

**Sovereignty, Colonialism
and the Indigenous Nations:
A Reader**

**Sovereignty, Colonialism
and the Indigenous Nations:
A Reader**

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This book is for my wife, Odie,
for encouraging my work and for her love.

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The Purpose of This Book

This book is a set of readings on the subject of American Indian sovereignty that I compiled over the last several years for my courses at the University of Kansas School of Law and Haskell Indian Nations University. The readings are derived from a variety of sources—including articles, books, court cases, legislative acts, policy statements, letters, speeches, and newspaper stories—and reflect a variety of perspectives. Both Indigenous and non-Indigenous authors, governments, and organizations are represented. While in some cases the focus of the readings is historical in nature, most are included to present a contemporary view of Indigenous nations and peoples and the complexity associated with their assertions of sovereignty.

To aid the reader in digesting this varied collection, I have organized the book into three parts reflecting its primary themes. The first part introduces the reader to the competing conceptions of Indigenous nation sovereignty from Indigenous, colonial, and international perspectives. The second part explores the various threats to Indigenous sovereignty from both historical and contemporary perspectives. And the last part focuses on the future status of Indigenous sovereignty.

In preparing this book, I have tried to accomplish several objectives. The primary objective is to remedy what I believe to be an insufficient understanding by both Indigenous and non-Indigenous peoples about the meaning of Indigenous sovereignty. This is such a problem that some have suggested that the use of the term “sovereignty” be abandoned on the grounds that it has taken on so many definitions that it has become meaningless as an analytical tool. While I can see that the use of the term “sovereignty” is often confusing when used in practice, I remain convinced that “sovereignty” has a core meaning to both Indigenous and non-Indigenous peoples who use it. A short anecdote illustrates this point:

A few years ago, a story was related to me about an Indian man who had heard about the events taking place within my own Seneca Nation. At the time, the Governor of the State of New York was attempting to force the tribal and private businesses to collect State sales taxes on the cigarette and gasoline sales to non-Indians that were occurring within our territories in Western New York State. Foremost, this effort constituted an embargo prohibiting the introduction of cigarettes and gasoline into Seneca territory for purposes of resale. This embargo was met with tremendous resistance by the Seneca People. Senecas not only refused to collect the tax, but businesses were shut down in response. Hundreds mobilized, lighting highly disruptive tire fires and blocking the interstate highways running through Seneca territory. After six weeks of episodic conflict with the State Police, the Governor ended

the embargo, pledged to “respect Seneca Nation sovereignty,” and withdrew his taxation plan and his troopers. This Indian said that he was impressed by what the Senecas had done, but with resignation expressed that he knew his people would never take such action if they came under a similar siege. After all, he said, “the government tamed us a long time ago.”

This comment spoke volumes to me. Certainly it was a sorrowful admission of how weakened his nation had become. But it also reflected a greater problem that has afflicted all Indigenous peoples throughout the world. To express that you have been “tamed” is not simply to just acknowledge that limitations have been placed upon your liberty by a greater power—i.e. to be “caged”—it means that you have internalized this physical limitation to the point that it has become a psychological limitation as well. In short, to say that you are “tamed” is to concede that any hope or desire to be free has been lost. For me, this story highlights that “sovereignty” does have meaning, primarily on the basis that one knows what it means when it is gone. This book, then, seeks to serve as a resource for those seeking a greater understanding of what Indigenous sovereignty is all about.

The second reason I put this book together is to provide an explanation for why Indigenous sovereignty has been undermined and in some cases completely eliminated in the minds of both Indigenous and non-Indigenous peoples. In the Western Hemisphere, this is a story of how Indigenous lands were colonized by European peoples. Given its significance, it is rather amazing to me how little is known about the process by which Europeans colonized Indigenous lands and displaced Indigenous peoples. Amongst the Colonists, there is a widely held view that their forefathers “conquered” the Indigenous nations and otherwise stole our lands “fair and square.” But the details of the journeys made by the first colonists—e.g, Columbus, Coronado, Cortez—are largely lost today. Yes, the interaction between Indigenous peoples and the Colonists was characterized by brutal conflict and considerable loss of Indigenous life. But few today realize that it was European disease, and not warfare, that undermined the vitality of Indigenous societies. Instead the myth of “conquest” war prevailed.

One particular component of the European colonization effort that continues to this day to afflict Indigenous societies has been the effort by the Colonists to exercise control over the remaining Indigenous societies. The surviving Indigenous nations in North America have been a continuous source of obstruction to the development and expansion of Euro-American society. Foremost this obstruction had taken the form of Indigenous control over land and an unwillingness to relinquish it to governmental and entrepreneurial interests. Since disease and warfare failed to eliminate this obstruction—which the Colonists at one point called their “Indian problem”—a more “humane” method of exterminating the Indigenous population was developed. This approach was called assimilation.

This book, then, focuses extensively on the efforts taken by colonizing nations to subordinate and eliminate Indigenous populations through the gradual and forced assimilation of Indigenous peoples into the colonizing society. Foremost, this process is reflected by the efforts to “civilize” Indigenous peoples or, in the words of one of its most famous architects, Colonel Richard Henry

Pratt, the Superintendent of the Carlisle Indian boarding school, to “kill the Indian and save the man.”

This process of assimilation and its impact on Indigenous societies leads to the last major reason for compiling this book—to serve as a preliminary research tool for both Indigenous and non-Indigenous peoples who wish to learn more about the history and future of Indigenous-Colonist relations. I believe that this additional study is necessary because colonialism has inflicted on both Indigenous and colonizing peoples an historical amnesia that has prevented any comprehensive understanding of our history together. This, in my view, is not an accident. Rather, this “colonization amnesia” is a by-product of a process that was designed to ensure that the conception of historical events promoted by the colonizing peoples predominated over the conception of those same events held by the colonized peoples.

In sum, then, this book is an effort to provide some clarification of what Indigenous nation “sovereignty” really means, to explain how it has and is undermined, and to serve as a springboard for further study of the Indigenous-Colonist relationship.

There are two preliminary matters that need to be addressed for purposes of clarification. As to terminology, I utilize the term “Indigenous” in my own original material in this book to describe Indigenous peoples collectively. I also use the term “American Indian” because that remains the primary term by which Indians refer to themselves as a collective group of people, at least in the United States. I do not use the term “Native American” because this term is used primarily by the Colonists as part of a not-so-subtle agenda to include Indigenous peoples into their polity.

And lastly, a note about editing. The materials in this book are heavily edited to allow for a more condensed presentation of the material. In addition, almost all citations and footnotes have been eliminated except where helpful to highlight a particular point or to provide a necessary reference point. All effort has been given to ensure that textual changes have not distorted the author’s original meaning. Nonetheless, the materials in this volume should not be cited or referenced for research purposes. Readers are advised to locate the original source for purposes of attribution.

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R.O.P.

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