ANTI-INDIANISM IN MODERN AMERICA

A Voice from Tatekeya's Earth

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Looking for a place to cross the creek
I hear a beaver splash and see him
hurry away in spirals of transparency
model busybody on his own
private journey to get home in one piece
alive and well. Like most translators
of these waterways, tributaries to the
vast Mni Sosa, he avoided
the great bluffs where I stood
and dropped into low waters
when he heard me intrude.
Predictable, sensible, he
feared the tread of humans,
probably learned he was no match
for the damn builders
whose turbid reservoirs could be heard
upstream for eight hundred miles.

Dusty trails along the tree-lined creek
turn to mud in shaded spots, cow
trails and horse paths lead to the
struggle for meaning of a hardscrabble
life, traditional values of the people
who lived here for thousands of years
displaced as easily as the river chewing
at its banks. Like a Muslim amid
the relics and ruins of any holy city
I weep for Tatekeya's Earth.

—Cook-Lynn, *I Remember the Fallen Trees* (1998)

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Preface

In my lifetime the inexorable logic of Indian life in America has undergone deliberate diminishment. In my lifetime hundreds of thousands of acres of treaty-protected indigenous lands have been lost to Sioux Nation title, thousands of Lakotas and Dakotas have been forced away from their homelands because of anti-Indian legislation and poverty and federal Indian policy; and white Americans, by and large, have no more respect for or understanding of native cultures and political status than they did during Jefferson's time, though they continue, as he did, to collect bones and Indian words and delay justice. It is because of these losses that I write.

Today, America's tongue is cloaked in ignorance and racism and imperialism as much as it was during the westward-movement era; and "removal" is still the infuriating thrust of Indian/white relations. The tribal tongue o Nativism, by contrast, struggles to foretell a future filled with uncertainty. I is because of this reality that I write.

The agency town—military fort where I was born, *kudwichacha,* is nestle in the fluvial hills of Mni Sosa. It was famous as one of the guarded places o U.S. overseers of Indian policy, and its inhabitants were mostly ex-military active missionaries, Catholic priests, merchants, public-health doctors an nurses, schoolteachers, white hangers-on, and, of course, Sioux Indians About twenty years before I was born they took down the fifty-foot-hig board fences that protected them from my people, whom they saw as th arrogant, mad Dakota Sioux who gave the country its name.

I am stunned by the natural beauty of that place, horrified by the destruc

eral decades, and we must concern ourselves with the development of internships for our native students in the areas we feel are significant.

We must promote research and writing in appropriate and meaningful ways, which means that we don't need too many more doctoral dissertations on "Who Am I?," "Who Is an Indian?," "What I Learned from My Cherokee Grandmother," and "Mother Earth Is My Friend." We don't need too many more doctoral dissertations on the life of N. Scott Momaday (interesting though that may be), unless the scholarship includes a critique of his outrageous defense of the Bering Strait Theory and the role of science in describing native origins, and what this essential conflict means to indigenousness (a major concept of the discipline) on this continent. This defense of science concerning native origins by Momaday appeared in the *New York Times,* and a rebuttal by Vine Deloria appeared in *Indian Country Today,* which gives us some notion of the places noted scholars publish their works. It is successful Indian novelists who get to publish in the *New York Times,* where they write on subjects they often know very little about.

We need dissertations on the Yankton Land Case that will reveal the anti-Indian legislation that comes out of Congress and is promoted by the state and federal court systems. We need to publish the facts of the Dann Case and the Utah Land Case revealing more of the illegal activity of lawmakers that reduces reservation life to a life of poverty. We need to study the water rights cases of the Missouri River tribes and we need to publish our studies.

Obviously, as a writer who has struggled to make sense of the political world, I believe we need to train our young people to do research and to write and publish. They must learn the fundamentals of research design and writing and publication. This may be the most important set of skills they can bring back to their tribes from university training.

It is our responsibility to continue the struggles toward a decent future for Indian people and the empowerment of Indian nations. In our twentieth century, the antagonists, the enemies of our nations, the thieves who want our land and water and other resources, they are still out there. I believe that the 1990s task force on Indian education, which says that our nations are at risk, is something we all should take very seriously.

Lecture given at the University of South Dakota at Vermillion, Oct. 10, 1998, to an audience of students and faculty and directors of NAS institutes and programs.

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RECONCILIATION, DISHONEST IN ITS INCEPTION, NOW A FAILED IDEA

Hau. . . . nape che u za pe. . . . This is a brief greeting used now by contemporary Sioux speakers to ingratiate themselves with their audiences, a greeting used to say that I, the speaker, am friendly and on good terms with you, the audience. I am not sure how appropriate that phrase is for me to use today, because when I look at the focus of our coming together at this university today, "Reconciliation" and "Tribal and State Relations," I realize that I have little to say that is friendly. Indeed, I will probably, on the contrary, have many unpleasant things to say.

I know that Mandela and Bishop Tutu talk of reconciliation in South Africa to those who have murdered and oppressed them for most of this century. I know that the Irish now talk of peace, and the Palestinians and Israelis talk of how to forgive one another. In the face of all that recognition, I want to talk seriously to you about why, in my view at least, the so-called Indian/white reconciliation movement in South Dakota, apparently initiated by newspaperman Tim Giago, a member of the Oglala Sioux Tribe, and George Mickelson, a former governor of the state, is a dumb idea and should end up on the scrap heap of dumb ideas. Reconciliation, so far as I undertand the word, means "to cease hostility or opposition," or "to accept or be resigned to something not desired." It could mean "to compensate someone." That latter definition has been used as a tactic in the Black Hills Case, and it is unacceptable to those Indians from whom the state of South Dakota and the U.S. federal government stole the Black Hills. Since 1980, in a century-long litigation brought by the tribes, that "acceptance" or "resignation" or

"opposition" or "compensation" has been unacceptable. It is important to recognize the unacceptability of these tried and failed solutions.

Before we can talk of "ceasing of hostility" we need land reform in the state of South Dakota, and that means that stolen lands must be returned to their rightful owners. This is not a church matter, after all, in which we can give in to the buying and selling of indulgences and various forms of penances. This, instead, concerns the very survival on this earth of a nation of people, the Sioux, who occupied the land for millennia before the white man's invasion. We need to have a state government that is based in ethics and history rather than greed, racism, and tourism, and a federal government that will stand up to pressure.

My talk today will attempt to convince you that the reconciliation movement of the 1990s is ill-advised and doomed to fail, and is in fact, at this moment, if not defunct, certainly moribund. I will tell you why.

I want to start by telling you a brief little story. It was, I think, in the summer of 1980 that I went to a tribal water meeting with my father, who was then very old and very ill and was no longer an elected official of the tribe as he had been. He was using a cane and could no longer drive his car and had to rest frequently. Another old man, a white man whose name was Bill Veeder, was there. He was an old water-rights lawyer from Washington, D.C., who had worked with the tribes for many years, and that's why we were there, so my father, a longtime rancher and politician from the Crow Creek Sioux Reservation, could visit with the old lawyer, whose business was the defense of tribal water rights along the Missouri River and its tributaries.

I remember the speech very well that Mr. Veeder gave that day. The old Washington, D.C., water-rights lawyer talked about land and water monopolists and states' rightists and racists. He talked about the courts and the Winters Doctrine, which most of you know was first enunciated in the upper Missouri River basin back in 1907, a very important piece of legislation that defended tribal rights to the use of the Missouri River and its tributaries. Implicit in the Winters Doctrine, the old lawyer said, is the fact that Native American tribes are sovereign nations. Explicit in the doctrine and many others, not the least of which are the treaties, is that our forefathers guaranteed to the tribes that their reserved rights are exempt from state control and jurisdiction. Our forefathers. That means white forefathers as well as Indian forefathers. All of the white people who live in South Dakota should understand that it was an agreement their forefathers made with Indians and Indians made with them.

As you know, the Secretary of the Interior and the Corps of Engineers totally ignored the Winters Doctrine rights of the Sioux tribes in the Pick-Sloan

Plan, which brought about the development of hydro power dams in the Missouri—Garrison, Fort Randall, Oahe, and the others. Up the river for hundreds of miles, lands were seized and inundated and the tribes were paid a pittance payoff and deprived of any participation in the economic development for years and years. Had we participated appropriately in that development we would today have a sound economic base on Indian reservations up and down the Missouri River. We did not. So we have Bingo palaces and casinos. And poverty. And substandard houses in which we raise our children and take care of our grandparents.

This kind of history is repeated throughout the West. Salt River rights of White Mountain Apache in Arizona. Ahtanum Creek rights of the Yakima Nation in Washington state. The Colvilles. The Spokanes. We could name tribe after tribe.

When the old water-rights lawyer Bill Veeder talked of these matters seventeen years ago, he said this: "The Missouri River is now *totally controlled and channelized* and Indians find themselves in irreconcilable conflict with politically powerful water users who are claiming rights under state law."

While some may argue that much of this dilemma has been attended to through recent legislation and state government action, "state/tribal compacts," various "agreements" reached, coalitions established, quite the opposite is true. Even the much-touted Mni Sosa Water Coalition is a strategy to *quantify* tribal water rights, not defend them.

At present, there is what is being called a "land transfer" bill in Congress promoted by thrice-elected (soon elected a fourth time) Bill Janklow and Senator Tom Daschle that is called "South Dakota Land Transfer and Wildlife Habitat Mitigation Act of 1997," which is designed to diminish tribal sovereign status in the state, to claim land for the state that is treaty-protected land, to broaden a tax base for the state, and to claim jurisdiction concerning hunting and fishing. Look at that bill carefully and you will see that it is another land grab by the state, that it will benefit no tribe along the Missouri River economically on a long-range basis. Yet it is touted as a measure to "put to rest" all jurisdictional questions over hunting and fishing.

The tribes do not need this legislation to reserve and protect native hunting and fishing rights along the Missouri River. These rights are, according to water-rights lawyer Bill Veeder, implicit in treaty and history. Tribal nations have the right to use, to administer, to control and exercise the property rights independent from state control and interference. And they should be developing the strategies to assert those rights. Moreover, the federal government in its fiduciary role must assert its defense of tribes through pro-

viding funding and assistance for tribal development along these waterways independent of the greedy and self-serving state and county governments.

The kind of legislation that prevails, unfortunately, brought to bear by pressure from state officials, the Secretary of the Interior, and officials of the federal government, should be recognized for what it is, a failure of the "fiduciary" responsibility of the federal government, and an effort to drastically limit the claims of Indians. In the kinds of "reconciliation" legislation offered here, something called "settlements" are undertaken. These "settlements" attempt to convince the tribes that their rights are being preserved and protected. But in actuality, their rights are being sacrified over and over again in the furtherance of the needs of greedy water monopolists and states' rightists. Non-reservation-based farmers. Hog producers. Cattlemen. We should know that. And we do know that. The deception practiced by the Secretary of the Interior to seize the invaluable reserved rights to the use of water from the tribes was known when the great Sioux Nation lost its rights in the Pick-Sloan Plan. This is a superb example of the kind of manipulation that is ubiquitous in native/state relations. No one should feel that the future is secured by the now-agreed-upon Mni Sosa Water Coalition, because it denies the sovereign rights of native water holders and does nothing to ensure an economically sound future.

In a *Rapid City Journal* article last December, the offices of Janklow and Daschle put out some information to the public concerning a "settlement" idea about land "transfer" and "wildlife habitat mitigation" and it sounded good to the uninformed public. The headline read "Legislation Ends Missouri Dispute," and it referred to their self-centered, state-inspired legislation on "mitigation," a new word, perhaps, for the now-trite "reconciliation." The article quoted the officials as saying that the dispute would be ended because "the Federal Government is no longer the *middleman* [my emphasis] in deciding who owns land and who has jurisdiction."

What kind of history is this? What kind of law is this? Everyone knows that the federal government has *never* been a middleman between tribes and state governments. It has been a "trustee" of Indian lands and it holds a "fiduciary" responsibility to its treaty co-signatories, the United Sioux Tribes. What this kind of talk and this kind of legislation mean is that at the end of the day, the federal government, the fiduciary in the cases the Sioux Nation faces with the state, forgoes its legal responsibility and enriches itself and the state while draining the assets of the tribes to which it owes treaty obligations. It's like an estate lawyer selling off his client's assets to enrich himself. For such

actions in the real world, lawyers go to jail!! Only in Indian cases is the fiduciary rewarded for such illegal behavior.

I find the public silence toward this strategy of white politicians in their dealings with Indians very interesting. Where is the free press? Where are the scholars? Where are the educators? Where is the native leadership? In the highly organized "misconduct" and "malfeasance" which have characterized the behavior of one government toward another, there is a consistent theft of not only the corporate assets of the tribe like land and water, but also the very sovereign status embedded in our concomitant histories. And there is no outcry from the public, by and large. The reason is that *the general public benefits from every one of these thefts* from Indians and always has. Indians don't need leveraged buyouts or insider trading or greenmail. Indians just need congressional legislation or executive order or an inert tribal governing body, along with a state attorney general at the local level who believes it is his *duty* to constantly harass and confront the tribes in court, appeal every decision, argue and thwart every move the tribes make. What I want to point out here is this: the success of these outlaw maneuvers is dependent upon the public silence that accompanies them.

Many times, the kinds of issues talked about here between governments and government officials are called "conflicts." I'm reminded of the Minnesota history that calls the theft of Santee country in 1862 the *Dakota Conflict.* That is what it is called in the history books that are written. The truth is, the Minnesota event of 1862 was not an "uprising," or "conflict"; rather, these histories can be described as acts of war, and Santee chieftain Little Crow was unambiguous about declaring war, leading his people in opposition to the U.S. military. This war ended with the hanging of members of the Dakota forces by the United States of America, the largest mass execution in U.S. history of the only people to be hanged by a colonial government for defending themselves. Certainly there was no mass hanging of Confederate military men during or after the Civil War during that same era. These modern acts of war against the Indians are generally perpetuated by the elected and appointed officials of one of the most powerful countries in the world against some of the poorest, colonized, and oppressed people in America not because the victims are poor, not because they are freemen or slaves, but because they are Indians, non-Christian indigenous peoples claiming to be landowners.

If you want another example of "reconciliation" efforts, look at the recently litigated case *Yankton Sioux Tribe v. South Dakota,* in which the state of South Dakota and the courts have "diminished the Yankton Sioux treaty-protect-

ed tribal lands by 168 thousand acres," and, in fact, the state of South Dakota in that case argued for the total elimination of the Yankton Sioux Reservation. This is astonishing behavior on the part of the courts of this democratic country now, at the turn of the century, a time when we are supposed to have learned something from history, a time of supposed enlightenment concerning race relations. It's not only wrong. It's genocide.

Your elected officials are responsible for this. Jim Abourezk, the former state senator who now has a law firm of his own that does "business" with the tribes, and who took this case to the courts in spite of hesitation on the part of some local tribal leaders, has tried to put the best face on this enormous loss by saying that tribal leaders have said "they can live with divided jurisdiction." If that is the case, tribal leaders are as complicit as anyone. But whether or not that statement is accurate, that is hardly the point. What is made clear here is that any "reconciliation" effort to litigate fairness has always meant to Indians that they be resigned to their fate—continued land loss and rights and underdeveloped economic systems. The point is, Indians and the future of Indian nationhood have once again been sacrificed.

This recent Yankton court case, we are told, is based upon past federal legislative action. Thus, a racist history begets a modern racist legal interpretation. Explicitly, according to the legal argument, the court decision to give the state 168,000 acres of Yankton Sioux land is based on an 1894 Act of Congress that "opened unalloted lands to white settlement," in which, it is said, the Yanktons voluntarily "ceded" these lands. This argument is wrong morally, ethically, and probably legally. If you understand history, you understand that this Act of Congress was undertaken just four years after hundreds of Lakotas were murdered at Wounded Knee by the U.S. Army. The so-called cession of Yankton lands occured just four years after that massacre by U.S. government troops, which were, by that time, stationed on all Sioux homelands. Four years. Hardly enough time for the grass to grow over the grave. And the U.S. military was stationed within the borders of the reservation, a fearsome occupation army. Does anyone believe Indians were voluntarily "ceding" lands during that period of time?

This 1894 Act of Congress, which is cited in 1997 as evidence for further land theft, rose out of a policy of extermination and genocide. A policy that was put in place because the Sioux could not be defeated on the battlefields of the Northern Plains. They could not be coerced, in a hundred other ways that were tried, into giving up their lives. The Sioux efforts to survive thirty years of warfare in defense of their place on the Northern Plains was dealt with by these illegal actions of Congress and the courts and other bureaucracies in which the Sioux had no status. This Act of Congress in 1894 was inspired by the officials who made up the government of South Dakota, which was then in its infancy. Its powerful land monopolists were everywhere. Today, these same powerful interests in South Dakota, sitting in high places and throughout the country, prevail upon their racist past to continue land theft. They do it through government and the courts. Make no mistake, this 1997 court decision to "remove" Indian lands from Indian title and "transfer" them to the state is a crime not only against the Yanktons but against all peoples who are powerless and colonized.

The state has not been, as anyone can tell you, an innocent bystander in the continued theft of lands and rights, and for us to suggest that a people's movement in this state toward "reconciliation" can have any meaning while these acts of war continue is foolish. The Santees, the Oglalas, Hunkpapas, Ihanktowan, Sicangu, Minneconjou, and Sihasapa, all of us have suffered from this kind of paper warfare that not only legalizes land theft but legalizes the death of the tribes. To have your courts legally declare the tribes nonexistent, in case you care to give a name to it, is called genocide. Isn't genocide a crime? In Bosnia? Iraq? But not in the United States? No wonder our Sioux leaders have gone to the international courts in the last few years to try to get a hearing on what is happening to us. In the international arena there may be more of a chance for an appropriate discussion of the consequences with those who perpetuate genocide as national policy.

The governor of our state considers the Yankton Reservation case resolved. He is "optimistic" about building relations with the Yankton Sioux and he now wants to talk about "tracking down" Indian parents who do not support their children. If this kind of inequality and hypocrisy is allowed to continue in our state and on our reservations, untold crimes will follow and we will be horrified by them. Child abandonment will be the least of them.

There is a term that needs to be used here. The term is Anti-Indianism. In the same way that Anti-Semitism was in the beginning the offspring of religious persecution, Anti-Indianism here in our region has been the child of legal and church institutions that govern our lives. What history has shown us is that even when the Jews gave up their religion and their identities, they were still unacceptable to German society, and Hitler began to move toward their complete extermination. Likewise, even as Sioux Indians became Christians, there has been no avenue of escape from political oppression and massacre and discrimination, and, finally, the theft of the homelands. If there is to be a peace process here, we must begin with the return of land for two important reasons: first, there is no more important value to colonized peo-

ple than the land; and second, it is in the land that the native finds his morality and religion, his life and his survival.

What Indians here in our region have understood is that we have had very little power to affect the body politic in the state of South Dakota and this has always been true. When we have no way to affect the body politic in our state, we have tried to believe that we could depend on the federal government, with which we have signed solemn treaties. Unfortunately, the federal government, our "trustee" that holds our lands in limbo, has proven to be as corrupt and unreliable as any other self-serving institution in its dealings with us. When you cannot affect the body politic and when your "trustee" is corrupt, you turn to the courts. It has taken a long time to learn the lesson that we cannot depend on the courts either to go all the way with us. Halfway justice is no justice at all.

In the last decades, the courts have turned out to be the last places Indians should turn to for justice. Indeed, a 1994 case called *Hagen v. Utah* has been a central case in what is now called the "diminishment" movement, a movement led by key states in the West, among them Utah, Washington, New Mexico, and South Dakota. I call this twentieth-century movement a movement of legalized genocide, which is traced to a denied history. The decision in *Hagen v. Utah* holds that Utah state courts have jurisdiction over Indians as to crime on land within original reservation boundaries. This is based on a ruling that Congress in past acts had the intent to diminish the reservation. A ruling which, if upheld, is evidence of a genocidal federal policy. Obviously, this is an effort on the part of states to place land outside of Indian Country as defined in 1902, and it clearly indicates the ambiguity concerning Indian tribal survival. On the one hand, the courts say they try to be fair. On the other, they express the historical view that America must be rid of tribal nations once and for all.

You might be interested to hear Blackmun's and Souter's dissenting views from the Supreme Court on the Utah case. They wrote:

> ... the state of Utah lacked jurisdiction because lands where the offense occured were Indian Country, since (1) there was no clear expression in either the face, surrounding circumstances, or legislative history of the 1902 statute that Congress INTENDED to diminish the reservation and (2) even if the 1902 statute's public domain language constituted express language of diminishment, such language did not remain operative in the 1905 statute, which actually opened reservation lands for settlement, but did not restore unalloted lands to the public domain.

Blackmun and Souter did not agree that jurisdictional issues in Indian Country could be decided on such flimsy evidence of historical intent. Dissenting views do not always carry the day, but they are often concerned with the larger issues and are often used in defense of further legal, political, and legislative dialogue. In the view of many, we have not heard the last of this discussion. The unfortunate fact about this kind of behavior on the part of the courts and certain ideologues who sit in high places is that sooner or later these decisions will have to be reexamined, and very likely overturned or rewritten in the name of justice and fairness. In the meantime, tribes have spent hundreds of thousands of dollars in defense of themselves, money that could have been used to develop tribal economies. In the meantime, tribes remain in poverty and dependent on the church or the Bureau of Indian Affairs or the tribal government, or gaming, for reservation jobs. And in the meantime people wonder why racial relations suffer in the very contested places where it is vital that the people learn to live together in harmony.

Under these circumstances, I do not talk to anyone about "reconciliation." I feel it is inappropriate and hypocritical to talk of reconciliation in the face of this kind of massive assault on tribal lands and rights. This current "diminishment" movement is a powerful one, and it is backed by states' rightists and several current governors, senators, and the courts, and if anyone cares about fairness between the races, he or she had better be informed about who these antagonists are and what their motives and strategies are. White folks in this state don't need to learn our tribal language, white people don't need to invade our sun dances and other religious rites of the people. European-inspired sculptors and politicians don't need to blow up mountains in the Sacred Black Hills and call it Crazy Horse Mountain, when his people live desperate lives not a hundred miles away. No one even needs to talk about Wounded Knee to come to some kind of rational thinking on these matters. What is needed is a critical examination of the institutions that surround all of us, Indians and whites, with racist strategies.

What is needed is political opposition to what is now the status quo in the legislative and political arena here, discourse concerning the Black Hills land-reform issue and a way to keep the governor off the Missouri River—real things that affect the real lives of real people.

Let us be honest and admit there are many antagonists to tribal sovereignty and the defense of tribal rights, land, and resources, not the least of which is the powerful state government and its agencies, which are the center of the current move to diminish Indian rights. This should come as no surprise to

anyone, since state governments everywhere in the American states have always had contentious relationships with tribes. The history of the state of Georgia and the Cherokees a hundred years ago taught us about the risk to tribal nations in the aggressive rise of state power. The state of South Dakota has been constant in its desire to dispossess the Sioux. There is no ambiguity about where the state stands on matters of land and jurisdiction. Before we can talk about reconciliation, South Dakotans have to understand this history of dispossession and its connection to present life. White South Dakotans who have benefited from this dispossession and continue to benefit have to be willing to return stolen lands to tribal title and jurisdiction. They must honor and respect old agreements before new ones can be made.

Drastic measures are sometimes needed. Right now we hear that in New Mexico, the Pueblo Indians, who are just outside of Albuquerque and who have been in constant litigation over jurisdiction with the state, are talking of blockading main highways and freeways, I-25 for example, the main artery that crosses Pueblo lands. There is serious talk in some sections of Indian society in New Mexico of blockade and it is reported in the newspapers of the state; this shows how desperate Indians can get. In fact, this talk by the Pueblos is in response to the reality that the Pueblo casinos pay hundreds of thousands of dollars in taxes to the state of New Mexico. Some of these groups, among the poorest people on the face of the earth, pay as much as a quarter of a million dollars to the state every year and never see anything in return except racism and joblessness.

I want to return, as I close this talk, to a quote from that old water-rights man, Bill Veeder, who spoke with my father twenty years ago. He said this: "It is an ongoing practice in America to devastate Indian tribes. You tribal people must expose the deadly consequences of being subjected to state court jurisdiction. There must likewise be exposed the devastating consequence of federal and state officials practicing deceit upon the Native American tribes under the guise of 'settling' conflicts among the tribes and non-Indian claimants."

Not much has changed in twenty years. The old man, that day, was talking to tribal people. He did not say what well-meaning white people should do or could do. Today, "settlements" and "reconciliations" go forward, but there is no dialogue concerning land reform, the return of stolen lands, the sacred Black Hills, the return of the state-run Bear Butte Park, the illegal allotment act, which devastated tribal economies for the last hundred years with the result of "checker-boarded" Indian lands, the wrongs commited by Congress and the courts in diminishing the tribal land base. Indeed, since the old man spoke to my father and the general public that day, hundreds of thousands

of acres of tribal lands all over this country have been removed from tribal title and tribal peoples are further impoverished.

The violation of the tribes' vested and reserved rights for the benefit of greedy developers of this country has to be stopped before tribes and tribal people can talk seriously about reconciliation. At universities like this one, we must not become irrelevant to the struggle for justice and the struggle for decency in Indian lives and on our homelands. We must inspire our children by doing the right thing; by understanding the crimes of the past and paying the price of punishment. We do that through self-examination, by looking critically at the institutions that govern our lives and reforming them.

No one would deny, and certainly not an old college professor like myself, that what we talk about and what we teach to one another about American history is critical to self-understanding. Surely we should include in our teaching the study of the Constitution, 1889 statehood, the Civil War, Thomas Jefferson, brave pioneers, explorers, and scientists. But what we have to say about all of that history is that it dispossessed the indigenous peoples of this country, among them the Sioux in South Dakota, through verifiable criminal behavior that has been legitimized in the courts. What we must say is that this criminal behavior still goes on in our present lives. What we must say about this so-called reconciliation movement is that it has provided a mechanism that has allowed us to excuse past crimes, to cover them up with avoidance and denial, and that there has been an intention to fool ourselves concerning equality and the right and the possibility of Indians to make a good life.

Most of all, we should teach our children that crimes, just like the rivers that have been exploited, stolen, and damaged, do carry footprints. Those footprints are what have kept the Sioux people from sharing in the abundance of their own lands, but they are also the footprints of our ancestors, who fought wars and signed treaties so that we could live.

In conclusion, I say that it is time for all of us to examine those footprints. They are the footprints of history. It remains to be seen whether the United States can reform its behavior toward its indigenous peoples and take its place among nations that live up to their treaty obligations. It remains next to inquire whether or not the state of South Dakota can live with its Indian coresidents or whether it will continue its relentless effort to extinguish us and our rights as tribal people entirely before it will be satisfied. At the close of the twentieth century these matters are crucial. It is time to look closely at the genocidal practices I've talked about here today and stop them.

As you know, it is not easy to do the right thing. I tell this often to my children and my grandchildren. It is not easy to do the right thing. But it is no-

ticeable in all of the conversations that I have with people now how often this phrase, "Do the right thing," appears and reappears. That, in itself, is a hopeful thing.

Presented at the seventh annual history conference of South Dakota State University at Brookings, Feb. 25, 1998. The theme was "State/Tribal Relations."

17

AMERICAN INDIAN STUDIES: AN OVERVIEW

Good Afternoon!

The title of this conference, "Translating American Indian Cultures: Representing, Aesthetics, and Translation" is a bit intimidating, especially to a tribal scholar like myself who has always thought of Indians in America in terms of *nationhood.* Culture, it seems, has been left to Anthropology, and there seems little sense in pursuing that line of scholarship if we are concerned with the struggle to survive as nations-within-a-nation political entities.

Nationalism, I think, is the major focus of Native American Studies as an academic discipline, in contradistinction to Anthropology. So the title of this conference is broad and, yes, intimidating, but of course quite useful to all of us who have gathered here at this moment to discuss the differences in disciplinary approaches to bodies of knowledge.

I'd like to begin by saying that there is a disturbing reality about the academic dialogue these days concerning the intent of NAS, and much of it is centered in the language we have used and the languages we have invented for whatever purposes have emerged. Much of the dialogue suggests that unless you are willing to talk about diversity or multiculturalism or postmodernism or postcolonialism, you are simply out of the loop, to use a George Bush phrase with which we have become familiar. In fact, there is even a native scholar of our acquaintance who is now promoting the use of the term *post-Indian* in his particular dialogues.

Post-Indian? What is this? Could it be an effort to conceptualize the annihilation of Indians or their nations or their histories? Well, maybe not. I can

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ANTI-INDIANISM AND GENOCIDE: THE DISAVOWED CRIME LURKING AT THE HEART OF AMERICA

Just before my latest non-fiction book, *The Politics of Hallowed Ground,* a book about the politicization of Indian histories and the Massacre at Wounded Knee was going into its second printing, I picked up a local newspaper and read in a column written by the conservative Republican television "talking head" George Will that the "Serbian atrocities in Kosovo [taking place in the last decade of the twentieth century] are *not* genocide, but they are war crimes." In the same newspaper Zbigniew Brezinski, National Security Advisor to President Jimmy Carter, wrote that "the Serbs are engaging in what may be called *mini*-genocide."

This confusion about the violent and oftentimes criminal actions of western governments is nothing new, yet there is something terribly disturbing about this confusion as we move into the new century. Often such crimes have been placed into the historical dialogue to describe what is a "just" war and what is an "unjust" war, but rarely have they been admissions of campaigns to exterminate an entire people. For example, when Theodore Roosevelt said that the American war with the "savage Indians" over this land was the most "just" war in all of history, he made the stealing of native lands and the murder of its possessors a most admired history, and he deliberately confused the killings done by the United States of America with what we may call justifiable homicide. It was a brilliant tactic of historical manipulation by a powerful man in the most powerful of nations, and it was a mark of his influence that continues today.

Teddy Roosevelt and countless other leaders of colonizing nations have no

doubt believed and acted upon what Pericles in ancient Athens was supposed to have said: "Before I praise the dead, I should like to point to the institutions and by what *principles* of action we rose to power and under what *institutions* and through what *manner* of life our empire became great" (Thucydides, *History of the Peloponnesian War*). Pericles went on to enumerate the virtues of Greek civilization, i.e., "We are called a democracy," "The law secures equal justice to all alike," "Our style of life is refined," "The fruits of the whole earth flow in upon us," "We contend for a higher prize," and so on and so on. Under this kind of persuasion, it is easy to think colonization is a virtuous thing, and even easier to enlist the national population to destroy whatever stands in its way. The war of the Athenians with Sparta lasted twenty-seven years; they made slaves of women and children and killed all male children of military age of many surrounding nations. They put Socrates to death for the crime of speaking his mind.

In light of the atrocities of the past perpetuated in the struggle for power by democratic and non-democratic entities alike, the desire of western and non-western-style civilizations to achieve status in the twentieth century seems to predict continuing violence. Though they are thought by some to be rare throughout the world, look at some of the more obvious events: the Pinochet rule in Chile, Serb massacres of Muslims in the 1990s, the bloodbaths of African countries like Rwanda, and the murders by Pol Pot of his own people, as well as the over 100 million people who have died in the "just" and "unjust" wars of the last decades. We are living, then, in the bloodiest century in human history.

By contrast, the 1890 Wounded Knee Creek killings and violations of civilized human rights in the Northern Plains, the subjects of my latest book, seem a pittance. A mere 300 or 400 Indians. Primitives, after all. Savages in the wilderness. Yet to understand the unrelenting atrocities by the powerful against the weak that continue into present time, we must first expose those who claim to be innocent, and then we must try to understand the nature, the origin, the cause(s) of state-sponsored genocide.

The first thing to acknowledge is that on a cold December afternoon four days after the newcomers to western Dakota Territory finished celebrating the holy rebirth of their savior, Jesus Christ, their armed forces slaughtered over 300 hunted, starving, tyrannized, and unarmed Lakotas traveling through their own country under a white flag, threw them into a mass trench, and covered them up. The first thing to acknowledge is that this was not just an "accident." It did not "just happen." It was not some kind of tragedy of war. This deliberate, premeditated slaughter of a non-Christian people who

could not be defeated on the battlefields of their own territory took place along a frozen tributary called Wounded Knee Creek, in the hills of a prairie ridge covered with pines, and it was a planned, inevitable crime committed by the U.S. military, an occupational force, and its legislature and its courts.

This crime, though still unacknowledged by many U.S. historians, the military, as well as scholarly and popular writers of history, has come to represent the federal policy of Genocide, which characterized relations with the indigenous occupants of the American continent and the West. Since the violent worldwide events of the last several decades, and particularly since the Vietnam era, this event at Wounded Knee has undergone some revision and is now described by some as it never was for a hundred years: a criminal act. It has come to represent the thousands of such killings of indigenous peoples across the land as the unexamined crimes at the core of a great nation developed since 1776 on the provocative principles of capitalistic democracy, principles based on the exploitation of resources and land.

Genocide, the systematic killing of a people, is always denied by powerful, tyrannizing, colonizing nations, and when they have talked of it, they have struggled to declare their innocence through careful defining of the word. To add to the problems of holding criminals responsible, those bent upon invading other nations and colonizing or destroying its people, which is seen as a major cause for the crime, rarely have left compelling evidence or written documentation of their policy and criminal behavior. America and its treatment of the indigenous peoples of this continent is no exception to this historical reality.

Throughout American history, the agonizing discourse concerning Indian/white relations is spoken of as "conflict," or "assimilation," or "postcolonial" in nature, but never as "genocide." As the twentieth century closes, it seems obvious that Genocide, in the matter of Indian/white relations in America, has not been just a matter of physical extermination. It has been broadened to include the concept of Ecocide, the intentional destruction of the physical environment needed to sustain human health and life in a given geographical region.

In the international arena there is dialogue concerning the deliberate destruction by the government of the United States of the buffalo in the Northern Plains and the salmon in the Northwest and the rivers throughout the land as a tactic to force submission of tribal peoples during the treaty era and since, and these acts are now debated as a function of genocide. This destruction, called ecocide (the killing of the earth) and deicide (the killing of god), is well documented. In the present light of nationalistic crimes across the

globe, this destruction has become a persuasive feature in the classical definition of historical genocide.

The repression of American native peoples during the last century is one of the least known genocidal stories of our time. Few pay any attention to the fact that native people in the Americas are among the most economically deprived and the least well educated of any of the peoples of the world, that they live as domestic nations in one of the most repressive governmental systems ever devised in a democracy. Hardly anyone says out loud or writes in the public media that the neglect of Native American health issues is the shame of the modern world. No one understands the brutal impact on a people of the loss of two-thirds of their national/tribal land base in the last eighty years. There is little discussion of the flooding of 550 square miles of treaty-protected lands along the Missouri River for hydro power, one of the most ecologically destructive acts of "progress" in the world, as representative of the actions of an ecocidal policy toward all the rivers on the continent. Few admit that these are the fruits of the national denial of historic genocide in the United States toward indigenous peoples, and that they characterize the codified behavior of the United States toward countries throughout the globe.

In contrast to those omissions in domestic public discourse, the capitalistic democracy called the United States believes itself to be benign toward Native Americans, known as an unfortunate and pathetic race of inferior people; believes it pours money down a bottomless pit called the "Indian reservation" system, and often expresses its contempt for native peoples who have tenaciously survived 500 years of Genocide. They often express these thoughts much in the same manner that the eminent (and retiring) senator from New York, Patrick Moynihan, expressed them in his 1993 book *Pandaemonium and Ethnicity in International Politics* when he said: "Reservations. Our worst mistake or worst dilemma as you wish." Except for reservations, he says, "the U.S. has been spared autonomous regions, bantustans, enclaves."

He should have said that except for reservations, the indigenous peoples of the North American continent have been dispossessed and murdered. Nothing is said in all of Moynihan's work, as far as I know, about the crime of genocide perpetrated by the United States against the natives of this land. And little is said publicly about the virtue that would be implicit if the modern development of Indian reservation lands were to be promoted as *treaty-protected homelands* for the indigenous peoples of democratic America. The native peoples who have survived the ongoing, persistent holocaust of the nineteenth century in America would be pleased to hear of such public discourse, for they know their reserved lands to be areas rich in resources, histories, and wonder, which have nurtured them for generations.

"The systematic killing of a people" was said in the old days to exist legally in three contexts: religious, racial, and ethnic. Whatever the label, the United States has failed to accept its history as a genocidal country in any of these contexts, or in the related spheres of ecocide and deicide. The United States continues to claim its historical innocence and benign intention. In the future, however, with the world as witness to modern nationalistic and human events in Europe and Africa and Asia, colonial America might have to broaden its perspectives on this subject if for no other reason than to refrain from looking foolish.

It is in these recent human behaviors that the United States may more appropriately understand its own tragic role. Whatever context is given, and whatever hopes we as members of modern civilizations may assess, it should be obvious that all forms of genocide are interrelated, pervasive, and criminal in every society known to mankind. Genocide, the world must admit as it views its own history and present condition, is *always* premeditated, forethought, purposeful, designed. Genocide does not, contrary to public notions, *just happen,* the fateful events known only to uncaring gods. Its motives are sometimes obvious, sometimes not, and they often seem fathomable to those who examine them.

Religious genocide is mistakenly thought to be a feature of ancient history, as exemplified by, for example, the Middle Ages, when the Crusades or the Spanish Inquisition or other like atrocities went relentlessly on, even if and when the killing of an entire people ran counter to a specific theology held by the society. In spite of a theology that may have argued against the mass killing of "others," genocide persisted in religious praxis, with religious zeal more than reason or theology supplying the fuel. And it was not just an "ancient" phenomenon, as students of recent history in Africa and Europe and elsewhere around the globe can attest.

Racial and *ethnic* genocide, a feature of the more modern histories exemplified by the German killing of the Jews in Europe in the twentieth-century Nazi Holocaust, is still thought to be a function of ancient history, old irrational hatreds against "others," and kept alive through a religious intolerance in the mainstream, coupled by zeal in the military. There seems to be little historical sense of the present-day so-called ethnocide in the former Yugoslavia, except that it is a function of the historical persistent and pervasive cleavages between the sections that have made up the country for many gen-

erations. Racial and ethnic genocide is premeditated in every instance known to history, whether or not it is admitted to by the perpetrators.

Political or *economic* genocide usually arises out of colonization; thus, it is a feature of pluralistic societies created through the activities of migrating and settling. The plural society brought about by invasion and colonization provides a structural base for genocide as pressures for domination, exploitation, and subjugation arise. America's history finds firm ground in this definition.

All of these types of genocide have several traits in common. First, the societies that are the perpetrators of genocide often *pass laws* designed to bring about or prohibit certain behaviors, and these laws are thought to appropriately give license for the complete destruction of a people in their midst. These laws give veracity to deliberate acts committed with the intent to destroy the language, religion, or culture of a national, racial, or religious group within the larger colony. Often laws are passed to prohibit the use of certain languages in daily intercourse or schools, and they destroy the libraries or repositories or objects or otherwise criminalize their use. In the case of indigenous peoples of the United States, laws against the practice of traditional religions and cultural customs were swiftly enacted and rigourously enforced. The Sun Dance was outlawed on the Northern Plains while at the same time Christian ministers prevented traditional marriage patterns and child-rearing practices by instituting compulsory educational institutions. There can be no doubt, despite the defensive rejoinder concerning intent, that these are genocidal laws put in place by a powerful and brutal colonizer intent upon extermination.

Second, societies that are the perpetrators of genocide *construct "badges"* or distinguishing characteristics to be exhibited by the victims as well as the perpetrators suggesting origin and praxis, and this often is intended to subjugate or dominate a people and deny to them their basic human rights. The Jews in modern Germany wore a yellow star. Others must carry cards that identify them with their out-group. Natives in America had to be given "permissions" of various kinds by their oppressors to hunt or gather domestic or religious materials from the countryside. Today they carry cards to identify themselves as tribal persons in order to sustain their treaty rights, which would otherwise be denied.

Third, societies that are the perpetrators of genocide *concoct theories of conspiracy* meant to assist the general populus in understanding the need to destroy or exploit their victims. These theories are upheld through educational institutions and assemblies of various kinds, and provide the structural bases

for longstanding and blatant aggression. *The stories of the Ghost Dance ceremonial, as the frenzied acts of a crazed Indian population* that preceded the Wounded Knee Massacre *has been concocted by apologist historians as the rationale for the mass killing.* This conspiracy theory is perpetuated even by present-day historians. The idea that Indians of that era by participating in an essentially religious ceremonial were agreeing to perform together an illegal, treacherous act that endangered their white neighbors has become a compelling rationale for genocide. By and large, western and European historians have accepted and promoted this explanation, rarely refuting it as a concoction of excuses. Even today, the governor of the state of South Dakota is quoted in the newspapers as fearing that Indian political action concerning land-reform issues in the state must be seen as an effort by Indians "to get the whole of western South Dakota returned to them." This kind of conspiracy theory has been a mainstay in the political power of white politicians.

Finally, societies that are the perpetrators of genocide often build or *arrange appropriate centers for destruction,* annihilation, or subservience. The most blatant example in modern history for the annihilation of the Jews all over Europe was the construction of incinerators and concentration camps. It has been suggested that in the United States the development of "plantations" in the southern states for the subjugation and exploitation of African Americans for slave labor would be another example of genocidal centers for destruction.

Some suggest that "reservations" for American Indians in the West were and are extermination centers, and it may have been the intent of the predatory democracy called the United States of America to kindle in this way an end either by death and starvation or economic destruction for the native peoples with whom they had fought wars of annihilation for many decades for possession of the land.

However, the leaders of the hundreds of Indian nations who signed treaties with the U.S. government after the war period, in order to "set aside" reserved homelands for the protection of the people, take an entirely different view of reserved land bases, and have probably taken that different view from the very beginning of the treaty-signing process in the seventeenth and eighteenth centuries. The citizens of Indian nations now believe "reservations" to be their homelands, and they defend them legally and economically on a daily basis. They do not deny the political possibility that at least some segments of American power structures at one time in the historical past set aside these lands and meant them as concentration camps and extermination centers for peoples they considered unassimilable. There is much written evidence that people sitting in high places in the governments of the

United States believed that such lands would serve to do away with an unwanted and unassimilable population.

How these "reserved land bases," now called Indian reservations or reserves, are viewed and described by modern America is critical not only to the survival of the native peoples of this continent, but to the promotion of world peace and cooperation. These treaty-protected enclaves, now called domestic "nations-within-a-nation," inhabited by the original peoples of North and South America, internal now to a democratic society called the United States of America, can become, in the future, an example of how a hated minority resulting from generations of war and land theft and exploitation can rise above the domination and subjugation and exploitation ordinarily accompanying European colonization and invasion. In general, today's American Indians from First Nation enclaves view the accompanying assimilation techniques of a colonial power on their homelands in government and school structures to be the continuation of genocidal practices, and they therefore seek and assert domestic sovereignty.

The extermination of an entire people, which can occur at any juncture in the relationship between various segments of a national society, are dependent upon certain elements and specific developments. The elements usually have to do with Law, and the developments usually have to do with Economics. Until World War II there was no competent tribunal, no global general assembly, no criminal court to investigate the issues of genocide throughout the world. Thus, the thousands of massacres of American Indians in North and South America were rarely investigated at all, and even more rarely investigated as criminal acts. No criminal perpetrators sitting in high places were indicted, and little real punishment was ever meted out. Much of that genocidal activity was simply charted as reasonable and inevitable colonial conflict, and it continues to be described in that way in most written histories.

After World War II, however, in 1948, a United Nations convention was held in order to try to understand the nature of the deliberate and systematic killing of a people in terms of the international crime of Genocide, the description of legal parameters of the crime, and the appropriate punishment of those who commit the crime. The interesting result of those U.S.-led conventions has been the persistent evasion of the issue of genocide in terms of its own history toward native peoples. The United States is willing to indict Adolf Hitler of Nazi Germany, Idi Amin of Uganda, and Pol Pot of Khmer Rouge fame, but not the hated Zionist leader Menachem Begin, or the U.S. frontier defender Philip N. Sheridan, or the Methodist minister-turned-colonel John Chivington, or the relentless Manifest Destiny president and perpetrator of murderous policies toward Indians Theodore Roosevelt. This unwillingness is inherent in colonial origins.

From the beginning of the settlement of this country by the French, English, and Spanish colonizing nations, the systematic killing of the indigenous peoples of the continent was a fact of life and death. It was relentless and premeditated. Demographers say that by 1650 about 95 percent of the population of Latin America was wiped out, and by the middle of the 1800s there were said to be 200,000 Indians left in continental America. These survivors have now, at the close of the twentieth century, come back from oblivion. They have defended what is left of their meager land bases, and they continue toward the future as dual citizens—of Indian nations and of the United States. It is said that they are one of the fastest-growing "minority" groups in the country.

The deliberate and premeditated genocide of the early years of invasion and theft, however, has moved on from religious fervor and ethnic and racial hatred to economic genocide and ethnocide. These genocidal tactics are ongoing not only through denial practices but also through outright aggressive governmental tactics. The story of the national denial of this reality is evidenced in national parks all over this country, where there exist plaques and gravestones suggesting that Indian families and tribes "gave of themselves and their land so that this great nation might be born and grow." The fur trade is romanticized in history books and in movies as just a capitalistic or economic event, not a genocidal one. Land laws were passed that removed over half of the treaty-protected lands from Indian title. And, outrageously, in the 1950s, termination and relocation laws were promulgated by the U.S. Congress in order to remove Indians from what remained of the homelands and force them to assimilate into the "mainstream" of American culture. Because of these laws, two-thirds of the indigenous population of America now reside in cities, landless and poor, rather than on their own reservation homelands, which remain, for the most part, underdeveloped enclaves of poverty. With appropriate care and legal remedies, these reservations could become communities well organized to meet the needs of their citizens.

Genocide is not now nor has it ever been just a matter of the physical extermination of a people through mass killings, enslavement or torture, or enforced segregation or colonial apartheid. *It is the denial of basic human rights through the development of a nationalistic legal and social and intellectual system that makes it impossible for a domestic people or domestic nation to express itself collectively and historically in terms of continued self-determination.*

In spite of the reasonableness of any critique of history, nations that have developed genocidal practices toward others within their own nation or society, or even outside of their province, protest their innocence by bringing up the matter of "intent." The United States as well as countless other colonizers have used the rejoinder of "intent" to any critical analysis of their history: "We never *intended* to destroy the natives," they claim. Therefore, if there is and was no "intent," there was and is no "genocide." Even as genocidal legislation and land and resource theft is passed by the modern U.S. Congress without the consent of the tribes, the people who benefit from the colonial practices of the past will excuse themselves as it concerns "intent" by saying, "But I haven't done these things. Maybe these things happened in history, but I am not personally responsible for what happened way back then." They generally excuse and rationalize a history so ugly it cannot be acknowledged.

Even today advocates of an innocent U.S. history say to protesting Indians, "You still exist, don't you? You still have land, don't you?" The suggestion is that if there were crimes committed, they were just the unfortunate incidents of economic development of a country. Indeed, when Brazil was charged with genocide against the Indians in the Amazon region in the mid-1960s, representatives of the Brazilian government said to the world human rights organizations that there was no "malice" toward the Indians, and there was no "intent" to destroy them. And therefore there was no genocide. They even claimed ignorance, saying that they didn't know it was against any law to kill Indians. These are arguments accepted by many of the countries that make up the world investigative bodies.

In Vietnam and Cambodia, there has been the attempt by critics of the wars there to say that the United States committed genocide in those countries for political power in the region and the world, but the colonial answer is always the same: we didn't intend to extinguish an entire people. The defenders of the U.S. policy there attempt, often, to distinguish between the acts themselves, such as the massive bombings that destroyed entire ethnic communities, and the intentions of the United States, which was there to protect other groups in the region. If the intentions were noble, then genocide did not occur, and there is often a massive but bogus paper trail constructed for the benefit of apologetic historians. Quite possibly, in the modern context, the Nazis who frenetically documented their crimes in Germany, have offered a model of what *not* to do if you want to get away with your criminal acts.

In spite of many ambiguities, the Vietnam argument is especially significant to the indigenous peoples of North and South America because the concept of *ecocide,* the intentional destruction of the physical environment needed to sustain human health and life in a given geographical region, has now been accepted in the international arena as part of the analysis of the term *genocide.* Its continuation into the present era is in need of further analysis.

This policy of deliberate destruction of the environment and resources and the continuing theft of Indian lands, which is, unlike the physical destruction endured by the people, well documented and available to researchers, could well become a persuasive feature in the definition of historical genocide as it concerns native peoples.

Indeed, contemporary federal policy, current court litigations brought by the tribes in the last forty years since the tribes have acquired access to the federal court system, must have as their main focus the examination of history in the context of U.S. nationalistic movements. The Wounded Knee genocide must be restored to the memory of the United States, studies must be conducted and human rights commissions must be instructed to reject the neutral stand always taken with regard to the sufferings of the indigenous populations in the Americas. An exhaustive and complete list of atrocities must be compiled and a civilized international community must lead a movement toward land reform and economic and cultural restoration. The humane treatment of oppressed and indigenous populations everywhere can no longer be discarded or avoided.