particular and Deloria provides a starting point for taking as seriously as possible the distinctive normative foundations of many Indigenous critiques of empire.

Second, my project moves away from the assumption that such grievances based on group-identity need necessarily be politically disabling. Quite the opposite: Anger and resentment are clear motors of the critical sharpness of Deloria's analysis. Glen Coulthard has also recently written of resentment from the perspective of indigenous movements as a positive force in shaping resistance to colonialism.⁵¹⁹ Analyses that see the need to give up these "negative emotions" may be invested in a demand to move past injuries that persist into the present, thus re-securing the very settler boundaries of democracy predicated on Indigenous disappearance. Yet even those who would question the politics of identity from a more sympathetic perspective have too easily dismissed, or forgotten, the generative politics of Deloria's era that were organized around anger as the spur of anti-colonial sovereignty: Deloria was able to successfully mobilize the category of Indigenous peoples around a transnational, oppositional politics that was not contained by the US nation-state. This politics made visible links between present state violence and past colonial war that demanded rethinking the terms of repair and moving towards decolonization. Without a sense of woundedness and memory of how the past constitutes

⁵¹⁹ Glen Coulthard, "Seeing Red: Reconciliation and Resentment," in *Red Skins, White Masks*, 105-130.

the present, such claims would never have conveyed that Indigenous peoples demanded radical political action, not therapeutic reconciliation.

Lastly, even if one were to reject the argument that it is sometimes the politics of settlerness behind the demand to shed racialized identities, it might be asked: Is particularity of partial attachments necessarily a political weakness? And whose interests are represented as particular to a more general left political project? As an example, consider the current struggle over the building of the Dakota Access Pipeline—a 1,172-mile pipeline that is slated to carry 450,000 barrels of crude per day from the Bakken oil fields in North Dakota to Illinois.⁵²⁰ The pipeline runs right near land on the Standing Rock Sioux Reservation—through treaty land that includes important cultural and burial sites. In 2016, the Standing Rock Sioux Tribe and especially Lakota/Dakota/Nakota (Oceti Sakowin) youth are at the front lines of the struggle against the pipeline, which has coalesced at Sacred Stone Camp near Cannon Ball, North Dakota.⁵²¹ They are joined by people from around one hundred other Native nations and non-Natives as well. Speaking to the very different normative foundations this dissertation seeks in a small part to explain via this history of political struggles, those at the front lines refer to themselves as water “protectors” or “defenders.” Compare “protector” and “defender” to the language of “protest” and “occupation.” In response to a *New York Times* editorial titled

⁵²⁰ <http://www.daplpipelinefacts.com/>; “Standing Rock Sioux Sues Army Corps Over Dakota Access Pipeline Approval,” August 1, 2016, <http://indiancountrytodaymedianetwork.com/2016/08/01/standing-rock-sioux-sues-army-corps-over-dakota-access-pipeline-approval-165329>

⁵²¹ “Native Youth Run 2,000 Miles to Washington, DC to Protest Dakota Access Pipeline,” August 4, 2016, <http://indiancountrytodaymedianetwork.com/2016/08/04/native-youth-run-2000-miles-washington-dc-protest-dakota-access-pipeline-165377>

“Occupying the Prairie,” elders at the Sacred Stone encampment responded bluntly in print: “We are Protectors not Protestors.”⁵²² For the elders, this is not civil disobedience, no matter how radical, because they owe obligations to a different order of law—their own. From the point of view of a structural analysis, it is the very particularity and marginality of reservations that has resulted from settler-colonial practices that now has allowed these Lakota/Dakota people—with the aid of other tribal nations—to stand at the front lines of struggles against ongoing environmental degradation and destruction. From the Lakota/Dakota point of view, they are peacefully exercising their own responsibilities they have cultivated to and in their traditional territories. They are not disrupting settled legal and political decisions; we are. This focus on the historical sediments of normalized incorporation and the varied concepts Deloria uses to critically mediate this shifting boundary between settler and Indigenous citizenships attunes theorists much more to these conditions of contemporary struggles. If decolonization is to be meaningful at all and the basis of possible coalition politics, then it is these very real divides—covered over by the imposition of settler citizenships—that need to be put front and center rather than appeals to the contingent and particular place of Indigenous peoples within environmental justice movements.

⁵²² Jack Healy, “Occupying the Prairie: Tensions Rise as Tribes Move to Block a Pipeline,” *The New York Times*, August, 23, 2016. http://www.nytimes.com/2016/08/24/us/occupying-the-prairie-tensions-rise-as-tribes-move-to-block-a-pipeline.html?_r=1; Sacred Stone Camp Leaders and Elders, “We’ve Always ‘Occupied the Prairie’ and We’re Not Going Anywhere,” *Common Dreams*, August 25, 2016, <http://www.commondreams.org/views/2016/08/25/weve-always-occupied-prairie-and-were-not-going-anywhere>.

This project has sought to read Deloria's writings as a resource for understanding such contemporary struggles around everyday colonialism. In turning to Deloria, I have sought to intervene in the history of post-WWII political theory to confront the politics of decolonization. In a recent article for *Jacobin* magazine, Julian Brave NoiseCat (Canim Lake Band Tsq'escen) and Anne Spice (Tlingit, Kwanlin Dun First Nation) describe Deloria's "cameo theory" of American history from *We Talk, You Listen*. As they remind readers, this version of American history casts Indigenous peoples "in fleeting roles—movie set extras in the grand drama of American progress—only to be dropped from the next episode's storyline."⁵²³ My hope is that this work will aid in rejecting the cameo version of political theory by insisting on the actual, ongoing historical formation of settler-colonial democracies and the way that Deloria and others have sought to reimagine a decolonized present.

⁵²³ Julian Brave NoiseCat and Anne Spice, "A History and Future of Resistance," *Jacobin* September 8, 2016. <https://www.jacobinmag.com/2016/09/standing-rock-dakota-access-pipeline-protest>; Deloria, *We Talk, You Listen*, 39-40.

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