Native American Nationalism and Nation Re-building

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CHAPTER 1

Building on Native Sovereignty

From Ethnic Membership to National Citizenship

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Membership has its “privileges,” but citizenship has its “duties” and “rights.” No one is ever called an “enrolled member of France.” I say not enough Indians are “citizens.”

—Scott Richard Lyons 2010, 171

In April 2014, thousands of people protested against the planned Keystone XL pipeline in Washington, D.C. Much about the protest was not unusual. What stood out, however, at least to the media, was the name of the organization behind the protests: the Cowboy and Indian Alliance. In many people’s eyes, cowboys and Indians are still supposed to be opposites. But in the West, and on the Great Plains, it has long been the case that Indians are cowboys, and that cowboys feel marginalized, as Indians do (e.g., Braun 2008; Iverson 1997; Wagoner 2002). As Zoltan Grossman has shown, cowboy and Indian alliances are nothing new (2003, 2005; see also Freedman 2007). Especially in the face of environmental threats, local people in the West and elsewhere have built bridges across cultural and ethnic differences to protect landscapes that are significant to all: “beginning in the 1970s, members of Native and rural white communities unexpectedly came together to protect the same natural resources from a perceived outside threat” (Grossman 2005, 21). Even forty years ago, however, I would argue that such alliances between local people were not absolutely unexpected from a local perspective, as local communities
had been living with each other for a long time (Braun 2013b). The success of such alliances, Grossman argues, can be measured beyond their immediate success against these threats: “The alliance can be successful if it sustains the relationships after its immediate environmental cause fades away. It can also be successful if it broadens relationships beyond environmental issues, to build more equal and stable political, economic, and cultural links between the communities” (2005, 24). I would like to take this one step further: we should not be surprised if communities, after coexisting for over a hundred years, find more commonalities between them than with other, nonlocal, communities, even if those are supposedly ethnically connected. Grossman is right when he writes that “Native/non-Native environmental alliances exemplify an interethnic movement constructed not around a common state citizenship but around a common ‘place membership.’ The symbolic frame of place membership is based on people living in a particular naturally or culturally significant place rather than within a particular political boundary” (2005, 25). This is undeniably true, but I would take it further. Living in a common place means to assign similar meanings to this location, and when people share meanings, they form a community—at least in relation to the domains in which they share meanings. As a general argument, theories of nationalism and ethnic genesis suggest that people who have built such symbolic frameworks around common places might develop a perception of social and political commonalities. What I would like to explore here is the possibility for a common political society, building on this, and whether it would be a positive development for American Indian nations and their sovereignty.

Sovereignty

Communities are sovereign when they control different aspects of their lives: cultural expression and meaning, ecological relations, political and economic decisions, their own histories, their organization, and so on. Sovereignty, more than simply a political state, is also a cultural, economic, and mental state of being. All of these aspects are interrelated; that is, a politically subjected nation is also economically and culturally dependent, and one that is culturally or economically subjected is equally politically dependent. These situations influence how people relate to the natural, social, and spiritual worlds.

Sovereignty has been a point of contention for Indigenous peoples in North America for as long as political groups existed on the conti-
Societies merged, split, traded, built alliances, sought help, and engaged in many other relations that defined and redefined the nature of their sovereignties. The arrival of Europeans, who progressively attempted to impose their political and cultural powers over those nations that were already established on the continent, did not initially change these dynamics, albeit introducing new variables in the form of new values and institutions. Each European power brought with it different notions of how to establish and maintain relationships with other nations, and each Native nation had its own ideas and practices, as well. Here, I am interested not so much in revisiting the histories of interaction—some of cooperation, some of genocide—that developed from the contacts among all of these cultures. Rather, I want to provide an analysis of the problem of true sovereignty for American Indian nations in the United States.

Native nations are still “domestic dependent nations,” as defined in the 1831 Supreme Court decision, *Cherokee Nation v. Georgia*, which means that they are inherently sovereign yet the federal government imposes its own sovereignty over theirs by assuming guardianship over its wards. In practice (if not in theory), ever since the last truly sovereign Native nations were forced to live on federally controlled reservations in the last decades of the nineteenth century, the situation of all American Indian societies is that of colonized nations. In a sense, one may contend that they are in part colonized by themselves, as they are also citizens of the United States. Exerting colonial and in general hegemonic power over others often puts them in such a double bind. Yet here I am interested in the relationship of American Indians as citizens of their own, separate nations.

To see American Indians as “citizens” of their own societies is obviously a viewpoint modeled on the concept of the liberal state. The idea of citizens, that is, interested members of a political unit, invested with categorical, not personal rights, is a hallmark of modernity, the relatively new idea—for Europeans, too—that legal and political rights should be depersonalized, independent of kinship relation, status, profession, or religion. Matthew Fletcher rightly points out that “American intervention into traditional indigenous communities had the effect of importing a form of the notion of the ‘consent of the governed’ into tribal governance. As a result, like people who are or can become American ‘citizens,’ individual Indians are or can become tribal ‘citizens’ or ‘members’” (2007, 104–105; quotes in original). In other words, this historical intervention has shaped Native American contemporary practices of citizenship or membership. That historical fact is clear. What is less clear, however, is that a citizen
and a member are not the same, and that there are consequences fol-
lowing from the categorization as a “tribal member” or a “tribal citizen.”

As Simone Poliandri points out in the Introduction to this volume, some indigenous thinkers, like Alfred, have argued that Native govern-
ment should rest on “traditional indigenous philosophies” (see also Lyons 2010, 170). The argumentations by Alfred and other “new traditionalists” (Lyons 2010, 132–146) build tightly controlled ethnic memberships that
manage “links between legal legitimacy and cultural authenticity by sug-
gest that those who are not members are excluded naturally and inevi-
tably because they are not authentic in the specific criteria of knowledge, practice, and identity on which specific criteria are based” (Barker 2011, 83). Such arguments might be antimodern if they also refute the concept of national sovereignty; it is impossible to speak of nations in the modern sense, however, without allowing that concept to intervene in traditional forms of belonging. If American Indian nations are sovereign and want to be recognized as sovereign nations, they need to exercise sovereignty as nations, and nations have citizens. Thus, the question I ask and attempt to answer here is: how can existent sovereignty (based on membership) be enhanced to achieve and practice true sovereignty (based on citizenship)?

A truly sovereign nation needs to have enough cultural, political, and economic power to take independent decisions on critical issues, as well as to define its own path in this interrelated world. It decides on the state of emergency (Schmitt 1993, 13). Liberal systems, such as the so-called free markets, often replace political control (obvious public control) with economic control (hidden, indirect control over discourses that in turn dominate political choices). Economic control is not a less invasive, less consequential, or more benevolent form of power, however; ultimately, as a form of power, it too is political. The 1976 Report on Reservation and Resource Development and Protection by the American Indian Policy Review Committee affirmed this: “It is impossible to attain economic self-sufficiency and political self-determination in a system which perpetuates economic dependence” (2). This was a revolutionary statement, and as such was largely ignored in the discussions over reforms of American Indian policy. It showed clearly that regaining true political or economic sovereignty is impossible for American Indian nations within the present system. On a broader level, all aspects of Native sovereignty are made impossible to achieve. To achieve true sovereignty, and this is what makes the statement revolutionary, the system needs to be broken.

Projects to address self-sufficiency and self-determination on Amer-
ican Indian reservations have ultimately failed because they either cannot
work outside the existing system or because they approach singular issues, such as economics, politics, or what passes for culture, as independent variables instead of as an interrelated whole. To regain sovereignty in the sense of empowering communities to define their own relationships with their social, natural, and spiritual environments, a holistic solution is needed, one that addresses the state of the nation as a whole: political control, a cultural (that is, symbolic) interpretation of the world, and economic self-sufficiency. Here, I focus mostly on political and economic factors, with the clear understanding that both politics and economics are cultural expressions: they cannot exist outside cultural meaning. While I assume that politics and economics are interrelated, thus using a Marxist perspective to approach the problem, such a perspective makes sense only when discussed within a cultural framework of holistic liberation (see Wuttunee 2004). This means that I am arguing, as I have done elsewhere (Braun 2008), for the centrality of culture as the foundation of any community development project. Poor communities have a poor likelihood of maintaining “cultural integrity,” as Smith writes (2000, 15); they also have a poor likelihood of maintaining sovereignty. The poor, however, as Leonardo Boff writes, “are not simply those who do not have: they do have. They have culture, ability to work, to work together, to get organized, and to struggle. Only when the poor trust in their own potential, and when the poor opt for others who are poor, are conditions created for genuine liberation” (1997, 108; italics in original).

I start this chapter by laying out the problem in the broadest terms. I define the fundamental problem to be overcome as a system of interconnected economic, cultural, political, and geographic peripheries. This system of marginalization extends beyond Indian Country and renders rural people and places in general marginal, but it has its largest impact on rural Indian reservations. Economic marginality might be the most visible consequence, but poverty is connected to a devalorization of culture, history, and sovereignty. I then briefly provide a sketch of historical “solutions,” attempts that focused on the integration of American Indians into the American mainstream. These attempts at erasing cultural, political, and economic sovereignty resulted in experiences of deeper alienation by Native communities and made the rebuilding of sovereign nations that much more difficult. Finally, I propose a potential alternative solution for the building of communities, the resurrection of sovereignty, and the improvement of community well-being. I emphasize potential: I see this proposal as the opening of a discourse, not as a definitive blueprint. However, open dialogue and the weighing of alternative ideas seem to
me necessary parts of any creative solution to poverty, oppression, and marginalization, as well as critical strategies to challenge the existing economic-political systems.

The Problem: Land, Economics, and Sovereignty

Economic and political situations and interests vary greatly among Indigenous groups across North America and, specifically, within the United States. It is fair to say that all Native nations’ sovereignty has been heavily affected by the alienation of lands. Land not only affects political territory and economic production, but also cultural interpretation, as it is a direct expression of the history of the nation. This is so for indigenous and nonindigenous societies (Thornton 2008, 7). After all, strip malls and exurbia also are an expression and a consequence of relations to land. However, there are currently, and there have always been, large differences between Native societies in their economic and political interests. On the one hand, some American Indian nations have created an economic and political base as capitalist controllers over wealth transactions that are not tied to land but take place in the collective imagination of what used to be called bourgeois parlors. These are, for example, those who have built thriving economies on on- and off-reservation tribal gaming operations. The top five percent of tribal casinos generate around forty percent of all revenues created by Native casino operations, and the top seventeen percent generate around seventy percent (National Indian Gaming Commission 2011). This economic wealth does not automatically translate into political or cultural sovereignty, but these nations are trying to achieve at least the latter to some degree (Lawlor 2006), and many have successfully converted economic influence into considerable political power, at least regionally. On the other hand, there are nations that are still directly dependent on the land for both sovereignty and economy, so that the historic and current alienation of land remains among the most pressing intellectual, cultural, political, and economical issues they are facing. In this, they are not too different from their non-Native neighbors; in fact, it is the need to compete over limited resources to amend the difficulties brought about by alienation that often leads to conflict between them. This need to compete is systemic and ingrained in the differences created by the state between so-called ethnic groups, which are also often themselves a creation of hegemonic power.
It is on the latter group of American Indian nations that I focus my analysis. In particular, I will focus on the northern plains—because I am most familiar with this region and because many of the issues addressed are most vividly present in this area. Most Indigenous nations in the northern plains do live on often quite large reservations; most are economically depressed; and most are affected by the consequences of historic allotment policies, which have created checkerboarded reservations and contributed to problems stemming from the fractionation of the remaining trust lands (see Ruppel 2008). Thus, while these nations control some land, consequences of historical policies render this control extremely problematic, as it is almost impossible to exercise true sovereignty over both territory and economic production or to translate this control, as it exists, into meaningful sovereignty.

The political and legal frameworks in place are both hindering and supporting Native sovereignty in this situation. Trust lands—those lands that are owned either by individual American Indian citizens or by their national governments but whose titles are held in trust for their owners by the federal government—serve as an example. Trust status prevents owners from exercising truly sovereign decisions over their land. Because owners do not hold titles, the land cannot be sold or put up as collateral for a loan without permission from the federal government. Still, trust lands are those lands, generally speaking, over which tribal governments exercise sovereignty, and it is the trust status that historically often ensured the survival of a national territory for American Indian nations. The federal government is, on the one hand, a colonial agency and, on the other hand, the guarantor of tribes’ sovereign rights. It has diminished and is diminishing sovereignty, yet it has also upheld it. Rather than simply rejecting the existing relationships with the federal government, I agree with Stacy Leeds, who “encourages tribes to utilize the Anglo-American legal tools to the tribes’ advantage in restoring the tribal land base” (2004, 828), and, I would argue, tribal sovereignty. Because Leeds limited the tribes’ goal to restoring the land base, her analysis focused on property law. Yet to restore sovereignty, a nation needs more than territory, and so my approach looks for a broader solution.

The system that perpetuates economic and political dependence on the plains is based on industrial, capitalist agriculture and the idea that ownership and control are disconnected from personal and material relations. It was the concept of alienated ownership and control that “has subjected the country to the rule of the towns” (Marx and Engels 1906,
Alienated ownership has been at the core of increasing rural oppression for centuries. It has also been at the core of establishing divisions and competition between the oppressed so that the elites are allowed to expand their control unfettered. While in America it is often only the American Indian reservations that can be seen in this perspective and are characterized as “Third World” islands in one of the richest countries in the world, the political and economic dependency affects off-reservation, non-Native rural counties as well. This has become much clearer with the latest economic depression, which has demonstrated how one of the wealthiest countries in the world might at the same time be a part of what used to be called the Third World (Maharidge 2013). Although there are differences in social health indicators between Indian reservations and their rural neighbors on the plains, both Indians and their non-Native neighbors are subjected to the same systemic oppression (Brown and Swanson 2003; Davidson 1990; Duncan 1992; Edmondson 2003).

The differences between reservations and the neighboring counties stem, on the one hand, from the limitations to and protections from rampant capitalism that federal Indian policies entail. Tribal governments (which are supposed to be sovereign entities), American Indian societies (which are supposed to be culturally different), and Native national economies (which are supposed to operate differently from those of the states in which they are located) exist in an almost schizophrenic negotiation between the active encouragement to partake in American free market ideology and a paternalistic protectionism that prohibits the full participation in this economy. As briefly explained above, American Indian national territories have been diminished through allotment, but saved through trust land status, for example. On rural reservations, a growing number of landless people live in small areas of high population density and are largely prevented from finding jobs. Off reservation, the industrialization of rural agriculture has led to the economic success of the few, often absent, landowners and the forced outmigration or continued impoverishment of those who have lost their lands and share the often seasonal, underpaid jobs. In reservation communities, the difference between supposed cultural connection to the land and the reality of living in postindustrial environments without meaningful employment opportunities is magnified. Non-Native people do not consider their homes a national homeland, although their emotional attachment to the land cannot be underestimated, either. However, such an attachment to land is not highly valued by their national culture and society, except sometimes as a mythical ideal, an imagined repository of
the nation’s past. Reservation lands, on the other hand, represent American Indian nations’ futures.

The economies of non-Indian communities do not represent national economies. Their shortfalls can be made up elsewhere; their population is, at least theoretically, easily integrated into other regional economies; their place within the national society is peripheral, not central. This, of course, contributes to their relative neglect. Such national neglect is amplified for rural areas where American Indians live. Reservations, which have been underdeveloped for at least a century now, are dependent on the surrounding towns for services, so that their national economies are constantly bleeding resources to the outside. Reservations are the country that is dependent on the country that is dependent on the towns—they are the periphery of the periphery. Mary Lawlor framed the situation as follows:

Native America has come to live beside mainstream American modernity, feeling its effects, framed by its institutional and political structures, but rarely imbued with means to reproduce its wealth. Without this deeper inscription in the modern European American state, tribes continue to exist apart, sustaining a familiarity with the modern as well as certain means of addressing it; but the lack of hegemony has meant that difference itself has been ineluctably sustained. (2006, 27)

This description rings true for most Americans today, who are increasingly joining the ranks of those excluded from the opportunity to reproduce the wealth of “American modernity.” It might actually be time to redefine the meaning of the term, to strip it of its association with wealth, well-being, and care-free life. However, this alienation from wealth, power, and health is still more true of “minority” populations in general and Plains Indians in specific.

Failed Solutions: Ethnification, De-nationalization, and De-territorialization

Historically, the attempted solution to the economic problems experienced by Plains Indians has been to integrate them into the “modern European American state.” The United States, like any other modern liberal state, has not been ready to give up political, economic, or cultural control within the territory it claims for itself. The purported solution has
been to integrate Native Americans into the American mainstream—to de-nationalize them as members of Indigenous nations, but at the same time re-nationalize them as Americans. The two most serious attempts at this were the allotment policies and the Termination policies, one in the context of industrial agriculture, the other in the context of the post-WWII growth in industrial manufacturing. On a larger scale, from the 1819 Civilization Fund Act to the Carlisle Indian Industrial School of the late nineteenth century to recent Supreme Court decisions on federal Indian policies, this strategy and the intent have stayed the same. Forced assimilation and “civilization” might not be the advocated goal, anymore, but American Indian nations and people are still expected to eventually fit into the political, cultural, social, and economic system constructed by the United States. In this sense, that system remains the model for “development,” not simply a potential alternative. The solution sought is still cultural integration. The opposition to the existing system, on the other hand, is simply its mirror image if it simply advocates for cultural segregation.

These solutions, in part because they were and still are sought within “a system which perpetuates economic dependence” (American Indian Policy Review Committee 1976, 2), have not been of help to anybody except the existing elites, nonindigenous and indigenous. The status quo has therefore remained the same and has arguably been strengthened. The imagined process of creating a new American society out of many nations has always been hampered by the fact that the new society was never absolutely new, but modeled after one or two of these preexisting cultures, which thereby also acquired status and prestige as upper classes. This was true for policies of open assimilation; it remains true for this age of “diversity.” “Others” have to imitate, acculturate, and assimilate, which means in practice that they assumed inferior positions in the political, cultural, and economic hierarchies (Bell and Hartmann 2007).

In addition to these processes undergone and undertaken by “minorities,” however, the de-nationalization of American Indians still goes hand in hand with their literal—not only their metaphorical—de-territorialization. This was necessary because Indigenous people were integrated into the American state not as individuals from a specific society, but collectively, with their societies intact. A complete integration thus always depended on the breaking apart of these societies and their territories. The social, economic, and political individualization of American Indians was not only a requisite for their integration into the capitalist culture, but also a requirement for the demise of their status as existing
and competing nations. Restricting Native American nations’ sovereignty has not been limited to the integration of American Indians into the American mainstream. The limitation of legal sovereignty at the federal level, perhaps because it was never completed, has been accompanied by a strategy of ethnification. American Indians have been made to appear as simply another “ethnic group.” As an ethnic group, they are not citizens of nations, but simply another colorful mosaic stone in the famed American diversity. Their legal diversity can thus be ignored while, at the same time, their cultural diversity can be celebrated after having been reduced to harmless elements like food, dance, and music. Once this is accomplished, their claims on their legal rights can be portrayed as the behavior of an ethnicity that unfairly tries to gain a leg up on the majority of hardworking Americans of other ethnicities. Creating and sustaining ethnic conflicts rests on confusing cultural, ethnic, and political identities. This has a long history in American Indian affairs, where certain “American” values, such as individualism, thriftiness, rationality, and Christianity, were used in the late eighteenth and early nineteenth centuries to create divisions between so-called full-bloods and mixed-bloods (Biolsi 1995).

More recent events suggest that this strategy is still actively pursued in and beyond American Indian affairs. The State of Arizona, for example, passed HB 2281 in 2010, which prohibits the teaching of courses that, among other things, “promote resentment toward a race or class of people,” that “are designed primarily for pupils of a particular ethnic group,” and that “advocate ethnic solidarity instead of the treatment of pupils as individuals.” However, the law explicitly allows “the grouping of pupils according to academic performance, including capability in the English language, that may result in a disparate impact by ethnicity.” In practice, then, because English proficiency, even outside of English classes, is defined as part of a student’s academic performance, the law allows ethnic segregation. However, it threatens to shut down courses that “advocate ethnic solidarity.” Ethnic solidarity is fine as long as it is supporting those who supposedly have the right values, namely those who speak English and who value individualism. The law supports a two-tiered education system based on language, and it also makes sure that cultural belonging and individualism are put in opposition to each other. Furthermore, it implies that ethnic solidarity—or perhaps cultural knowledge—is equated with political sedition. The fact that this last point, although politically adept, is irrational should be obvious to anybody who thinks about culture in a nonfundamentalist way. As Terry Eagleton has pointed out, “culture is not inherently political at all” (2000, 122). Culture, he contended,
“becomes political only when [it is] caught up in a process of domination and resistance—when these otherwise innocuous matters are turned for one reason or another into terrains of struggle” (122–123). Thus, culture is political when it is politicized. Speaking Spanish is not a political issue unless it is made one. Including Mexican fighters at the Alamo or ignoring them and only remembering Davy Crockett and Jim Bowie, as in recent proposals for the Texas curriculum, or implying that teaching Ethnic Studies is teaching sedition, creates ethnic politics because it makes culture into a political issue. It creates ethnic differences and takes them to mirror political loyalties.

Another strategy of ethnification is based on the opposite approach. Instead of ascribing political importance to essentialized cultural values—that is, to declare certain constructed ethnicities non-American—it disputes that legal rights are held by certain special groups, recognizing everybody simply as American. This strategy of (de)ethnification can be used to dispute the inherent sovereignty and special legal status of American Indians. For example, it led the Chief Justice of the Supreme Court of the United States to pretend to not understand the fundamental difference between Italian ethnicity and inherently sovereign American Indian political identity and its legal (and sovereign) implications; or, if he did understand the difference as he assured, then completely ignoring it. The following exchange between Chief Justice Roberts and Mr. Frederick, the legal representative of the Respondents, which appears in the transcript of Plains Commerce Bank v. Long Family Land and Cattle, Inc., et al. (2008, 32–35), illustrates this point.

CHIEF JUSTICE ROBERTS: One of the points you mentioned earlier is that this is an Indian corporation, and that’s a concept I don’t understand. If Justices Scalia and Alito form a corporation, is that an Italian corporation? (Laughter.)

MR. FREDERICK: I would like to beg the indulgence of the Court in not answering that question specifically. (Laughter.) My point . . .

JUSTICE SCALIA: And do we get special loan guarantees? (Laughter.)

CHIEF JUSTICE ROBERTS: How would a normal—I guess a non-Indian or non-Italian or non-Irish—corporation dealing
with the Long Family Land and Cattle Company know that it was an Indian corporation . . .

MR. FREDERICK: Well, I . . .

CHIEF JUSTICE ROBERTS: . . . putting apart the particulars in this case?

MR. FREDERICK: The difference here, Mr. Chief Justice, is that the bank required BIA loan guarantees as a condition of making the loans.

CHIEF JUSTICE ROBERTS: I'm asking you about: In a general case, let's say they don't require BIA loan guarantees. They require, just as in this case, collateral.

MR. FREDERICK: They did not. They required more, and that's the important point. The facts actually matter.

CHIEF JUSTICE ROBERTS: Well, I am sure the facts here matter. I have a hypothetical question.

This almost poetic exchange shows clearly how American Indians are being constructed as simply another ethnic group. They are here repeatedly compared to other ethnicities, namely Italian and Irish, which are portrayed as not “normal.” Then, the facts that would prove their sovereign status are ignored in favor of a hypothetical case. Without context, being American Indian seems to mean the same as being Irish(-American), namely a cultural affiliation, when the point of the matter is exactly that American Indian status has legal implications. Here, the cultural, legal, and political meanings of being Indian are confused, and end up being presented as a codified ethnic affiliation not different from those of other minorities. In this way, the legal status of American Indian sovereign nations can be ignored.

Such ethnification can also be used to further so-called “ethnic conflict” by inducing ignorance of legal frameworks and history. As V.P. Gagnon pointed out in the context of Yugoslavia, “ethnic conflict” is often the consequence of elites trying to conserve their status by creating competition between groups. “The key in politics,” Gagnon said, “is to make certain identities more relevant than others, and others irrelevant
to politics; and to impute very particular meanings to the relevant ones, meanings that seem to lead ‘naturally’ to particular policies or outcomes” (2004, 26; quotes in original). On the Plains, those in power in the current system, which relies on the primacy of ethnic distinctions—including Indigenous elites and, to a degree, ourselves in academia—have a vested interest in making “rural” identities irrelevant and instead making “white” and “Indian” identities relevant; in other words, we select certain constructed ethnic boundaries over others, although the community experiences might not do so (Braun 2013a). If these ethnic identities are ascribed meanings that transcend all others, then shared economic, political, environmental, and social interests can be made to disappear. The resulting competition over limited resources will further undermine the visibility and voice of cross-ethnic interests that might prove unsettling to the status quo.

The proposal to reverse national policies and hegemonies is not new. The Alcatraz Declaration, issued during the occupation of Alcatraz Island by Indians of All Tribes from 1969 to 1971, imagined a reversal of fortunes and policies that has stricken many people as ironic. I propose that to liberate Native peoples, we need to get beyond irony and beyond a simple reversion. The image of a Bureau of Caucasian Affairs is ironic in part because we do not accept its possible actualization. For American Indians to gain sovereignty, the possibility of Native nations taking actions as sovereign governments—action that affects and impacts all people within their territories, not only a specific ethnic group—has to become real. A Bureau of Caucasian Affairs would simply reverse the policies. The creation of non-Indians living under the powers of tribal governments as colonized peoples might be tempting as poetically just, yet a simple reversal of oppression would not solve the problem.

A Real Solution: Achieving Sovereignty

All elites are profiting from the existing system, which is why it is being perpetuated. Some American Indian elites—tribal politicians, influential ethno-political leaders, and cultural representatives, for example—are profiting, too: internally by thriving on politics of identity, and externally by preserving ethnic status. However, the persistence of this system is at the same time of great disadvantage to Native communities, as the continued social disparities to their neighboring communities show. The same system that creates political opportunities through ethnic difference
uses that same ethnic difference to sustain economic competition that leads to hardened ethnic conflict—jealousy over seemingly unfounded favoritism, sustained racism, and infighting over limited resources. If rural Indian reservations on the plains are to achieve sovereignty and economic well-being, this status quo must be changed. Paradoxically, this can only happen through acts of sovereignty, Native Acts (Barker 2011). In fact, for American Indians to regain sovereignty, changing the system needs to be an extension of American Indian sovereignty. “To be genuine, liberation must not only remain comprehensive in scope,” wrote Leonardo Boff, “but it must also and primarily be achieved by the poor themselves” (1997, 108). The problem is, of course, that while American Indian nations are inherently sovereign, in what former Supreme Court Justice John Marshall called the “actual state of things” (Worcester v. Georgia 1832) their sovereignty has become more and more limited through consecutive treaties, acts of Congress, and in recent years, the increasingly narrow interpretation of federal Indian law by the Supreme Court. Changing the system thus requires finding the niche in which Indigenous nations can exert enough sovereignty in ways that will change the system in their favor. I do not see how unilaterally rescinding from treaties, for example, would be in their favor, as without treaties the United States could simply declare the Native nations nonexistent and rescind even their theoretical sovereignty.

The one area in which federal courts have consistently argued that American Indian nations retain almost complete sovereignty is the decision over who is and who is not a citizen of a Native nation. As the Supreme Court ruled in Santa Clara Pueblo v. Martinez (1978), and as has been reiterated since, for example, by the United States Court of Appeals, Ninth Circuit in Lewis v. Norton (2005), this decision belongs to a Native nation alone. Therefore, American Indian nations can impose their own restrictions on citizenship. As the Tenth Circuit Court of Appeals has stated unequivocally in Ordinance 59 Association v. Babbitt (1998), “tribes, not the federal government, retain authority to determine tribal membership.” Apart from these rulings, the Ninth Circuit Court of Appeals has decided a series of court cases over what constitutes “Indian status.” In US v. Bruce (2005), the court stated that Indian status relies on both “the degree of Indian blood; and tribal or government recognition as an Indian.” However, the court also cautioned that while “[t]he first prong requires ancestry living in America before the European arrived . . . this fact is obviously rarely provable as such.” The second prong “probes whether the Native American has a sufficient non-racial link to a formerly [sic!] sovereign people”; tribal enrollment is of primary importance here.
In US v. Maggi and Mann (2010), the court again stated that Indian status is based on both “the presence of some Indian blood indicating tribal ancestry; and tribal or government recognition as an Indian.” The court explicitly did “not decide the novel question whether [somebody’s] blood degree is adequate.” Instead, it decided that Maggi and Mann, despite having Indian blood, were not enrolled members of a federally recognized tribe, and therefore were not Indian.

What these cases show is that, theoretically, both ancestry and citizenship are considered in determining official Indian identity, but because in practice ancestry is impossible to prove, the emphasis in determining Indian status lies greatly on citizenship in a federally recognized tribe. Once a person is recognized as a citizen of a tribe by that community, that person has, for all intents and purposes, status as an Indian, and his or her biological ancestry cannot be challenged in practice. As Fletcher (2008) demonstrates, the understanding of the status of American Indian nations by the federal government is, and has always been, based on political, not racial categorizations (although in practice, the racial categorization is pervasive) (Fletcher 2012–2013). Joseph Kalt has written that “one of the most fundamental acts of sovereignty is each Native nation, itself, coming to grips with the question [of citizenship criteria]. . . . The pressing challenge for Native nations is to push the boundaries of sovereignty by devising criteria of their own” (2007, 85). Determining who is and who is not a member of a community, a citizen of a nation, is indeed perhaps the most fundamental expression of sovereignty; this has been rightly recognized by the American courts in the decisions mentioned. In the American Indian case, this decision—in part because it is potentially and actually tied to land ownership and land status, and therefore to the territorial expression and enactment of sovereignty—is also a way to break the system of dependency.

Citizenship in a Native nation is tied to land because it involves the possibility that the federal government assumes responsibilities for land as trust land, and that land is under the sovereign control of the Native national government. Although federal agencies and courts have been trying to weaken the legal status of trust lands, the legal principles of trust lands stand just as much as tribes have sovereignty in deciding their citizenship criteria. Tribal sovereignty is connected to trust lands because Native nations have sovereignty over Indian lands, and trust land is unquestionably Indian land. Thus, as tribes expand or lose trust lands, their sovereignty expands or contracts as a consequence. With sovereignty, tribes also increase or reduce their economic self-sufficiency because they, as sovereign nations, can levy taxes on lands in their sovereign domain.
I propose that a way to fight the perception that American Indians are an ethnic group, to re-expand their land base, and to exert sovereignty in a meaningful way, is that Indigenous nations assimilate Americans into their own sovereign entities by changing the basis of membership criteria from ethnicity to citizenship. As Matthew Fletcher argues,

Indian tribes must evolve into Indian nations. I mean “nation” to mean a legal entity with membership criteria at least somewhat broader than the purely race and ancestry based rules now in place. In other words, I would include at least some non-Indians in the mass of tribal people. It’s not such a foreign concept to Indian communities, as that is how it was done historically, and it could be done carefully to preserve the best aspects of tribalism, and therefore Indian culture. (2012–2013, 12)³

The young Maori man who walked with Daniel Rosenblatt (2005, 111) was on to something when he said, “Maybe, after a while, if people keep marrying each other, then everyone in New Zealand will have some Maori blood, and that’s when we’ll have Maori sovereignty.” The integration of Americans into American Indian nations would challenge the hegemonic view that only the opposite is possible and has the potential to break the system. This is, as McDougall wrote, a vision “of a kind of sovereignty based not on the right to exclude foreign others but on the right to include them” (2005, 105). I doubt that this vision is “distinctly Pacific,” however—it is simply the application of citizenship. While assimilation policies rested on the need to erase ethnicity, termination policies—at least theoretically, if they could be seen as distinct from assimilation—rested exactly on this kind of sovereignty, and so do any citizenship ceremonies. For American Indian nations to adopt this kind of sovereignty, then, would mark them as a liberal state among other liberal states and simultaneously unmark them as an ethnic group. Reversing termination policies into their opposite, American Indian nations could define parts of the state out of existence in some regions. Their territories could be consolidated in a meaningful way, while competing political organizations, such as counties, would be rendered meaningless.

As is the case in all liberal states, citizenship criteria would of course have to include knowledge of and loyalty to the national laws and history. Clearly, the nation will be and remain American Indian. Previously nonenrolled individuals who become citizens of the nation would legally become Indians in the act of acquiring citizenship, just like people who
gain American citizenship become Americans. Giving local communities
the power to confer citizenship will protect the nation against “wannabes”
and ensure that it can build into a cohesive whole. The scope of consid-
erations about tribal membership, wrote Kalt, “mirrors those found in
citizenship standards and procedures of nations such as the United States,
where the granting of citizenship commonly entails issues of where and
to whom one was born, demonstrating potential for positive economic
contribution, learning the basics of national history, pledging loyalty, and
residency” (2007, 85). Of primary importance, I would argue, are the last
four criteria. American Indian nations might want to offer citizenship first
to those local people who already live on reservation lands, are integrated
into the tribal economy, and are at least familiar with the nation’s cultural,
social, and political issues. In this way, Native nations could expand their
sovereignty, enhance their economic self-sufficiency, and create a larger
political interest group to counter outside interests. Imagining a com-
munity, a group, a nation in a style that includes those who agree with certain
fundamental rules and share a common economic and political interest
toward the outside is also the traditional way of imagining communities
by most Indigenous peoples in North America, where kinship relations
were not merely tied to biology. A community, and ultimately a nation,
consists of those who take an interest in it and actively participate in it
for the good of the community.

Building New Communities

As Matthew Fletcher has written, the acceptance of citizenship criteria
instead of ethnic membership “may not be palatable for a host of reasons.
First, the federal government, from Congress to the executive branch to
the federal judiciary, might not be ready for such a radical change in
how the United States deals with Indian nations. Second, Indian nations
might not be ready for this change, either” (2011, 324). Despite the fact
that many American Indian nations do accept ethnically non-Indians as
members (Fletcher 2011, 324–325; 2012–2013, 14), the currently popu-
larly accepted position on Native identity is definitely that in order to
be an enrolled member of a tribe, one needs to be ethnically Native. It
is often claimed that Indigenous people face the threat of a dual extinc-
tion: blood quantum rules, on one hand, and the appropriation of their
identity by people without Indigenous ancestry, on the other. In order
to protect against the second, many people accept the first. Some—and
ironically the federal government, as well as many of those who see blood quantum rules as a tool of genocide—might object to the proposal of building Native nations based on true citizenship, rather than ethnicity, on the grounds that it opens the doors to citizens without ancestral ties.

Although this is true, it only matters if we assume that ancestry in some way determines culture and culture in some way determines political loyalty. “Native American” is officially already a legal, not a racial or cultural category. Thus, expanding its reach thus would not fundamentally alter its nature. The fear of somewhat diluting a national identity by allowing others to join can be put at rest by clearing up two key points. First, as mentioned above, the community of the nation always restricts citizenship according to some criteria and retains the power to approve or disapprove the inclusion of new members. Second, no community is “pure” or homogeneous in terms of culture or ancestry. As Benedict Anderson has explained, “all communities larger than primordial villages of face-to-face contact (and perhaps even these) are imagined. Communities are to be distinguished, not by their falsity/genuineness, but by the style in which they are imagined” (1991, 6). Re-imagining community and rendering meaningless ethnic conflicts used to keep elites in power and others in economic and political dependency would contribute to the empowerment of those currently oppressed (see also Barker 2011).

Oppression and exclusion of Indigenous groups, as Manuhuia Bar- cham has pointed out in the Maori context, is based on the “inability of current political and judicial frameworks to recognize the legitimacy of difference not predicated upon the maintenance of a prior identity” (2000, 138). In other words, cultures change, and a continued imagination of cultures as they were a hundred years or longer ago is to delegitimize societies. Eva Marie Garroutte wrote that Elizabeth “Cook-Lynn's analysis suggests that the embrace of a biological (or any other) definition of identity over whatever legal definitions a tribe elects to apply is an insult to tribal sovereignty” (2003, 57; parentheses in original). Thus, the expansion of tribal sovereignty through legal citizenship rather than biological ancestry would not only increase the political and economic reach of tribal nations, but also mark their true nature as inherently sovereign entities.

Citizenship as the formal recognition of a nationality is not tied to ethnic criteria, although the actual political situation in many countries creates second class citizens. Those who do confer all or some privileges of citizenship only to individuals of a particular ethnicity are criticized by the international community. The rule is that anybody can become a citizen of a state. The potential citizen may need to fulfill certain requirements
of political assimilation and will need to be loyal to the laws and constitution of the state; yet in principle the modern, liberal state does not operate on ethnic difference. In fact, it overrides ethnic diversity through citizenship, although one might not think so when fundamentalists affirm that no religion other than Christianity or no language other than English should exist in a given state. This, however, is the result of the confusion between ethnicity and nationality stemming from the double meaning of “nation” in the “nation-state.” It is the insistence on ancestry—on kinship as a biological instead of a social relation—as a criterion for citizenship as well as for cultural belonging that creates oppressive and homogenizing nation-states.

When discussing identity politics in Africa, Patrick Chabal wrote that the problem of identity divisions “is twofold. First, there is disagreement about who is the original native in the region. Criteria based on chronological history clash with those of control and labour—that is, groups that may have come later but that have invested and transformed the area. Second, the dominant local group expects its party to prevail in the game of representation” (2009, 61). This statement, which can be easily applied to North America, illustrates how the questions of asserting residential primacy and achieving ethnic dominance are related. Both need to be overcome in order to achieve success in community building, but paradoxically, they can only be overcome by building community. The introduction of Native citizenship and its extension to qualified reservation residents could partially overcome these two problems. In fact, the political importance of being “the original native” exists mainly because it is translated into an argument over scarce resources: money, land, political voice, interest, and sympathy. Competition over resources lends itself to and furthers ethnic politics; by supporting ethnic differences, the elites who control and allocate the resources do not have to act responsible but can simply point to, imply, or blame the scapegoat of the Other. The resulting competition creates resource envy across ethnic lines and often manifests itself in racism. Eliminating parts of these hard ethnic boundaries would force the partial abandonment of such arguments. An emphasis on citizenship instead of ethnicity is but a small part in eliminating how people think about each other, but it creates an official signal. At least in local communities, it might result in the perception of a fairer distribution of resources and, as a consequence, dissipate resource envy.

Citizenship in Native nations is not a magic wand, and simply offering citizenship in Native nations does not by itself build communities. In fact, there are no magic wands in community building. This process
would take years and would have to be an ongoing effort, as Oliver-Smith makes clear. He writes,

The kind of community that sustains individual and group life, never perfectly, is not a finely tuned mechanism or a well-balanced organism, but rather a complex, interactive, ingoing process composed of innumerable variables subject to the conscious and unconscious motives of its members. The idea that such a process could be the outcome of planning is ambitious, to say the least. (2005, 56)

However, breaking the official and officious statements about and practices of ethnic identity politics would remove one artificial, political obstacle that stands in the way of successful social and economic communities. The elimination of the rhetoric of ethnic politics helps to build common communities, which rely on the realization and acknowledgment of lived commonalities across limited and constructed ethnic boundaries, and the ability and willingness to compromise. Existing, practical relationships need to be strengthened through symbolic relations, and new relationships need to be built throughout and across communities before these merge into new tribal national communities. These symbolic relationships could also serve the newly formed tribal national communities in practical ways. For instance, an inclusive national service for youth, engaging young people in work in range improvements, environmental services, health care settings, community restoration, and communal gardening would bring different people from the new national community together and, at the same time, could be used to train them in applicable skills, build community projects, install pride in communities, and mark the sovereignty of the nation to the outside and inside.

Overcoming the Obstacles of Ethnified Identity and Culture

Ethnic identity, which embodies the politicization of culture, originates out of a struggle for survival that is very real for the people involved. If some people fear that their ethnic identities would be compromised, they cannot be ignored, overruled, or ridiculed. But these fears can and should be addressed, in part because ethnic markers, especially when reacting to external expectations, too often are likely to hurt communities
and misrepresent realities. “The paradoxical imperative,” Mikael Kurkiala wrote, “is this: In order to resist encompassment the Oglala must unite under the very label by which they are encompassed in the dominant structure, and they must perpetuate that external definition of themselves by evoking traditional concepts of grouphood” (1997, 233). The discourse “of Native legal status and rights in U.S. politics,” writes Joanne Barker, “has made Native rights contingent on a particular kind of Native: a Native in or of an authentic culture and identity. . . . authentic only if absent of Christianity and science, recognizable only if possessing identities and truths beyond colonial and imperial history and politics” (2011, 223). To paraphrase Niezen, once that happens, culture “is expressed in the form of the publicly exhibited artefact” (2009, 47) and authenticity is measured by “a sanitized Paleolithic ideal” (87). These expectations that go to the heart of being will never allow for true liberation and sovereignty. It needs to be challenged by showing that encompassing others in one’s nation does not mean that one’s culture or society will be encompassed in return. Strict identity boundaries can be relaxed and redefined once the threat to personal, cultural, or political survival is weakened and the agency and confidence to encompass others (without the fear of being the victim of encompassment) is regained.

In terms of ethnic identity, there seem to exist different threat levels for different groups within American Indian societies, and presumably all societies, depending on how secure people feel in their cultural identity (Braun 2008, 76–80). This reflects the general hypothesis that the more secure people are in their cultural identity, the less difficulty they have to accept people with other cultural identities as neighbors, immigrants, or co-citizens. Kurkiala wrote,

Those individuals who at a later stage in their lives try to ‘become’ Indian, of necessity approach that identity as an object, a desired state, which they wish to appropriate and embody. Objectification, then, is a symptom of distance and discontinuity. Those individuals who are socialized in a Lakota setting, such as rural Pine Ridge, to a larger extent take their identities for granted and are less inclined to manifest it [sic] either verbally or symbolically. . . . It seems as if those on Pine Ridge who feel that their Lakota culture is most threatened are the ones most likely to hold the most exclusive interpretations of lakotaness. They are the ones most preoccupied with drawing boundaries around the ‘purity’ of Lakota identity and tradition
and with defending those boundaries from ‘outsiders.’ (1997, 231–232; quotes in original)

Theresa DeLeane O’Neill (1996, 67, 151) and Loretta Fowler (1987, 141–183) support the idea that insecurity in one’s own cultural identity leads to both the drawing of rigid ethnic boundaries and a strict definition of culture. The idea that the ethnification of identity is not only diverging from historic ways of assigning and assuming identity, but also weakening identity overall, might be paradoxical at first. But it makes sense that people who grow up living a culture have fewer needs to patrol the expressive markers of ethnic identity. They are more secure in their culture and do not have to define themselves by living according to or defining themselves by ethnic markers. It is no coincidence that in Jackie Grey’s chapter in this volume, it is Anne—rooted in the community, its history, and its (encompassing) culture, and not threatened by the settlement—who argues that the Aquinnah Wampanoags will continue its leadership in the larger community as an integral culture. I would argue that it is not just the “connection to a Wampanoag past,” however, that mediated her fear, but fundamentally the connection to a lived Wampanoag present that gave her confidence that there would be a Wampanoag future, whether that included nontribal residents in the community or not.

Many people in communities on reservations already have and live across these boundaries; they, like their non-Indian neighbors, are ranchers, members of the same social clubs, dependent on the same climatic conditions and commodity prices, members of the same congregations, and neighbors in the same communities. They still live their own cultures (see Braun 2008, 85–89), but they live them in daily interactions with their neighbors, with whom they share certain values and experiences. It is important to remember that the correlation between ethnic identity and national group is a relatively new one for Native societies, and one that has arguably been imposed on American Indian groups by the dominant society (Barker 2011; Biolsi 1995). In any case, notions about community identity and the criteria that forge such identities can and do change (DeMallie 2009).

If ethnic objectification is related to cultural distance, it makes sense that among those who feel most threatened in their cultural identity are often those who have become a “success story” as measured by the values of the dominant society, although it bears emphasis that this does not imply the inverse. It is entirely possible to be successful while staying grounded and secure in one’s culture. If people who for various
reasons have experienced the loss of their cultural identity (re-)appropriate ethnic identity, however, those who are in positions to set the discourse about cultural identity probably do so, too. Exclusionary statements about ethnic relations and boundaries do not necessarily reflect the ideas and practices of those who live their culture in communities that often see and seek much cooperation across such constructed ethnic boundaries. A contemporary example of this is provided by the Thunder Valley Community Development Corporation on Pine Ridge, which is trying to build a Lakota community, but sees that Lakota culture not as defined by closed ethnic boundaries. In an interview with Stephanie Woodard (2011), Brett Lee Shelton had the following to say: “Lakota culture is inclusive. The more this project reaches out, the more it honors that. There’s room for everyone, including non-Indians living on the reservation. The more, the better.”

The lived practices of community members often contradict official notions of culture as ethnicity. Steven Hoelscher wrote,

> Official culture originates in the concerns of cultural leaders and authorities at all levels of society and promotes an interpretation of the past that reduces the threat of competing interests. Official culture tends toward the dogmatic as it presents an ideal or abstract version of public memory uncluttered by complex or ambiguous terms. Vernacular culture, conversely, 'represents an array of specialized interests that are grounded in parts of the whole.' First-hand experience in small-scale communities forms the basis for the defenders of this culture which, by its very existence, threatens the sacred and eternal character of official expressions. (1998, 22; quotes in original)

As such, the official and officious discourses about identity and boundaries do not necessarily reflect the lived reality in local communities, where other boundaries might be emphasized. When local communities hold the power to determine who should and who should not be a part of their community—that is, when they hold the sovereign power to confer citizenship regardless of (officious) ethnicity—they truly enact sovereignty. Social and political cooperation and social and political community are not dependent on cultural (ethnic) unity or sameness, and neither does citizenship imply such cultural unity. This is true in all communities, Native ones included. Every community shows different interpretations of culture, and, as Kurkiala has written, “Culture, then,
consists not of shared meanings, but, paraphrasing the title of Fowler's book, of shared symbols and contested meanings” (1987, 231). Current debates in American Indian communities, about tribal sovereignty, economic development, the importance of aspects of traditional culture, and a host of other issues, as well as similar discussions about the right way into the future in every society clearly demonstrate this.

Conclusions

As Frank Sejersen shows in the context of Greenland, creating a space in which sovereignty does “not have to be worked out in relation to land use and occupancy generates totally different preconditions for nation building” because it avoids finding oneself “caught in a geographical, political and ethnic jigsaw puzzle” (2004, 35). Simply the act of eliminating the need to consult a map to read the landscape in all daily interactions would make life much more tolerable and economically efficient. The gains for all involved are difficult to define because, as the term already shows, we are constantly looking for increases in value when what might truly count for the development of a community is rather the symbolic expression of kinship and solidarity, which transcends economic value but ultimately creates it.

American society is dominated by the hegemonic capitalistic discourse that demands economic incentives for actions. So, the question remains: why should both Indians and non-Indians take an approach that, at least in the short term, favors community building over economic and political gains? What incentive is there, considering also that states would certainly appeal further land-into-trust processes and oppose the increase of tribal political and economic power, given that both economics and politics are seen as zero-sum games? Increasing tribal membership entails that Native nations could exert more political power within their states, so that state politicians would have to heed the interests of residents of tribal rural areas. In the current system, in which external reservation boundaries are almost meaningless, county and tribal governments face the need to exhaust their resources to provide services to exclaves in each other’s territory. Available economic resources and limited political power are fiercely competed over. Government services are basically doubled. Counties, for instance, face the difficulty of providing services, such as road upkeep, to areas in which only a few of their own taxpayers live.
The expansion of tribal sovereignty through the integration of new citizens would allow for a focused political and economic effort for the well-being of all constituents. It would integrate bordering towns into the tribal national economies, thereby stopping the bleeding of resources to an outside economy and increasing self-sufficiency. Not the least, it would also deal with the feeling of disenfranchisement that many Indian and non-Indian nontribal members living on reservations carry. Integrating these residents, who already share personal, cultural, social, and economic ties with tribal members, as fully recognized citizens with all rights and obligations would build stronger, more efficient communities, economies, and, because of increased, yet more relaxed and secure cultural exchanges, cultures. Indigenous nations could rely on large tax bases; nothing would change in their status as Indigenous nations with whom the federal government has treaties, and for whom it has taken responsibilities that it is obliged to fulfill. Should the government no longer want to fulfill these responsibilities, it would have to give up its stance of being a guardian for these wards and release them into full sovereignty.

In no way would these enlarged nations be uniform or avoid internal struggles over the meanings of values and symbols. However, no society is homogenous. Fault lines of internal debate would not be congruent with ancestry, as they are not now and have never been. A tribalization in the sense of integration of the rural communities within, and perhaps even outside current reservation boundaries into the Native political and economic sphere of action would increase economic self-sufficiency, cooperation, and political power to be projected and used toward further enhancements of sovereignty. Perhaps more importantly, tribes would take hold of the political discourse and shape it, rather than being defined by it. The successful change from ethnic membership to national citizenship would pave the way for the four “Rs” of community development: reconciliation, redistribution, relocation, and relationships (Kemper and Adkins 2005, 93–94). By officially acknowledging and valuing relationships not limited by ethnicity throughout the community, all people within the community would ideally relocate (at least metaphorically) as a new community is being built. Putting themselves into new (although perhaps, at first, threatening) places, people could then reconcile and through that process attempt to redistribute economic, political, and social resources. In practice, many communities are already engaging in relationships across ethnic boundaries, and, as alliances between “cowboys and Indians” remind us, have done so for many years.
American Indian communities, because of their historical notions of community, are in a good position to lead the way in changing the discourse of diversity coexisting with a pervading fear of Otherness to one of political, social, and cultural equality. This is not to say that cultural differences should be erased—absolutely not. However, a nation can withstand the challenges of containing cultural differences. In fact, one might argue, many American Indian nations today already are dealing rather well with internal cultural differences. I have no doubts that states, tribes, and individuals would fight hard to prevent this expansion of Native national sovereignty. However, federal courts themselves have cleared the way. Tribes can set citizenship criteria with sovereign freedom, and once a person is accepted as a citizen, ancestral biology is impossible to disprove and becomes, for all practical purposes, irrelevant. Given the actual realities of ethnic politics, all of this remains, of course, simply a provocation for further thought and to a degree a theoretical exercise in problem solving. I do think, however, that we should not refrain from reimagining realities outside of the boxes we are delivered by hegemonic forces and practices.

Notes

1. Lyons (2010, 184) quotes a translation of Carl Schmitt: “Sovereign is he who decides on the exception.” Schmitt (1993, 21) does think that one should depart from the exception to study the general or normal. That quote, however, is much stronger. Schmitt writes, “Souverän ist, wer über den Ausnahmezustand entscheidet”—sovereign is he who decides on the state of emergency (1993, 13).

2. Barker reminds us of the Indian Citizenship Act of 1924. She writes that the act “made explicit that citizenship did not negate tribal membership: ‘That the granting of citizenship shall not in any manner impair or affect the right of any Indian to tribal or other property’ ” (2011, 93). Here, however, the difference between membership and citizenship becomes clear: membership is defined through property ownership. No state defines citizenship in that way.

3. As I am revising this text, I have found that Matthew Fletcher proposed the exact same thing (Fletcher 2011, 2012–2013), although from a different perspective. I wrote this text originally in 2010, before I saw Fletcher’s papers. Matthew Fletcher is somebody I admire greatly, and we shared some ideas while he was at the University of North Dakota. The fact that both of us came up with this argument is not attributable to diffusion, but to independent invention, or perhaps shared inspiration. It might be a sign that there is something to the idea.
4. An added layer of complexity is raised by instances in which Native nations incorporate other Native nations. Barker’s account of the Cherokee inclusion of the Delaware nation comes to mind. She quotes then Cherokee Nation Principal Chief Chad Smith: “The Cherokee Nation never has and never will make an effort to terminate the Delaware language, culture and identity. By law, the Cherokee Nation recognizes these citizens as Delawares, though citizens of the Cherokee Nation” (Smith in Barker 2011, 67). This is exactly the distinction of political and cultural belongings discussed here.

5. When I grew up, Switzerland, culturally and linguistically divided into many small, local groups, and fractured by uncommon histories and socioeconomic inequality between groups, defined itself as a nation of will (Willensnation), meaning that it could only exist as long as people have the will to live together (and consequently take the actions required to do so—that is, listen to and respect each other, etc.). That metaphor still seems very important to me; it is when people forget it and take the political unity of any state for granted that they start dominating each other. Historically, Plains Indians were governed by a similar tenet: those who disagreed with decisions would leave the group. It is a rather effective way to remind people that if they want to preserve the group, they have to pay attention to everybody.

References


## Legal Cases


