

## **ABSTRACT**

Title of Dissertation: U.S. GOVERNMENTAL AND NATIVE VOICES  
IN THE NINETEENTH CENTURY: RHETORIC  
IN THE REMOVAL AND ALLOTMENT OF  
AMERICAN INDIANS

Jason Edward Black, Doctor of Philosophy, 2006

Dissertation directed by: Associate Professor Shawn Parry-Giles  
Department of Communication

This study situates institutional and American Indian discourses at the interstices of nineteenth century ideologies that underscored interactions of the U.S.-Native relationship. Specifically, the project argues that both U.S. governmental and American Indian voices contributed to the policies of U.S.-Native relations throughout the removal and allotment eras. Simultaneously, these discourses co-constructed the identities of both the U.S. government and American Indian communities and contributed textures to the relationship. Such interactions – though certainly not equal among groups – demonstrated the hybridity extant in U.S.-Native affairs in the nineteenth century. That is, both governmental and indigenous discourses added arguments, identity constructions and rhetorical strategies to the relationship. Ultimately, the study argues that this hybridity helped shape “Indian” policies and constituted cultural identities in the nineteenth and early twentieth centuries.

American Indians, it is contended, achieved numerous goals in terms of impeding the removal and allotment policies. Likewise, by appropriating the U.S. government’s discursive frameworks and inventing their own rhetorical strategies, American Indian communities helped reshape their own and the government’s identities. Natives, further,

worked through the government's homogenization of indigenous culture to organize a pan-Indianism that allowed them to unify in opposition to the government's policies and constructions of American Indian identities. During the first third of the twentieth century, American Indian agency was shown to impact the U.S.-Native relationship as Natives urged for the ultimately successful passage of the Indian Citizenship Act of 1924 and the Indian New Deal of 1934. These acts granted U.S. citizenship to American Indians and also allowed them connections to their tribal cultures, respectively.

American Indian resistance throughout the removal and allotment eras helped motivate these more emancipatory policies of the U.S.-Native relationship. American Indians concomitantly challenged the government-instigated identity constructions of Natives as savage, childish, weak and uncivilized into positive self-characterizations of independence, strength and unity. Similarly, American Indians interrogated the government's self-professed identities as benevolent, paternal, just and civilized; in the process, they illustrated how the U.S. government acted through deception and fraud.

In the end, Native communities were granted increased discursive power, though the U.S. government still retained its control over American Indians. Part of this control derived from the government's territorial management of Natives, which functioned as a crucial space for constituting American Indian and governmental identities. The Indian Citizenship Act and the Indian New Deal – where this study concludes – demonstrated the prevalence of the *identity duality* of U.S. citizenship that assimilated American Indians to the nation, yet segregated them on reservations outside the spaces of the U.S. *civis*. This duality of inclusion and exclusion was built incrementally through the removal and allotment periods, and existed as residues of nineteenth century U.S.-Native

relations. Here, the U.S. government transformed its self-identity constructions as paternal, benevolent and equitable into a *controlled citizenship* and *controlled sovereignty* over American Indian communities. In so doing, the legislative and judicial branches – led by the executive – reified its constructions of American Indians as monolithically dependent, quasi citizens and unworthy of complete autonomy. At the same time, the executive branch ascended as the principle force in U.S.-Native affairs.

U.S. GOVERNMENTAL AND NATIVE VOICES IN THE NINETEENTH CENTURY:  
RHETORIC IN THE REMOVAL AND ALLOTMENT OF AMERICAN INDIANS

by

Jason Edward Black

Dissertation submitted to the Faculty of the Graduate School of the  
University of Maryland, College Park in partial fulfillment  
of the requirements for the degree of  
Doctor of Philosophy  
2006

Advisory Committee:

Associate Professor Shawn Parry-Giles, Chair  
Professor James F. Klumpp  
Associate Professor Trevor Parry-Giles  
Associate Professor Mari Boor Tonn  
Professor Jeanne Fahnestock  
Professor Aubrey Williams

© Copyright by  
Jason Edward Black  
2006

## ACKNOWLEDGMENTS

There are a great many people to thank for their contributions to this project and for sustaining me throughout its planning, research, writing and editing phases. First and foremost, I need to thank my parents – Cheryl Black and Martin Black – for their faith, patience and unwavering love. My efforts are a testament to the caring home and encouragement that they have always provided. My extended family Sharon Stringfellow, Donald Stringfellow, Michael Berg, Amanda Berg, Joshua McAdie Berg and Jared Ethan Berg also deserve heaps of thanks for their persistent support. I hope, too, that my friends Vanessa Beasley, Lisa Burns, Kelly Carr, Jason Edwards, Danielle Endres, Jeremy Engels, Lisa Foster, Amy Heyse, Kristen Hoerl, Celeste LaCroix, Erica Lamm, Chuck Morris, Kevin Stein, Belinda Stillion Southard, Bjorn Stillion Southard, Mary Stuckey, Eric Watts, and Steven Yates know how much they mean to me, as well as to the completion of this project.

At the University of Maryland, I thank Shawn Parry-Giles for helping me through the research and writing of this dissertation, and for her hard work in and steadfast dedication to advancing the project. Shawn has helped me in numerous ways – professionally and personally. I owe much to her guidance and exemplary models of scholarship, teaching and advising ... and I hope to make her proud as I move forward with what she has taught me. I also thank Jeanne Fahnestock, James F. Klumpp, Trevor Parry-Giles, Mari Boor Tonn and Aubrey Williams for serving on my dissertation committee and providing exceptionally valuable insights into the manuscript. Moreover,

I appreciate the support of Chair Edward Fink, Graduate Director Deb Cai and Graduate Administrator Bonnie Gaines – all in the Department of Communication. Gratitude is also due my undergraduate students in my Rhetoric of Native America, Rhetoric of U.S.-Native Relations and Rhetoric of Black America courses for their assistance in honing my arguments.

At the University of Alabama, I have been blessed with two considerate and patient leaders: Dean E. Culpepper Clark, College of Communication and Information Sciences and Chair Beth S. Bennett, Department of Communication Studies. Other faculty and staff in the Department have provided immeasurable friendship, intellectual energy and shoulders to lean on: Anita Abernathy, David Airne, Andrea Bivens, Alison Braden, Janis Edwards, Thomas Harris, Marsha Houston, Carol Bishop Mills, Mark Nelson, Frank Thompson, Elizabeth Utley and the Alabama Speech Team. The Department's undergraduate and graduate students have also been pivotal in supporting my ideas. I am grateful and honored to a part of this fantastic group of people.

I also wish to thank the staffs at the following libraries and archives for their assistance with primary sources and inter-library materials: McKeldon Library, University of Maryland; the Library of Congress; the National Archives I. and II.; the Amelia Gorgas Library, University of Alabama; the Albert and Shirley Small Special Collections Library, University of Virginia; the Hunter Library, Western Carolina University; the Hoole Collection, University of Alabama; and the Wisconsin Historical Society.

My final thanks are to my wife, Jennifer Black, and daughter, Anabelle Elise, for all the love and sustenance they provided throughout the stages of this project. Their

patience and understanding are particularly appreciated, especially as I missed far too many “family moments” over the past two years. I love them more than they’ll ever know.

\*\*\*\*\*

This project is dedicated to three children who have inspired me: Anabelle Elise, Joshua McAdee and Jared Ethan. My hope for them is that they will learn, laugh and love as they continue growing in an exhilarating world.



# TABLE OF CONTENTS

<b>ACKNOWLEDGEMENTS</b>	i.
<b>TABLE OF CONTENTS</b>	iv.
<b>INTRODUCTION – U.S. GOVERNMENTAL AND NATIVE VOICES IN THE NINETEENTH CENTURY: RHETORIC IN THE REMOVAL AND ALLOTMENT OF AMERICAN INDIANS</b>	1
National Identity and the Policies of Removal and Allotment	11
<i>The Removal Policy</i>	12
<i>The Allotment Policy</i>	14
<i>American Indian Voices and Identities</i>	17
Institutional and Native Discourses: Identity Formation, Constitutive Rhetoric, Ideologies and Hybridity	19
<i>Identity Formation</i>	21
<i>Constitutive Rhetoric and Ideology</i>	27
<i>Hybridity</i>	32
<i>Outline for Study</i>	34
<b>1. U.S.-NATIVE RELATIONS: INTERACTIONS AND IDENTITIES FROM CONTACT TO REMOVAL</b>	68
Prelude to America’s “Long, Bitter Trail”	70
<i>Columbian and Early European American Contact</i>	70
<i>Ascension of English-Native Relations</i>	74
<i>Impact of the French and Indian War</i>	79
The Age of U.S. Indian Policy	83
<i>Rise of the U.S. Treaty Era</i>	84
<i>Native Responses to Treaty Making</i>	93
The Road to Removal	94
<i>U.S.-Native Relations in the Washingtonian Period</i>	95
<i>Trade and Assimilation in the Jeffersonian Era</i>	98
<i>Impact of U.S. Expansion</i>	101
<i>The War of 1812 and U.S.-Native Relations in the 1820s</i>	103
<i>Early Removal and the Confluence of Territory and Citizenship</i>	107
<b>2. GOVERNMENTAL RHETORIC AND THE CONSTITUTION OF U.S. AND NATIVE IDENTITIES: THE INDIAN REMOVAL ACT</b>	133
Jacksonian Ideologies Surrounding Removal	141
Executive Removal Rhetoric and Paternalism	151
<i>Jackson’s Pre-Presidential Removal Rhetoric</i>	153
<i>Jackson’s Presidential Removal Rhetoric</i>	157
Legislative Rhetoric, Removal and Jacksonian Ideologies	165
<i>Territorialism and the Senate Debate, April 6-26, 1830</i>	169
<i>Sectionalism and the House Debate, May 13-26, 1830</i>	176
<i>Codification of the Indian Removal Act</i>	182

Adjudicating Paternalism and Sectional Conflict	185
<i>Federalizing Identities</i>	186
Cherokee Nation v. Georgia and the “Domestic Dependent”	189
Worcester v. Georgia and the “Distinct Community”	194
Conclusion	197
<b>3. NATIVE RESISTANCE AND CHALLENGES TO IDENTITIES: THE INDIAN REMOVAL ACT</b>	225
Choctaw, Creek, Chickasaw and Seminole Resistance	233
<i>“A Crucial Test Case”</i> : Choctaw Rebuttals to Removal	235
<i>“The Middle Nations”</i> : Creek and Chickasaw Defiance	244
<i>“No Intention to Remove”</i> : Seminole Resistance	253
Republican and Sectional Appeals in Cherokee Resistance	258
<i>Assimilative Discourse in Cherokee Memorials, Editorials and Speeches</i>	263
<i>John Ross’s Republican and Sectional Resistance</i>	268
Pathos in Northern and Northwestern Native Rhetoric	272
<i>“Like Outcasts Upon the World”</i> : Northern and Northwest Resistance	275
<i>“That Disgraceful Affair”</i> : The Case of Black Hawk	280
Conclusion	285
<b>4. GOVERNMENTAL RHETORIC AND THE SOLIDIFICATION OF IDENTITIES: THE DAWES (GENERAL ALLOTMENT) ACT</b>	315
U.S.-Native Developments and Ideologies in the Nineteenth Century	323
The Road to Allotment	336
Paternalism in Pre-Dawes Executive and Congressional Discourse	339
<i>Executive Constructions of a Hybrid U.S.-Native Relationship</i>	340
<i>Legislative Control through the Coke Bill</i>	346
Commodity and Assimilation in Dawes Act Rhetoric	354
<i>The Dawes (General Allotment) Act Deliberations</i>	358
<i>Rhetoric of the Dawes Act of 1887</i>	365
<i>Indian Commissioners and Assimilation</i>	367
Judicial Rhetoric and the Codification of Hybridity	372
<i>Assimilation and Legal Hierarchy</i>	373
Lone Wolf v. Hitchcock and Plenary Power	378
Conclusion	383
<b>5. PAN-INDIANISM AND CHALLENGES TO U.S. AND NATIVE IDENTITIES: THE ALLOTMENT ERA</b>	413
Changing Conditions in Native Discursive Spaces	422
Republicanism, Citizenship, Oppression and Separatism: Pan-Indianism in Petitions and Memorials	430
<i>Republicanism, Citizenship and Five Civilized Tribes’ Protests and Memorials</i>	433
<i>Oppression, Separatism and Western and Northwestern Protests and Memorials</i>	439

Memories, Citizenship and Separatism: Pan-Indianism in Publications	446
<i>Familialism and Citizenship in Printed Biographical Memories</i>	449
<i>Ungodliness, War and Separatism in Printed Literary Memories</i>	458
Economic Appeals, Citizenship, Radicalism and Separatism: Pan-Indianism in Public Oratory and Ghost Dance Rhetoric	467
<i>Economic Appeals and Citizenship in Speeches to the Executive</i>	469
<i>Radicalism and Separatist Pan-Indianism in Ghost Dance Oratory</i>	477
Conclusion	482
<b>CONCLUSION – LEGACY OF U.S. NATIONAL AND NATIVE VOICES IN THE INDIAN CITIZENSHIP ACT AND INDIAN NEW DEAL</b>	508
Emancipatory and Oppressive Legacies of the Dawes Era	520
<i>Citizenship for Native Veterans of World War I</i>	521
<i>Shortcomings of the Dawes Act</i>	523
<i>The Meriam Report of 1928</i>	525
Hybridity, Native Voices and “Controlled Citizenship” in the Indian Citizenship Act of 1924	530
<i>Native Impact on the Indian Citizenship Act</i>	530
<i>Controlled Citizenship of American Indians</i>	535
Hybridity, Native Voices and “Controlled Sovereignty” in the Indian New Deal of 1934	540
<i>Native Impact on the Indian New Deal</i>	542
<i>Controlled Sovereignty of American Indians</i>	550
Conclusion	555
<b>BIBLIOGRAPHY</b>	571
Primaries and Primary Collections	571
Books and Monographs	594
Articles and Book Chapters	605
<b>CURRICULUM VITA</b>	615

## INTRODUCTION

### U.S. GOVERNMENTAL AND NATIVE VOICES IN THE 19<sup>TH</sup> CENTURY: RHETORIC IN THE REMOVAL AND ALLOTMENT OF AMERICAN INDIANS

In the fifteenth century, Nanamakee (Sauk) prophesied the impending contact between a strange race of Wasichus – or white men – and his people.<sup>1</sup> Nanamakee revealed to the Sauk that “by the end of four years, you should see a *white man*, who would be to you a father.”<sup>2</sup> Sauk history tells that four years later Nanamakee traveled east, under the protection of the Great Spirit, to meet the Wasichus. According to his descendent, Black Hawk, when “he [Nanamakee] came into sight, his father came out to meet him. He [Wasichus] took him by the hand and welcomed him into his tent . . . He [Wasichus] told him [Nanamakee] . . . that the Great Spirit had directed him to come here, where he should meet a nation of people who had not yet seen a white man – that they should be his children and he should be their father.”<sup>3</sup> The Wasichus carried with him a message of heavenly proportions, one granting his providential ascendancy over those with whom he came into contact. Thus began the Sauk Nation’s familial relationship with European culture.

Around the time of Nanamakee’s revelation, a Lakota holy man called Drinks Water also predicted the coming of a Wasichus band that would impact the land and its inhabitants. Having lived contentedly in a sovereign culture, Drinks Water forecast for the Lakota a changed life of dependence, western economies and individual ownership disengaged from the Lakota’s ancestral Black Hills. Cultural change seemed part of his premonition, as he said, “When this [contact] happens, you shall live in square gray houses, in a barren land, and beside those gray houses you shall starve.”<sup>4</sup> The Lakota

legend continues that Drinks Water was so entirely shocked by his vision that he soon after died of despondency, claiming on his deathbed that he would rather return to the “Earth Mother” than witness the transformation of his people.

The divinations of Nanamakee and Drinks Water foreshadowed some vital themes of European impact on American Indian cultures.<sup>5</sup> For one, the notion of a familial dynamic related by Nanamakee dominated not only early affairs between Europeans and indigenous people, but also the legal, political, social and cultural connections created between the United States and American Indian nations during the nineteenth century. Indeed, as Deloria notes, “Paternalism is always a favorite subject of the [U.S.] government . . . It has therefore become an accepted tenet that paternalism dominates government-Indian relations.”<sup>6</sup>

Drinks Water’s premonition, more foreboding, alluded to the consequences of this relationship. European influence, though first appearing well intentioned, often harbored inequality and interference. Indeed, the other side of benevolence demanded subjugation in return for the gifts of protection and patronage. For instance, in “rhetorical strategies for imperial conquest,” Leverenz argues, “the United States often used the rhetoric of fatherhood to justify its national self-image of rightful dominance.”<sup>7</sup> Given the power dynamics and hierarchical structures that underscore such a kindred bond, the United States predicated its displacement of American Indian populations based on its right of dominion over Natives.

But what Nanamakee’s and Drinks Water’s words also demonstrate is the *hybrid* relationship engendered by contact between European and Native cultures. To be sure, European and American subjectivities did not simply affect the indigenous groups with

whom they met on the North American continent in a unidirectional way.<sup>8</sup> If, considering Nanamakee's narrative, we understand that the Wasichus "took him by the hand and welcomed him" and later stated "that they [Sauk] should be his children," then we also recognize that the "him" and the "they" existed, spoke and interacted.<sup>9</sup> According to Wald, the responsiveness of the indigenous "other" reflects back to, and likewise impacts, those in power. She notes, in a related way, that Native voices "pose a threat" to those in authority.<sup>10</sup> In other words, the agency of "indigenous peoples are examples of how a culture, through its institutions and its conventions," defines both Native and governmental character. The way that Natives speak, write or act within the intercultural relationship, then, affects governmental identities just as governmental voices influence Native identities.<sup>11</sup> This phenomenon is expressed through the concept of hybridity.

Similarly, some have argued that the rhetorical efforts of a subaltern group impact both their own, and the dominant public's, identities. Of this Watts claims that voice needs a relational base between subjectivities. He says, "'Voice' in this explication, is constitutive of ethical and emotional dimensions that make it an answerable phenomenon. Thus, 'voice' is the enunciation and the acknowledgement of the obligations and anxieties of living in community with others."<sup>12</sup> Todorov elaborates that "it is [the government's] very capacity to understand the other that confirms him in that feeling" of identity and superiority.<sup>13</sup> In a similar vein, Lepore writes that Native groups' discourse helped fashion "doubts about their [American colonist's] own identity" by placing early American culture alongside Native communities.<sup>14</sup> Such identities, "because they are

linked to culture and collectivities,” might best be described as “points of articulation” – they are called into existence through discourse.<sup>15</sup>

The hybrid U.S.-Native relationship and identities as reflected through discourse reached a level of rhetorical intensity in the nineteenth century as the government began enacting widespread Indian policies.<sup>16</sup> One of its first policies involved removing American Indian nations from their eastern homes during the 1820s and 1830s. The reasons for removal are sundry and contested. Some claim that the government wanted to remove American Indians to the farthest point possible in order to foster a white nationalism. Mead argues, for instance, that the United States saw itself first as a family and that it needed to expel those who did not fit into the parameters of its “all white” dictum.<sup>17</sup> Kersh also asserts that the United States wanted its union to be biologically sound, meaning that certain “blood quantum” needed to be extirpated from the national gene pool.<sup>18</sup> These commitments to the country’s white citizenry were confirmed early on in one of the new republic’s first racialized legislative laws, the Naturalization Act of 1790. The Act codified the requirement that every American citizen be “a free white person,” “a person of good character,” and willing to break all allegiances to other nations of origin.<sup>19</sup> This, of course, meant that the thousands of African Americans living in the now-independent colonies – either freed or enslaved – could neither participate in U.S. political life nor garner protection under the Declaration that ironically considered “all men created equal.” American Indian populations were similarly denied consideration as participants by the federal government.<sup>20</sup>

On the other hand, removal proponents thought that dispossession “was a dynamic and potentially positive policy” because it sought to protect American Indians

from land encroachers – who would otherwise steal Native land and exterminate whole communities – while simultaneously creating a civilized group of yeoman farmers beyond the Mississippi.<sup>21</sup> President Andrew Jackson claimed that the benefits of excess land and the elimination of hostile Natives who threatened frontier communities were consequential to the policy’s primary aim: saving Native communities. After signing the Indian Removal Act of 1830, which codified removal, Jackson reported “the consequences of a speedy removal will be important ... to the Indians themselves.” He continued: “the pecuniary advantages which it promises the Government are the least of its recommendations.”<sup>22</sup> Removal’s benefits to American Indians were, according to most proponents, the primary benevolent thrust of the policy.

This attitude was echoed by Jackson’s Secretary of War, John Eaton, who noted that “usurpations” by southern states and the resulting condensing of Native sovereignty could only be remedied by “a removal beyond the Mississippi, where, alone, they can be assured ... protection and peace.” Eaton promised Native nations that: “Beyond the Mississippi your prospects will be different. There you will find no conflicting interests. The United States ... will be able to say to you ... the soil shall be yours while the trees grow, or the streams run.”<sup>23</sup> To proponents, then, failing to enact a removal policy would lead to American Indians’ cultural disappearance. In this vein, Supreme Court Justice William Story worried that “They [will] pass mournfully by us, and they will return no more.”<sup>24</sup> The New York Board of Emigration, Preservation and Improvement of the Aborigines of America – an anthropological research group – similarly concluded that “the only means of preserving the Indians from that utter extinction is to remove them



from the sphere” of white influence.<sup>25</sup> Proponents, thus, justified removal through a benevolent rhetoric of protection for American Indians.

In the 1880s, the expanding nation reached the fringes of the Native reservations to which dispossessed American Indian communities had been removed. Such expansion caused myriad conflicts between the federal government and American Indian nations. For instance, as U.S. traffic swelled along the Bozeman Trail, cutting through Sioux reservations, Native raids correspondingly increased, sparking in their wake numerous armed encounters.<sup>26</sup> In the late 1870s, the Great Sioux Reservation and its inhabitants fell victim to further land wrangling on the part of white settlers. Ostensibly, gold was discovered in the Black Hills, prompting Americans to swarm the Sioux Nation’s land in South Dakota. Historians have noted that “there was a clamor by settlers to open a large portion of the land for sale. Some settlers even moved onto the reservation illegally.”<sup>27</sup> Also, the federal government forced the Sioux Nation through an 1883 land agreement to “cede to the United States all of the Great Sioux Reservation, as reserved to them by the treaty of 1868, and modified by the agreement of 1876.”<sup>28</sup> The reservation’s land base dwindled, yet again, as the treaty made way for ever-rolling waves of gold-seekers.

Perhaps wishing to secure more land for homesteaders, Congress passed the General Allotment Act (Dawes Act) of 1887 that called for the redistricting of American Indian land. Simultaneously, the allotment policy sought the relocation of Natives to smaller parcels of land to assimilate them through American agriculture. Yeoman assimilation would convert American Indians to privatized land ownership and would promote an agricultural subsistence.<sup>29</sup> Deloria argues that, “it was thought, if the Indian

had his own piece of land, he would forsake his tribal ways and become just like the white homesteaders who were then flooding the unsettled areas of the United States.”<sup>30</sup>

Dawes Act proponents claimed that allotment was the only way to save the American Indian communities who were failing to thrive on barren reservations. To Indian Commissioner Thomas Morgan, “they [Indians] are in a ‘vanishing state of things’ ... and must adjust themselves to their environment, and conform their mode of living substantially to our civilization.”<sup>31</sup> Meanwhile, opponents argued that the United States simply wanted for its own use the land it had bequeathed in a so-called benevolent way through the policy of removal. For instance, furious over the government moving Cherokee individuals to unfertile parcels of land while offering whites the most lush portions of the reservations, D.W. Duncan (Cherokee) could only quip, “The Government of the United States *knows* that these allotments of the Indians are not sufficient!”<sup>32</sup> Critics also derided allotment because it sought to replace tribal culture with American culture through assimilation. According to Prucha, “lacking all appreciation of the Indian cultures, they [government officials] were intent on forcing upon the natives the qualities that they themselves embodied. It was an ethnocentrism of frightening intensity.”<sup>33</sup>

The removal and allotment policies certainly thrust upon Native populations a variety of diminutive constructions and subservient roles. In both cases, the government was able to displace American Indians to make more room for frontier whites. At the same time, the United States strove to assimilate Native communities to control for “savage” behavior that threatened the fringes of the frontier.<sup>34</sup> And, of course, the paternal nature of U.S.-American Indian affairs championed as a benefit the security and preservation of “the Indian who is in *all* cases, broadly speaking, destitute of some of

these safeguards [self-preservation] ... and in *some* cases destitute of them all.”<sup>35</sup> For, as the Indian Rights Association claimed in 1885, “The Indian as a savage member of a tribal organization cannot survive, ought not to survive ... but his individual redemption from the condition of savage nomad ... is abundantly possible” with American protection.<sup>36</sup> This type of policy, though, did more than provide material advantages to the benefactor and protection to the beneficiary. In addition, the policies helped shape the very identities of the groups involved in the rhetorical exchange. Assuming the role of “the helper in an interracial benevolent dyad was tantamount to asserting higher status, so when Americans offered to save the Indians from white aggression, their rhetoric reaffirmed whites’ superiority” as much as it provided land to the government or aid to Native nations.<sup>37</sup>

Undoubtedly, the rhetorical impact of the policies held vast power in constructing American Indian cultures. Bosmajian, for instance, claims that “once one has been categorized through a language of suppression, one loses most of one’s power to determine one’s future and most of the control over one’s identity and destiny.”<sup>38</sup> Jehlen agrees, averring that “naming them ‘other’ seems to cast the speaker’s cultural interlocutors in an inferior position by rendering them mere negative quantities defined by an opposition to which they do not contribute.”<sup>39</sup> With naming, a dominant group has in its possession the very constitutive tools needed to construct what a nation means and how other groups mean to the nation.

However, American Indian populations were not helpless and voiceless. In fact, as Hoxie has argued, Native groups “talked back,” which helped both to reconstitute their own identities and to rebuke and take to task – and hence to reconfigure in the rhetorical

process – U.S. identities. “By talking back to those who considered themselves superior,” he maintains, “Indians could show that they rejected the self-serving nationalism they heard from missionaries and bureaucrats. The Natives made it clear that they refused to accept the definitions others had of them – savage, backward, doomed. And they attacked people who thought white culture epitomized the virtues of ‘civilization.’”<sup>40</sup>

The shaping of U.S. identities and Native identities can be found in an exchange of voices. The formation of a community or nation, Balibar suggests, does not involve one voice or several voices speaking alongside each other. Instead, identity comes about by “forging one conception out of another” to obscure the understanding of community; nation is not so much a continuity as a disruption brought about by reciprocal discourses.<sup>41</sup> Campbell agrees, noting that voices within a nation are “communal, social, cooperative, and participatory, and simultaneously, constituted and constrained by the material and symbolic elements of context and culture.”<sup>42</sup> These interactive identity constructions were salient for nineteenth century U.S.-Native relations.<sup>43</sup>

In this study, therefore, I examine the rhetoric of U.S. governmental identities and Native identities surrounding the policies of removal and allotment. Instead of focusing only on institutional discourse comprising U.S. Indian policy or Native discourse that responded with protest or acquiescence, I address the relationship that is reflected in such discursive exchanges.<sup>44</sup> In this way, I examine how U.S. Indian policies helped fashion not only U.S. identities but also Native identities. Simultaneously, I analyze how Native rhetoric helped constitute both Native and U.S. identities. More specifically, I assess executive, legislative and judicial discourse surrounding the removal and allotment

policies to interrogate the messages of identity formation. This is accomplished with a concurrent assessment of the ways that American Indians contributed to the shaping of U.S. and Native identities during these same eras. With this purpose in mind, the remainder of this introduction sketches the parameters of the project.

#### GOVERNMENTAL IDENTITY, REMOVAL, AND ALLOTMENT

As the United States marched forward on the North American continent in the nineteenth century, it simultaneously sought to bring new cultures into the nation. Though this practice tended to emphasize obedience to the U.S. governmental vision, opening America's borders also invited other voices and experiences into the nation. In the continental territory of the United States, this "anarchy of empire" manifested through an interaction of dominant and subaltern groups. Kaplan recently argued that "while the United States strove to nationalize and domesticate" these territories, "annexation threatened to incorporate non-white foreign subjects into the republic in a way that was perceived to undermine the nation as domestic space."<sup>45</sup> This "threat" to American identities is reminiscent of the way that American Indian presence and discourse influenced a broader American nationalism. As Stuckey argues, the integration and, yet, "dispossession of American Indians ... could serve as an appropriate vehicle for the construction of American identity."<sup>46</sup>

The tension of managing nineteenth-century geographical and cultural expansion conflated the segregation of American Indians from the U.S. *civis* with the demand that they assimilate. At times, the U.S. government appeared welcoming, infusing its constitutive identities with the rhetoric of equality and open borders. Consider, as an example, when during the allotment period an American Indian who "adopted the habits

of civilized life, [was] hereby to be declared a citizen of the United States.”<sup>47</sup> This status appended to Native individuals if they shunned tribalism and assimilated fully to the “American way.” With the allotment policy, it appeared that the U.S. government was making an effort to be more inclusive. However, such inclusion came at the cost of segregating from the U.S. nation. In order to be part of the American community, American Indians were required to live separated from the centers of the U.S. *civis*.

### *The Removal Policy*

Though American Indian nations encountered the U.S. government and its citizenry prior to the removal policy, scholars tend to mark the era – roughly between 1815 and 1838 – as a hallmark moment of contact between Americans and the diverse societies of indigenous people.<sup>48</sup> According to Remini, Indian removal solved one of the most looming issues hanging over the government’s head: “The operation of removal provided the American people with the land they hungered for over the past hundred and more years.”<sup>49</sup> At the same time, though, removal marked the largest benevolent effort of the United States to civilize American Indians under the paternal wing of the government. About this, Remini argues “that removal was never just a land grab ... [America] fully expected the Indians to thrive in their new surroundings, educate their children, and acquire the skills of white civilization.” Removal provided “all of these blessings.”<sup>50</sup> Calloway agrees that removal was a milestone in that it sped up “the inevitable process of dispossession as Indians dropped their old ways in favor of a more civilized existence.”<sup>51</sup> And, Prucha suggests that the removal period magnified and codified the notion of paternalism in U.S.-American Indian relations. He says, “Whatever may have been the purposes of the proponents of removal ... the rhetoric of the age described Indians as

children or wards, in need of guidance from white officials who would work for their best interests.”<sup>52</sup>

Some scholars following the tenets of diplomatic history paint a picture of the removal era as an objective and pragmatic policy. For Satz, the government was merely “attempting to open up the land east of the Mississippi River to white settlement.”<sup>53</sup> In his and others’ antiseptic accounts of the age, violence and social oppression are abandoned for chronological simplicity and causality. So, for instance, in Pearce’s interpretation of dispossession, “When the clash of Indian and white on the frontier finally demanded it, in the 1820’s and 30’s, the conception was realized formally as the government’s policy of Removal.”<sup>54</sup> These early studies tend to demonstrate the simplicity of the removal policy, and the unidirectional way that institutional discourse influenced Native identities.

More contemporary studies, however, complicate the removal policy by moving it beyond chronology and pragmatism. Dippie, as a case in point, situates removal in the context of paternalism. In doing so, he interrogates the benevolence thought to underpin removal’s “protection of American Indian wards” and challenges what such paternalism meant: “The venerable concept of a separate Indian country provided the policy’s foundation and a humanitarian rationale was its cornerstone ... This gift of civilization – the ultimate gift to whites’ way of thinking” came with benefits for the dominant group. Concluding, Dippie maintains that paternalism “always seemed to please the donor more than the recipient.”<sup>55</sup> Delving into the power relations associated with removal’s paternalism, Ryan similarly concludes that “asserting what will contribute to the well-being of another and what will not – is best understood as an exercise of power in itself.

As the case of Indian removal demonstrates, these definitions and assertions are neither transparent nor benign.”<sup>56</sup> Deloria argues that removal granted the government a justification to negate “the rights of the Indian tribes to sovereignty and equality among the nations of the world.” He continues that the dependency arising from removal’s benevolence has given way to historical and modern conceptions of Natives as “a group of lazy, dirty Indians loafing the day away at the agency.”<sup>57</sup> Such sentiments of dependency carried on into nineteenth-century U.S.-Indian relations through the allotment policy of the 1870s-1890s.

### *The Allotment Policy*

The allotment period, like the removal era, was a vital “point of contact” between American Indian nations and the U.S. government. Many are in basic agreement that the allotment period marked the second full-scale U.S. Indian policy following removal, and that allotment related to removal in its common paternal agenda. Most notably, Dippie has argued that “Like the proponents of removal sixty years earlier, allotment’s supporters had assumed the disappearance of the Indians” and like removal, the allotment policy dispossessed American Indians to smaller pieces of land, where “the surplus would be sold” and Natives would be “given agricultural projects designed to help them assimilate to Americanism.”<sup>58</sup> On this latter point, Prucha agrees that, “The Indians were engulfed in this flood of Americanism. Their Americanization, indeed, became the all-embracing goal” of allotment supporters claiming the policy as a “benevolent” and “culturally uplifting” project aimed at saving the “savage.”<sup>59</sup> Wallace concurs, noting that “The abuses of the reservation system [resulting from removal] gave new life to the old idea of ‘incorporation,’ the policy of making the Indians ... like other Americans.”<sup>60</sup>



In a way, the removal and allotment periods are related in their importance as “moments” of identity construction within U.S.-American Indian relations.

Some diplomatic historians have discussed allotment in sanitary terms, emphasizing the chronology of events and the institutional documents proffered in defense of the policy. For instance, Otis details the “chronology of events leading to the policy of allotment of lands in severalty.”<sup>61</sup> Washburn offers a pragmatic account of the Dawes Act wherein he argues that allotment was, simply, an extension of removal’s failure to assimilate or separate American Indians enough to “cast away his [Native’s] savage customs.”<sup>62</sup> Allotment is also discussed cursorily in frontier histories and mass-marketed American Indian histories. Frontier histories prefer to champion the action of the Indian Wars over the policies of assimilation and reservationism that underpinned violence between the U.S. government and American Indian nations.<sup>63</sup> Similarly, popular western histories reduce allotment to a footnote of the bloodshed associated with U.S.-Native affairs during the Indian Wars.<sup>64</sup>

With the rise in popularity of American Indian Studies, however, the allotment policy has been considered for the ways that the Dawes Act and the assimilation of Natives demonstrated the identity politics involved in U.S. Indian policy.<sup>65</sup> For Prucha, allotment increased the government’s identity as an administrator of Indian affairs: “The bureaucracy of the Indian Office also greatly expanded, until all Indian aspects from cradle to grave seemed to be managed by government officials and employees ... [allotment represented] the principal means to accomplish assimilation.”<sup>66</sup> Others have argued that the increase in governmental involvement evolved into increased dependent identity on the part of American Indians. For instance, Nabokov claims that allotment

failed to “civilize” American Indians and that the government shrouded its desire to take the only fertile lands left on the reservations in a rhetoric of benevolence. He writes that allotment “turned Indians into impoverished” groups “dependent on the government for food once again.”<sup>67</sup> Though the Dawes Act purported to “uplift” American Indians, agricultural projects could not be supported on the desolate land that Natives were allotted. Instead, “hungry, impatient, or confused Indians sold over a quarter-million acres for quick cash ... shady deals were common.” White opportunists were appointed as ‘guardians’ and “allottees were bribed or murdered to steal their property.”<sup>68</sup>

Some view more dismally the ways that allotment influenced future American Indian populations. Fritz, for example, agonizes that “the Dawes Act virtually condemned reservation Indians to poverty for many generations.”<sup>69</sup> To he and other critics, the Dawes Act also moved beyond material consequences to impact identities. Discussing the denigration of Native culture, Deloria quips that the shrinking of Native land sought to corral American Indian communities under U.S. governmental tutelage. He then carries the metonym of children further to animals: “Because the Indian occupied large acres of land, he was considered a wild animal ... With allotment, the wild animal was made into a household pet whether or not he wanted to be one.”<sup>70</sup> There exists, overall, sufficient research to contextualize institutional voices in addressing the policies of removal and allotment.

The present study expands the extant scholarship on institutional discourse by analyzing the ways it helped constitute U.S. governmental and American Indian identities. In addition, the study demonstrates the fashion in which institutional discourse overlapped and interacted with Native discourse. The exchange of these two bodies of

discourse move institutionalized scholarship beyond an isolated examination and more toward an interconnectivity between U.S. and American Indian rhetoric.

*American Indian Voices and Identities*

Some scholars also attend to American Indian responses to the removal policy. This scholarship ranges from rhetorical strategies to historical narratives related to the ways Native communities understood and reacted to removal. Strickland, for example, performed an argumentative analysis of Cherokee discourse and discovered that the most common themes were that “Cherokees should not relinquish the land of their ancestors” and “that any removal would be followed by more relocations.”<sup>71</sup> Similarly, Conser’s work on the moral and political appeals of Cherokee Chief John Ross found that the Cherokee engaged in three counteroffensive tactics: “the first revolved around the issue of legitimate authorization to undertake negotiations. The second was the rationale for resistance in memorials ... The third centered on popular political non-cooperation.”<sup>72</sup> Others offer biographical accounts of Native leadership, such as Moulton’s work on Chief John Ross, which includes allusions to removal rejoinders.<sup>73</sup> Others, still, organize the memoirs and papers of well-known indigenous figures into a historical narrative.<sup>74</sup>

As with the literature on removal, there is some discussion of American Indian voices as they responded to the Dawes Act and the allotment of Native lands.<sup>75</sup> Perhaps the most noteworthy research to integrate indigenous responses is Clark’s work on the *Lone Wolf v. Hitchcock* case, a Supreme Court holding that resulted from a Kiowa Nation challenge to the allotment policy. Clark argues that, rather than merely acquiescing to allotment, the Kiowa challenged the presumption “that Native peoples were incompetent as a result of membership in their tribes” and fought against the notion that “tribalism

itself caused the child-like behavior that required guardianship.”<sup>76</sup> The American Indian discourse analyzed by Clark, not surprisingly, generates from the briefs filed by the Kiowa against the Dawes Act. Nabokov’s collection of American Indian rhetors, also, includes responses to the allotment policy, especially as he describes the discourse and introduces the context of each text.<sup>77</sup>

Recently, a strand of literature on what Hoxie calls American Indian “back talk” has been produced that helps inform the blending together of cultures extant in the constructions of identities as explicated through discourse.<sup>78</sup> Senier’s analysis of literary responses to assimilation and Nelson’s examination of U.S.-Indian relations hint at the interconnected creations of U.S. governmental and American Indian identities through discourse. Senier shows the importance of Native agency both in combating diminutive images of Indianness and in reformulating America’s so-called benevolence; similarly, Nelson shows how indigenous communities approached “talks” with the federal government to reconstruct the U.S.-American Indian relationship.<sup>79</sup> Clair’s work in ethnography and rhetoric also helps us get closer to an American Indian discourse that is not merely a “response” to broader institutional American discourses, but rather substantively powerful alongside this institutional rhetoric. For Clair, American Indian “silences” combined with “articulations” during removal negotiations not only helped shape Native identities as resistant (as opposed to quiescent) but also demonstrated that the government’s sentiments were not always accepted *prima facie*. Regarding the latter, she says Natives challenged U.S. governmental discourses as exceptional and self-important.<sup>80</sup> Similarly, Morris and Wander’s analysis of the Ghost Dance as a rhetoric of resistance argues, more broadly, for the constitutive power of Native discourse, both

consummatorily (within indigenous communities) and instrumentally (in appealing to white Americans).<sup>81</sup> This project, however, seeks to examine the unexplored hybrid link between Native and U.S. governmental discourses as they co-constituted identities.<sup>82</sup>

#### INSTITUTIONAL AND NATIVE DISCOURSES: IDENTITY FORMATION, CONSTITUTIVE RHETORIC, IDEOLOGIES & HYBRIDITY

As the above discussion indicates, scholars investigating the removal and allotment periods rarely – or scantily – address American Indian voice during these historical contexts. Scholars tend to agree that the U.S. government was “genuinely concerned about the welfare of a million natives [sic]” but that, concurrently, nineteenth-century Americans felt they “had a special mission in clearing the continent which must not be impeded by the backward red men.”<sup>83</sup> Scholars have gauged what roles Native voices and agencies played in nineteenth-century U.S. Indian policy, but they have yet to attend to how U.S. governmental and American Indian discourses co-constructed their respective identities and those of their cultural counterparts.<sup>84</sup> Viewing the rhetoric surrounding the policies as transactional offers an important interpretation of this hybrid relationship.

Significantly, governmental and American Indian voices should be considered together as interactive forces. As Calloway argues, “Native American history is more than the mirror image of United States history; it is also a part of the shared past.”<sup>85</sup> Bearing in mind the transactional exchange of American and American Indian cultures, it is important to pay more attention to a mosaic of relations instead of “viewing American history as the story of a westward-moving frontier – a line with Indians on one side, Europeans on the other.”<sup>86</sup> Understanding how both Americans and American Indians

constructed nineteenth-century identities and culture provides a more complex and ethical portrait of the United States. To deny one side of a contentious moment a “say” leaves the story partially told.<sup>87</sup>

This project, thus, extends the knowledge of nineteenth-century institutional and Native discourses to include the rhetoric of removal and allotment as they assist in the construction of U.S. government and American Indian identities. In exploring the institutional rhetoric of removal and allotment and American Indian discursive rejoinders to these policies, this project investigates two related questions. I first aim to discover how the U.S. government constituted American Indian communities – while simultaneously shaping its own identities – through the policies of removal and allotment. Analyzing institutional constructions of American Indians and the U.S. government warrants investigation to uncover the ways this complex discourse functioned to help constitute the confluence of identities. This initial question integrates the examination of public discourse of all three institutional branches of the U.S. government. I also seek, though, to examine how American Indian communities constituted U.S. governmental identities – while simultaneously shaping their own identities – within the policies of removal and allotment. The second question highlights the ways Natives responded to the changing and, oftentimes, conflicting governmental constructions of the United States and American Indians.

In answering these questions, I examine a variety of primary documents concerning removal, allotment, and American Indian remonstrations from a number of collections. With regard to institutional discourse, texts derive from archival and printed sources.<sup>88</sup> From the outlook of American Indian rhetoric, texts derive from governmental

and Native archives, as well as published materials.<sup>89</sup> Native texts have been authenticated as precisely as possible.<sup>90</sup> All of the texts are approached as fragments of the nineteenth century U.S.-American Indian milieu. By “fragments,” I mean that the pieces of discourse derive from a number of different locations and, yet, come together to inform an understanding of context. As McGee puts it, rhetoric in this vein “does not begin with a finished text in need of preparation; rather, texts are understood to be larger than the apparently finished discourse that presents itself as transparent. The apparently finished discourse is in fact a dense reconstruction of all the bits of other discourses from which it was made.”<sup>91</sup> In fact, the only extant traces of the interplay between institutional discourse on removal and allotment and American Indian responses are found in disparate locations. In this way, the texts of governmental and Native discourse are gathered in a “composite” fashion. Kuypers, Young and Launer write that “for the purpose of analysis, these fragments may be combined and read as a composite narrative, the aggregate of smaller narratives and thematic fragments.”<sup>92</sup> Such discourses are approached through the critical lenses of identity formation, constitutive rhetoric, ideological criticism and hybridity.

### *Identity Formation*

A nation, in the sentiments of Anderson, “is an imagined political community – and is imagined as both inherently limited and sovereign.”<sup>93</sup> In other words, a nation is not natural or inevitable but rather is a way humans organize their lives based on historical, racial, economic and political contexts.<sup>94</sup> At the center of such an organization flourishes the power of governmental discourse in constituting the nation. Hobsbawm contends that the power of people uniting into a community through governmental

rhetoric “lie[s] at the heart of the nationalism of language.”<sup>95</sup> In a nation – such as the United States that comprises a polyglot of ethnicities, languages, religions and heritages – it sometimes appears, to Beasley, “the only things that would seem to be left are ideas and the rhetoric used to explain them.”<sup>96</sup> That is, rhetoric exists at the heart of the complexities surrounding U.S. governmental identities.

Like nations and nationalism, “national identities” are, too, constructions called into existence through language.<sup>97</sup> A government’s identity, “much like that of their nation,” Stuckey argues, “is largely imagined, based less on historical or geographical inevitability and more on the power of rhetoric to form and focus allegiances.”<sup>98</sup> Identities ebb and flow depending on the contexts of crises, ideologies and patriotic sentiment. Moreover, such identities are only shown to be definitional in their varying meanings which “are multiple, even contradictory, and can be shown to have changed radically over time.”<sup>99</sup> National identities instantiated by governmental discourse, in particular, evolve over time based on the mingling of various groups competing or intersecting within the nation.<sup>100</sup>

Certainly, governmental bodies in power define, in part, the bulwarks of identities. In fact, conceptions of dominant ideologies with respect to governmental identities have tended to consume scholarly interest in the topic. Examining the top-down studies undertaken by Anderson, Bruner, Gellner, Gerstle and Takaki offers a glimpse at the way subaltern voice has been occluded from the study of national identities in contrast to the weight afforded institutional authorities.<sup>101</sup> Still, one cannot deny the agency of the subaltern in helping constitute national and governmental identities. As Hobsbawn puts it, identities must be examined with an eye towards a “dual phenomena,



constructed essentially from above, but which cannot be understood unless also analyzed from below, that is in terms of the assumptions, hopes, needs, longings and interests of ordinary people, which are not necessarily national and still less nationalist.”<sup>102</sup> Even when dominant ideologies through the government direct a nation’s character, always present are the voices of the subaltern. The voices of dominant and the subaltern groups help construct the topography of cultural relations.

The vitality of topography as a trope of identity formation does not end or begin with cultural mappings. Territorial expansion, as well as control over other groups, demands physical place and space within which to develop and thrive.<sup>103</sup> The issue of land, and the rhetoric of space, was imperative to U.S. governmental and American Indian communities. For nineteenth-century U.S. governmental identities, such territorial “place” was necessary to “the nation’s rapidly industrializing economy.”<sup>104</sup> Additionally, the “space” that was attached to the physical land was vital to build a nation “based on the assumptions of racial and cultural superiority as well as an insatiable desire for land, expansion and empire.”<sup>105</sup> The American public, as well, needed land for enlargement and was not above exacting the sentiments of *terra nullius*, “the uninhabited or unimproved wasteland commonly described by early European explorers and settlers in North America and other regions inhabited by aboriginal peoples.”<sup>106</sup> To nineteenth-century U.S. national identities this “uninhabited wasteland” allowed for the growth of American economies and cultural identities based on a rhetoric of space that justified such expansion.

Alternatively, land for indigenous nations was connected ontologically to cultural and individual existence.<sup>107</sup> According to Strickland, American Indians consistently

argued against removal from homelands on the grounds that they “should not relinquish the land of their ancestors” or the source of their spiritual worth.<sup>108</sup> To critics of American expansion, the so-called “settlement” of the West, in particular, is terribly flawed. Robbins argues, for example, that the idea of discovery and settlement “refuses to acknowledge the presence of others who already inhabited the regions.”<sup>109</sup> Needless to mention, there existed a substantial disconnect between U.S. and American Indian perspectives of land.<sup>110</sup>

The power to control land developed into an important feature of place and space in the U.S. government’s nineteenth-century nationalism. According to Delaney, the frontier world was carved into meaningful spaces; lines were socially constructed and were imposed and enforced by the dominant group. All one needs to do, he writes, is “to call to mind the *experience* of access granted or denied, of exclusions and expulsions enforced, or protection or sanctuary respected or violated.” To think more carefully about the nineteenth-century world of territory is, hence, “to become conscious of the social relations of power.”<sup>111</sup> The fashion in which the United States dispossessed American Indians of their land and then removed Natives to desolate, unfertile “checkerboards,” demonstrates how oppressive the “geographies of power” could be for peoples of color.<sup>112</sup> Part of understanding U.S. governmental identity formation in the nineteenth century involves investigating how the rhetoric of space played out, and how land moved between U.S. and American Indian societies. Once under investigation, the context surrounding issues like removal and allotment help explain the ways “geographies of power” constitute hierarchies, and help address the manner in which

hierarchies coalesced into the imbrication of U.S. governmental and American Indian identities.<sup>113</sup>

Territory is also closely tied to U.S. citizenship. Citizenship, or the designation of “criteria for membership in a political community,” is among the most elemental of social tenets.<sup>114</sup> From the outset of America’s founding, membership in the republic merged with territorial ownership. According to Ricci, this was so because “property assured economic self-reliance which, in turn, permitted independence of mind and will.”<sup>115</sup> In addition to the personal benefits of territory to American self-reliance, property-holding bivouacked the U.S. nation itself. James Madison acknowledged in *The Federalist Number Ten* that “the freeholders of the country” would be “the safest depositories of republican liberty.”<sup>116</sup> With a personal stake and investment in the land and the nation under which it existed, Madison and others believed that U.S. frontier borders would be both protected and steeped in the precepts of liberty. The more landed citizens that the nation could boast, the “more stable and secure the political system” would be.<sup>117</sup> Moreover, property equated to territorial unity, which bonded the white male citizenry despite the proliferation of partisan division. Or, as Schudson puts it, “there was no question in the minds” of American leaders that a “property qualification” was imperative for a productive and cohesive citizenship.<sup>118</sup>

Citizenship surely defines subjectivities’ political stance, but it moves beyond doing so for status or nomenclature alone. In addition, citizenship and its laws “literally constitute – they create with legal words – a collective civic identity.”<sup>119</sup> By linking land to citizenship, the U.S. government – through its numerous naturalization acts – afforded property a definitional quality of Americanness. The possession and control of land,

writes Shalhope, “meant control of an economic future of people living in an agrarian society” but access to land concurrently “constituted the vital prerequisite for political and social” identity for the U.S. citizen.<sup>120</sup> Those (whites) who owned property were considered a part of the nation. And, those who could eke out a productive and economic life on the land had an unquestionable right to the land.<sup>121</sup>

Citizenship in the nineteenth century United States furthermore worked through the exclusion of African Americans and American Indians. If citizenship vested in property – and the productive (agrarian) use of the property – then both subjectivities failed the naturalization test. For African Americans, property ownership was a non-issue that the institution of slavery made moot.<sup>122</sup> For American Indian nations, though the U.S. government admitted their quasi-ownership, or “tenantship,” of the land, and subsistent modes of hunting and gathering disqualified them altogether from citizenship.<sup>123</sup> In this vein, indigenous communities were not recognized by European powers “as having any territorial claim whatsoever” let alone the trappings that citizenship bestowed.<sup>124</sup> Native nations in eighteenth and nineteenth century America – what the Declaration of Independence called “merciless Indian savages” – could not be allowed into the U.S. citizenry.<sup>125</sup> This was so, speculates Takaki, because the nation had to have a homogenous population, a “people with the same laws and language... owners of private property.” Diversity, he continues, was dangerous to republicanism, especially when the “civilized” precepts of the “new American republic” had to mingle with “cultures close to nature and the instinctual life.”<sup>126</sup> The “uniform rule” of the U.S. government’s numerous naturalization acts, thus, occluded American Indian nations

based on race – to be sure – but also on their mere “occupancy” of the land and their inability to “produce” on the land as part of a larger U.S. citizenry.<sup>127</sup>

Still, U.S. citizenship – and the ways that American Indians were considered for or occluded from the nation’s citizenry – was not always clear and was rarely consistent. As Smith asserts, U.S. citizenship “has always been an intellectually puzzling, legally confusing ... and contested status.”<sup>128</sup> When complicated by American Indians’ triangulated positions (tribal, state and federal affiliations) the naturalization processes of the United States become even less clear. The following chapters read American Indian and U.S. national identities through this lens of citizenship.

Overall, these theories and histories of governmental identity – and the way they develop, evolve and function – serve as a critical template for analyzing the institutional and Native discourses of removal and allotment. Following Beasley’s lead, this perspective allows critics to grapple with the ways that subjectivities are interpellated into a nation. Or, as she also puts it, “Perhaps, then, instead of continuing to ask only *what* Americans’ shared beliefs are, we might also ask *how* they are – how and when they come into being, how they are defined and understood, and how they thus constitute the ‘knowledge culture’ that is assumed to accompany American national identity.”<sup>129</sup> Identity contains a number of integral components including constitutive dynamics, ideologies and hybridity; these components are next considered.

### *Constitutive Rhetoric and Ideology*

Closely related to identity formation is the perspective of constitutive rhetoric. Bearing in mind the constitutive nature of federal powers, Wald notes that such powers “call attention to the symbolic processes through which the U.S. government constitutes

subjects: how Americans are made.”<sup>130</sup> The constructive role of discourse hearkens to Charland’s conception of constitutive rhetoric, a vital identity-builder that explains how “the people, in general, exist only through an ideological discourse that constitutes them.”<sup>131</sup> The process is broadened with the work of Jasinski, in which we find the constitutive rhetoric of “The American subject ... residing, ironically enabled by those excluded negative others: the white middle class woman, the American Indian warrior, and the enslaved African-American. This dialectic between self and ‘other’ functions as a central element in this dimension of discursive constitution.”<sup>132</sup> Constitutive rhetoric, thus, reveals one element of institutional rhetoric: the representation of a subaltern identity through juxtaposition against, and mergers with, a dominant group.

Furthermore, the American government inculcates an additional component of constitutive power and identity formation. Executive orders, legislative acts and judicial decisions move beyond constructing ethnic identities alone to achieving political ends by the imbrication of broader national identities. Nationalism remains but one way humans organize themselves around political and cultural circumstances. The idea of a nation comprised of a people is a rhetorical function. It is “a creation brought about by a specific sort of historical necessity and specific kinds of rhetorical action.”<sup>133</sup> The federal government’s rhetorical action, here, involves the assumption that institutional discourse is “conceived as a prime mechanism for furthering the political development of the United States as a nation-state.”<sup>134</sup> Oftentimes, then, governmental discourse helps construct U.S. governmental identities through other subaltern identities.

This element of constitutive rhetoric illustrates the “community building” function White discusses in noting that government discourses are not solely about “the

message” of institutional language, but also about the “experiences” they offer the community.<sup>135</sup> Discourse moves beyond self-identity to broader collective purposes. Rhetoric, according to Jasinski, “functions to organize and structure an individual’s or a culture’s experience of time and space, the norms of political culture and the experience of communal existence (including collective identity), and the linguistic resources of the culture (including in particular, the stock fundamental political concepts that shape the culture’s understanding of political existence).”<sup>136</sup> Of course, part of “communal existence” involves racializing the nation through institutional rhetoric. Hence, Clark reminds us that through institutional rhetoric, “Indian tribes in less than a century traveled the pathway from nearly complete independence to restricted dependence under the paternalism of the federal government.” The government “served as a powerful instrument for confining Indians and forging drastic changes upon them.”<sup>137</sup>

Scholars of constitutive rhetoric, in addition to assuming a “top-down” mechanism, also recognize the construction or reconstruction of identity from the perspective of a subaltern group.<sup>138</sup> Whereas Jasinski’s work tends to view constitutive rhetoric moving from the powerful to the less-powerful, the differing, and yet complementary, “bottom-up” function of discourse provides for response, community-building and reconstitution.<sup>139</sup> Charland argues that people call themselves into existence – or challenge another’s perception of them as a “people” – through discourse. He continues that such a “constitutive rhetoric leads us to call into question the concept ...of an audience composed of unified and transcendent subjects. If we are left with a subject, that subject is partial and decentered. History, and indeed discourse itself, form the ground for subjectivity.”<sup>140</sup> Or, with Wald, we understand how identities were fashioned

over time and across contexts by examining the discourses that label and establish the borders of a subjectivity's identities.<sup>141</sup> Part of this identity construction comes from the subjectivities themselves – from their own voices – as well as institutional powers.

The emancipatory notion of a people calling themselves into existence holds a long tradition in rhetorical studies. The early work of Campbell and Gregg leads us to view subaltern voices as powerful in the reconstitution their own identities.<sup>142</sup> Similarly, McGee's argument that people coalescing as a rhetorical union demonstrates how responsive discourse can empower a group with agency in the face of grave exigencies levied by institutional powers.<sup>143</sup> From an American Indian perspective, Lake's criticism on Native discourse taking on consummatory purposes exemplifies the power of internal discourse in uplifting Native communities.<sup>144</sup> The constitutive and reconstitutive function of language is integral to understanding the interaction of Native and U.S. identities through the rhetoric that comes to craft these identities.

This project, overall, assumes that ideological forces are at work in constitutive moments of identity formations surrounding removal and allotment. Wander writes that such rhetorical criticism introduces ideology as a topic of judgment: "An ideological turn in modern criticism reflects the existence of crisis, acknowledges the influence of established interests and the reality of alternative world-views, and commends rhetorical analyses not only of the actions implied but also of the interests represented."<sup>145</sup> Importantly, ideological criticism assumes the power of discourse – so vital to both identity formations and constitutive rhetoric – in shaping hybrid cultural character. To conceive of a text as ideological, according to Therborn, "is to focus on the way it operates in the formation and transformation of human subjectivity ... Ideology operates



as discourse, addressing or ... interpellating human beings as subjects.”<sup>146</sup> Similarly, McGee has argued that discourse and ideology intersect in the text and that “through the analysis of rhetorical documents” a “people” can be discovered to function.<sup>147</sup> These people or “culturally available subject positions” are, according to Campbell, “shifting, not fixed, identities” and raise issues about “the formation of publics and counterpublics.”<sup>148</sup> Subjectivities can be tracked through discourse. A people’s myriad identities, and how they interact with others’ identities, can then be examined through texts.

This project also assumes that ideologies and texts can travel from one historical, political, social and cultural era to other subsequent eras. According to Campbell, an analysis of ideologies embraces a “diachronic concern for the movement of constitutive transformative experiences over time.”<sup>149</sup> Successive periods, therefore, are not isolated but linked together by ideological formations that transcend moments in time. Or as McGee argues, discourses “presuppose taken-for-granted cultural imperatives, all of culture is implicated in every instance of discourse.”<sup>150</sup> Longitudinal ideological studies “could begin with a historical epoch and proceed to analyze ... a before and after meaning.”<sup>151</sup>

The analysis that follows presumes that ideologies can be examined “by comparisons over time” so as to “establish an analog” of their impact on discourses and, in this case, U.S. governmental and American Indian identities.<sup>152</sup> Concerning nineteenth-century governmental and American Indian discourses of removal and allotment, my focus is on how identities formed and functioned within particular ideological contexts that evolved over time. As Nelson asserts, “We might recalibrate our understanding of

identity politics in the early nation ... to see Indianness not simply as a mythological oppositional/negative contrast to 'white' identity, but as something more complex and flexible than that..."<sup>153</sup> Indeed, U.S. and Native discourses were not always a simple mirror image of the other, as Lepore has suggested, but a complicated ideological mosaic of national identities.<sup>154</sup> Senior argues that these discourses were participatory and yet separatist; conciliatory and yet oppositional – they were hybrid.<sup>155</sup>

### *Hybridity*

The concept of hybridity remains a vital component of this study. Hybridity considers the process of rhetorical intermingling through which differing ethnicities emerge as changed subjectivities.<sup>156</sup> According to Greaves, the defining quality of hybridity is this "ritual of transition when a novitiate is neither the former nor the subsequent social category."<sup>157</sup> Instead of positioning identities as monolithic or static, hybridity hypothesizes that upon interaction cultures experience a "blurring of boundaries" that explodes characteristics formerly understood as "universal."<sup>158</sup> There exists during contact the sluicing of centers, or as Kaup suggests, "the forces of contagion and continuity across boundaries" are stronger than entrenched identities. Overall, hybridity accounts for how the "poetics of relationality" displace the insularity of individual identities during intercultural relations.<sup>159</sup>

Hybridity impacts Native and U.S. governmental identities in numerous ways. One of the prevailing stances states that bringing together U.S. and Native identities consequentially forces American Indians to assimilate and seemingly "kill off" their subject-positions.<sup>160</sup> That is, while the United States represented the "great force of change" and positioned itself as a dominant identity, Natives "represented what had been

lost.”<sup>161</sup> Hybridity in this case leads to assimilation, a practice that assumes a “dialogic contamination” that is “asymmetrical, not parallel.”<sup>162</sup>

American Indian Studies has challenged this unidirectional understanding of hybridity. Scholars following this tradition have asserted that hybridity mostly takes on emancipatory functions, allowing Natives to constitute and secure new subject-positions by resisting U.S. Indian policies. Hybridity, thus, weakens the foundation of U.S. centrality, and helps American Indians enter into conversations with the U.S. government. Hybridity in this vein permits American Indians to operate “as a more or less unrestricted actor in shaping [their] own life and a more general social destiny.”<sup>163</sup> It provides indigenous communities the chance to experience being a particular subject *for* themselves instead of becoming a subject *of* the United States.<sup>164</sup> In Young’s estimation, the “doubleness” created by hybridity brings together, fuses “but also maintains the separation” of concession and self-agency in discourses.<sup>165</sup>

I view hybridity as an amalgam of the polar instantiations articulated above. Hybridity calls into power the notion of the “Third Space” – alternatively known as the “borderland” or “threshold” and, hence, involves both sides. According to Bhabha, space<sup>166</sup> is needed for cultures to assemble, commingle and hybridize their identities through discourse. In his view, “displacement and mixture give rise” to this zone of contact.<sup>167</sup> Within space, “the transformational value of change lies in the re-articulation, or translation, of elements that are *neither the One ... nor the Other ... but something else* besides which contests the terms and territories of both.”<sup>168</sup> In other words, this “betweenness” becomes a space where a poetics of culture “as in-between” builds

triangular relationships among the individual cultures entering an interaction and the third hybrid postures that result.<sup>169</sup>

The convergence among, and fusion of, so many subject groups with the U.S. government brings to light constructs of hybridity and cultural identities. Indeed, culture is “as hybrid in America as anywhere in the world.”<sup>170</sup> One of the most time-tested borderlands involves the U.S. government and American Indian nations. Kaup and Rosenthal argue that the meeting ground between Native groups and the U.S. government, in particular, have involved “identity changes [or hybridizations]” on behalf of all the groups involved.<sup>171</sup> The syncretic impact of discourses points to a new elevation of American Indian “orality and written texts” to the transformative levels of U.S. governmental rhetoric.<sup>172</sup>

This project rests heavily upon this shift toward “radical indigenism.”<sup>173</sup> My reliance, here, borrows from Harmon who reminds us “... it would be a mistake to downplay the power of Indian people in the definition process.” American Indians have not just *moved* through their relations with the United States by consenting or remaining indifferent. Alternatively, they have also *acted* by strategizing “to perpetuate themselves in a state that comports” with them; they have worked “to achieve or retain economic resources, power and autonomy, safety ... and the other necessities of human existence.”<sup>174</sup> American Indians did so, in part, by appropriating the government’s rhetorical frameworks but also by articulating their own rhetorical strategies.

The power of governmental agency, though, should not be ignored. The government certainly set the discursive strictures of the U.S.-Native relationship. In turn, as my analysis shows, the government enacted a greater leverage of power than American

Indians. Thus, this study presumes a power differential that fails to completely balance the power of Natives and the U.S. government.

### *Outline for Study*

This study situates institutional and American Indian discourses at the interstices of nineteenth ideologies that underscored interactions of the U.S.-Native relationship. Specifically, the project argues that both U.S. governmental and American Indian voices contributed to the policies of U.S.-Native relations throughout the nineteenth century's removal and allotment eras. Simultaneously, these discourses co-constructed the identities of both the U.S. government and American Indian communities and contributed textures to the relationship. Such interactions – though certainly not equal among groups – demonstrated the hybridity extant in U.S.-Native affairs in the nineteenth century. That is, both governmental and indigenous discourses added arguments, identity constructions and rhetorical strategies to the relationship. Ultimately, the study argues that this hybridity helped shape “Indian” policies and constituted cultural identities in the nineteenth and early twentieth centuries.

American Indians, it is contended, achieved numerous goals in terms of impeding the implementation of the removal and allotment policies. Likewise, by appropriating the U.S. government's discursive frameworks and inventing their own rhetorical strategies, American Indian communities helped reshape their own and the government's identities. Natives, further, worked through the government's homogenization of indigenous culture to organize a pan-Indianism that allowed them to unify in opposition to the government's policies and constructions of American Indian identities. During the first third of the twentieth century, American Indian agency was shown to impact the U.S.-Native

relationship as Natives urged for the ultimately successful passage of the Indian Citizenship Act of 1924 and the Indian New Deal of 1934. These acts granted U.S. citizenship to American Indians and also allowed them connections to their tribal cultures, respectively. As will be contended, American Indian resistance throughout the removal and allotment eras helped motivate these more emancipatory policies of the U.S.-Native relationship. American Indians concomitantly challenged the government-instigated identity constructions of Natives as savage, childish, weak and uncivilized into positive self-characterizations of independence, strength and unity. Similarly, American Indians interrogated the government's self-professed identities as benevolent, paternal, just and civilized; in the process, they illustrated how the U.S. government acted through deception and fraud.

In the end, Native communities were granted increased discursive power, though the U.S. government still retained its control over American Indians. Part of this control derived from the government's territorial management of Natives, which functioned as a crucial space for constituting American Indian and governmental identities. The Indian Citizenship Act and the Indian New Deal – where this study concludes – demonstrated the prevalence of the *identity duality* of U.S. citizenship that assimilated American Indians to the nation, yet segregated them on reservations outside the spaces of the U.S. *civis*. This duality of inclusion and exclusion was built incrementally through the removal and allotment periods, and existed as residues of nineteenth century U.S.-Native relations. Here, the U.S. government transformed its self-identity constructions as paternal, benevolent and equitable into a *controlled citizenship* and *controlled sovereignty* over American Indian communities. In so doing, the legislative and judicial

branches – led by the executive – reified its constructions of American Indians as monolithically dependent, quasi citizens and unworthy of complete autonomy. At the same time, the executive branch ascended as the principle force in U.S.-Native affairs.

Chapter One reviews the history of U.S.-Native relations, focusing on cultural interactions and identities during the time period between European contact and the beginning of the nineteenth century prior to the removal era. The chapter details the early interactions among American Indians and both Europeans and Americans from the fifteenth century to the removal era (1810s-1840s). Both institutional and Native discourses are examined to demonstrate how hybridity undergirded the early relationships preceding the Indian Removal Act of 1830. The chapter also introduces the ideologies of expansion, territoriality, republicanism, paternalism and citizenship that carried into the later decades of the nineteenth century.

Chapter Two examines U.S. governmental discourse surrounding the Indian Removal Act by positioning it in the crucible of Jacksonian era ideologies. Specifically, the chapter contends that as the executive, legislative and judicial branches codified the removal policy they overcame disagreements regarding Native policies and American Indian identities. The removal debate, and the final ratification of the Indian Removal Act, significantly reduced such uncertainties for U.S. leaders and constructed American Indians as perpetual wards of a paternal and controlling government. These identity dynamics would remain intact until the dawning of the allotment era in the 1880s. The chapter, too, shows how the government viewed territory through the doctrine of discovery in order to occlude American Indians from citizenship as uncivilized and failed toilers of their lands. Simultaneously, American Indian identities were homogenized,

thereby eliding the nuances of individual indigenous communities. The Act clarified that *all* American Indians – regardless of past efforts to assimilate or undertake “civilizing” – would exist as controllable wards of a benevolent U.S. government. The executive branch, therein, represented the government, and both legislative and judicial discourses elevated the presidency (and its attendant cabinets) as the primary institutional force in guiding U.S.-Native affairs. The government’s removal era rhetoric punctuated the hybrid identities of itself and Native communities by creating a submissive-dominant cultural hierarchy.

Chapter Three explores the ways that Native communities contributed to the removal debate and responded to both the Indian Removal Act and the governmental and Native identities it helped construct. American Indians were able to reshape these identities by appropriating governmental arguments and rhetorical strategies as empowering investitures into the removal debate. At the same time, American Indians contributed differing governmental and Native identity constructions, which permeated the government’s debate over removal. One such strategy involved the framing of territory through moral inheritance that provided them with some semblance of occupancy rights despite the government’s goals of segregation through removal. Such interaction with governmental discourses punctuates the hybridity at work, as both the U.S. government and American Indians added to the U.S.-Native relationship. Specifically, the rhetoric of the Five Civilized Tribes, the Cherokee Nation and northern and northwestern nations indicates that they sought sovereignties positioned outside the scope of U.S. citizenship. To this end, they reconstituted themselves as independent, worthy of territory, just, stable and godly. Alternatively, governmental identities –



especially due to the Indian Removal Act's passage – were constructed as untrustworthy, sinful and ungrateful. Overall, the chapter contends that American Indians exhibited an empowering agency that at once slowed the implementation of removal and also challenged the governmental and indigenous identities stimulated by the policy.

Chapter Four addresses governmental discourses surrounding the Dawes Act of 1887 and the identity constructions that arose as the nation edged ever closer to removed Native communities in the West. The chapter, particularly, argues that the U.S. government transformed the paternal relationship it employed in the 1830s to exclude Natives into a rhetorical strategy of assimilation. Territory, therein, was linked to – and conflated with – citizenship, and hence Natives were at first viewed as potential yeoman citizens. In the process, American Indians were constituted as dependent and yet civilized enough for agricultural production as a key contribution to the U.S. nation-state. This illustrated a commodification of Native communities through republicanism. And, the government constructed itself as a *republican father* that would train American Indians for possible citizenship through the allotment policy's insistence on yeoman farming. The late nineteenth century promises of citizenship pointed to the possibility that American Indians could exist as equals within the *civis*. However, the Dawes Act continued to distance American Indians from the U.S. nation. This conflation of assimilation and segregation underscored the *identity duality* of U.S. nationalism. Native communities therein were not granted full U.S. citizenship; the childish and dependent identities attributed to American Indians in the removal era cropped up again in the 1880s. Instead, Natives were cordoned onto reservations as dependent occupants. But, the possibility that citizenship was feasible – and the government's notion that Natives

could produce on their land – acted as a rupture that American Indians worked through to petition for both U.S. citizenship and separate sovereignty.

Chapter Five analyzes the fashion in which American Indians challenged the allotment policy, and did so in part by restructuring their dependent – and the government’s self-professed paternal and controlling – identities codified in the Dawes Act. American Indians crafted their rebukes to the policy through petitions, memorials, biographical and literary works and public speeches that served to interrogate the *identity duality* that was entrenched in the allotment scheme. And, they also worked through territoriality as a topoi of garnering citizenship or sovereignty. Specifically, the chapter argues that American Indians gave voice to this dualism and these identity constructions, signifying both the hybrid relationship between the U.S. government and Native communities and the power of indigenous voice in exposing the government’s contradictions. That is, Dawes era Native discourses pierced the mythos of republicanism and paternalism that the government imbricated, thus revealing the incongruence of the allotment policy’s promises of citizenship combined with further exclusion. The puncturing of such mythos also points to the ways that American Indians added to the hybrid U.S.-Native relationship. Part of Native resistance generated from *pan-Indianism* – the gathering of American Indians across particular individual nations. Pan-Indianism appropriated the U.S. government’s homogenization of Natives in order to channel it into an empowered rhetorical strategy. But, the ends of pan-Indianism were not always the same. This chapter serves also to nuance the differences in American Indian discourses between those indigenous groups wishing for U.S. citizenship and those who sought an autonomous existence outside the scope of U.S. citizenship.

Finally, the Conclusion considers the exchanges of governmental and American Indian discourses in the first third of the twentieth century. Here, the chapter argues that the passage of the Indian Citizenship Act of 1924 and the Indian New Deal of 1934 culminated from a merging of governmental and indigenous voices, thereby exhibiting the hybridity present in the residues of their nineteenth century exchanges. Both of the outwardly emancipating acts were symbolic of the power of Native agency over the course of the removal and allotment eras. Seemingly, integrationist American Indians would achieve the U.S. citizenship they had striven for throughout the allotment era through the Indian Citizenship Act. Likewise, separatist Natives – who resisted during the removal and allotment eras – would attain independence through the Indian New Deal, which allowed for tribal restructuring. However, the acts also pointed to the ways that the U.S. government retained its control over American Indians by reifying the *identity duality* of U.S. nationalism. That is, the acts granted American Indian communities a *controlled citizenship* and a *controlled sovereignty*. The government's management of Native territories was a synecdoche of this control. American Indians could neither fully enact their citizenship in the U.S. *civis* as segregated sectors of the nation, nor could they enjoy full separatist sovereignty because assimilation to the U.S. nation functioned to block their autonomy. In the end, both U.S. governmental and American Indian voices were blended into the resulting twin legislation that capped the cultural exchanges extant in nineteenth century hybrid U.S.-Native relations.

Before delving into examinations of U.S. and American Indian discourses – and how the voices therein helped constitute identities – a survey of the contexts leading to the removal era is offered.

## END NOTES

---

<sup>1</sup> Though the designations of “tribe” and “nation” are both correct when attributed to distinct American Indian groups, I use the term “nation” (lower case when discussing groups in general; upper case when speaking of a particular indigenous group). “Tribe” as a descriptor has come to represent a diminutive, powerless “group of people united by ties of common descent from a common ancestor, community of customs and traditions, adhering to the same leaders” (Newcomb). In a sense, here, “tribe” is more taxonomic than political. “Tribes” exist apart from land, governments, negotiating power and sovereignty. Alternatively, a “nation” is “a body of people, associated with a particular territory, that is sufficiently conscious of its unity to seek or to possess a government peculiarly its own” (Newcomb). Notice, here, that a “nation” is active and mindful; it seeks government and possesses governmental ideologies. According to Newcomb (Shawnee/Lenape), referring to American Indian groups as “tribes” constructs them in a passive light – while elevating their U.S. counterparts as decision-makers, governments, sovereigns, and confederations. With Newcomb’s argument in mind, I use “nation” to demarcate American Indian groups, therefore applying “the most powerful terms in the English language to express ... political identity” (Steven Newcomb, “On the Words ‘Tribe’ and ‘Nation,’” *Indian Country Today* 24:26 [8 December 2004], A3).

<sup>2</sup> Black Hawk, *Black Hawk’s Autobiography* (Ames: Iowa State U P, 1999), 9.

<sup>3</sup> Black Hawk, *Autobiography*, 9-10.

<sup>4</sup> Black Elk, “The Spider’s Web,” in *Black Elk Speaks*, ed. John G. Neihardt (Lincoln: U of Nebraska P, 1931), 35-36.

---

<sup>5</sup> Throughout this project, I will refer to Native populations in North America as: American Indian, Indigenous and Natives, per the current trends in American Indian cultural studies. These designations, in particular, are welcome identity signifiers according to Eva Marie Garrouette, *Real Indians: Identity and the Survival of Native America* (Berkeley: U of California P, 2003); Devon Mihesuah, ed., *Natives and Academics: Writing About American Indians* (Lincoln, NE: U of Nebraska P, 1998); and Russell Thornton, ed., *Studying Native America: Problems and Prospects* (Madison, WI: U of Wisconsin P, 1998). Readers are encouraged to bear two precepts in mind. First, the proper designation of Native populations in North America remains controversial. Differences exist and divide sociologists, anthropologists, historians, and – most importantly – Native folk themselves. Second, due to the variant descriptors accepted/rejected, I am dedicated to integrating all three primary labels. Whenever possible, I will designate populations based on their national affiliation (e.g., Seminole). Also, due to the importance of representing the contextual bedding of this project, I quote nineteenth-century sources that often refer to American Indians as “tribes,” “tribal,” “children,” “heathen,” and “savage” among other dubious metonyms. Such labels arise from the text of the particular epoch under investigation.

<sup>6</sup> Vine Deloria, *Custer Died for Your Sins: An Indian Manifesto* (Norman: U of Oklahoma P, 1988), 14.

<sup>7</sup> David Leverenz, *Paternalism Incorporated: Fables of American Fatherhood, 1865-1940* (Ithaca: Cornell U P, 2003), 6.

---

<sup>8</sup> See Siobhan Senier, *Voices of American Indian Assimilation and Resistance: Helen Hunt Jackson, Sarah Winnemucca, and Victoria Howard* (Norman: U of Oklahoma P, 2001).

<sup>9</sup> Black Hawk, *Autobiography*, 9-10.

<sup>10</sup> Priscilla Wald, *Constituting Americans: Cultural Anxiety and Narrative Form* (Durham: Duke UP, 1995), 16-17.

<sup>11</sup> Throughout this project, I refer to “U.S. identities” and “Native identities” (or “American Indian identities”). I choose to pluralize “identity” in these cases taking into account Hobsbawm’s argument that a national or group identity is never monolithic or singular. That is, a nation or group is made up of a “myriad of voices” that come together to form a mosaic of identities. See E.J. Hobsbawm, *Nations and Nationalism Since 1780: Programme, Myth, Reality* (Cambridge, U.K.: Cambridge UP, 1990), 110. In terms of U.S. identities, dominant nineteenth-century voices range from English and German to Scottish and Irish ancestry, among numerable others. See Rogan Kersh, *Dreams of a More Perfect Union* (Ithaca, NY: Cornell UP, 2001). Nineteenth-century American Indian identities worked through – and alongside – some 500 nations and 300 languages. See Donna Hightower Langston, *The Native American World* (Hoboken, NJ: Wiley and Sons, 2003), 103. My use of “identities” reflects this plurality of voices within the two broader cultures of the U.S. nation and American Indian communities. There were, of course, also African-American voices extant as a part of U.S. identities during the nineteenth century. This project focuses specifically, though, on the interaction of more dominant U.S. identities and American Indian voices.

---

<sup>12</sup> Eric King Watts, “‘Voice’ and ‘Voicelessness’ in Rhetorical Studies,” *Quarterly Journal of Speech* 87 (2001): 180.

<sup>13</sup> Tzvetan Todorov, *The Conquest of America: The Question of the Other* (New York: Harper Perennial, 1992), 248.

<sup>14</sup> Jill Lepore, *The Name of War: King Phillip’s War and the Origins of American Identity* (New York: Vintage, 1998), 5. According to Horseman, whether through spoken or written word, American Indian communities helped shape both Native identities and “the experience of the United States” (Reginald Horseman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* [Cambridge: Harvard UP, 1981], 207).

<sup>15</sup> Karlyn Kohrs Campbell, “Agency: Promiscuous and Protean,” *Communication and Critical/Cultural Studies* 2 (2005): 5.

<sup>16</sup> For more on the importance of the nineteenth century to the trajectory of U.S.-American Indian affairs, see Dee Brown, *Bury My Heart At Wounded Knee: An Indian History of the American West* (New York: Henry Holt, 2000).

<sup>17</sup> See Walter Russell Mead, *Special Providence: American Foreign Policy and How it Changed the World* (London: Routledge, 2002.)

<sup>18</sup> See Rogan Kersh, *Dreams of a More Perfect Union*, 199-200.

<sup>19</sup> Naturalization Act of 1790 1 Stat. 103-104 (March 26, 1790).

<sup>20</sup> Though I focus in this study on the hybridity between U.S. and American Indian discourses in forging identities, I also recognize that other internal and external forces played a role in incubating this hybridization. For instance, Britain influenced much of the United States’ treatment of indigenous populations. Part of the War of 1812, in fact, dealt with Britain’s role in gathering Native allegiances to oppose the American

---

nation. Such external events affected the way the United States would later act toward, and entreat with, American Indian populations through removal (See Prucha, *The Great Father*). Intercultural hostilities also helped bring about internal policies and tensions. British alliances with American Indians to overthrow the United States on the frontier edges (during the War of 1812) also came to light with regard to the paranoia surrounding the Monroe Doctrine. Spain could easily, it was argued in Monroe's Annual Message of 1823, inspire American Indian forces to take back some of the territories siphoned-off by the Treaty of Ghent. Thus, he considered European alliances with Natives "a manifestation of an unfriendly disposition towards the United States" (James Monroe, "Monroe Doctrine – Annual Message of 1823" in *A Documentary History of the United States*, 7d., ed., Richard D. Heffner [New York: Signet, 2002], 96-98). The self-protectionist and dependent-protectionist ideology of the Monroe Doctrine may have affected the United States' justification for removal and reservationism (which kept Natives at a safe distance and isolated them from outside forces) and, later, the liquidation of these reservations (to further control dissident forces). Though these external and internal contexts certainly relate to an analysis of U.S-Indian relations, I choose instead to focus on the hybridity *between* and *among* the United States and American Indian identities. It must also be acknowledged that Native identities preexist the arrival of Europeans. Again, though, this project focuses on those identities present and vibrant during nineteenth-century U.S-American Indian relations.

<sup>21</sup> Brian Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Lawrence: U of Kansas P, 1991), 67.



---

<sup>22</sup> Andrew Jackson, "Second Annual Message to Congress, 1830," *U.S. House Journal*, 6 December 1830, 25.

<sup>23</sup> John Eaton, "Letter to John Ross, Richard Taylor, Edward Gunter, and William Coody, April 18, 1829," in Office of Indian Affairs, Letter Book no. 5, pp. 408-12, Record Group 75, *National Archives*.

<sup>24</sup> William Story, "Indian Destiny," *Cherokee Phoenix* vol. 1, no. 45 (21 January 1829), 1-2.

<sup>25</sup> Thomas Haltburton, "Removal of the Indians," *The North American Review* vol. 30, issue 66 (January 1830), 66.

<sup>26</sup> Joe Starita, *Dull Knives of Pine Ridge: A Lakota Odyssey* (New York: Putnam's Sons, 1995), 99.

<sup>27</sup> Guy Gibbon, *The Sioux: The Dakota and Lakota Nations* (Malden, MA: Blackwell Publishing, 2003), 135.

<sup>28</sup> Charles J. Kappler, ed, "Agreement with the Sioux of Various Tribes, 1882-83," *Indian Affairs: Laws and Treaties, Vol. II.* (Washington, D.C.: Government Printing Office, 1904).

<sup>29</sup> See D.S. Otis, *The Dawes Act and the Allotment of Indian Lands* (Norman: U of Oklahoma P, 1973).

<sup>30</sup> Deloria, *Custer Died for Your Sins*, 47.

<sup>31</sup> Thomas Morgan, "Annual Report of the Commissioner of Indian Affairs, 1889," in *House Executive Document* no. 1, 51<sup>st</sup> Congress, 1<sup>st</sup> session, serial 2725, 3-4. During the nineteenth century the Commissioner of Indian Affairs oversaw the federal government's relationship with American Indian nations. The position was created by

---

Secretary of War John Calhoun in 1824 and placed atop the newly-minted Bureau of Indian Affairs (BIA) within the War Department. The BIA worked throughout the 1830s and 1840s to engage in Indian removal. As the enterprises of reservationism, assimilation, and allotment gained steam – and bureaucratic complexity – the BIA (also called the Indian Office, the Office of Indian Affairs, the Indian Service and the Indian Desk) was moved under the auspices of the Department of the Interior in 1849 to administer U.S.-Native affairs. The Bureau remains a part of the Interior to this day, and commissioners (now Assistant Secretaries for Indian Affairs) are selected by sitting U.S. presidents. See Terry L. Anderson, *Sovereign Nations or Reservations? An Economic History of American Indians* (San Francisco: Pacific Research Institute for Public Policy, 1995), 93-97; and Langston, *The Native American World*, 337-339.

<sup>32</sup> D.W. Duncan, “How Allotment Impoverishes the Indians: Testimony Before a Senate Investigating Conditions in Indian Country,” in *Senate Report* No. 5013, 59<sup>th</sup> Congress, 2d Session, Part 1, 180-190. Emphasis in original.

<sup>33</sup> Prucha, *The Great Father*, 611.

<sup>34</sup> Peter Nabokov, *Native American Testimony: A Chronicle of Indian-White Relations From Prophecy to the Present, 1492-2000* (New York: Penguin Books, 1999), 259.

<sup>35</sup> Indian Rights Association, “Statement of Objectives,” in *Second Annual Report of the Executive Committee on the Indian Rights Association* (1885), 5-7.

<sup>36</sup> Indian Rights Association, “Statement of Objectives,” 5-7. The Indian Rights Association was one of many “Friends of the Indians” reform groups that sought to bring Native populations into the U.S. fold following decades of war (especially the 1850s-

---

1880s) between the United States and American Indian nations. Broadly, these reform organizations' "solution to the Indian problem was that the Indians were to be 'civilized,' assimilated into the economy through land ownership and education." As Konig relates, "this was a notion not only accepted by those who wanted to promote the Indian cause," but even more eagerly by the federal government (Hans Konig, *The Conquest of America: How the Indian Nations Lost Their Continent* [New York: Cornerstone, 1993], 103-104). Thus, "Friends of the Indians" groups acted as independent mediators of the government's will toward American Indians. The Indian Rights Association, in particular, hoped to elevate Native nations to civilization by cutting off the federal rations program, allotting reservation land, converting Natives to productive capitalist farmers and educating both adults and children in the practices of the English language, Christianity, and American customs and culture (William T. Hagan, *The Indian Rights Association: The Herbert Walsh Years, 1882-1904* [Tucson: U of Arizona P, 1985], ix).

<sup>37</sup> Susan M. Ryan, *The Grammar of Good Intentions: Race and the Antebellum Culture of Benevolence* (Ithaca: Cornell U P, 2003), 41.

<sup>38</sup> Haig Bosmajian, "Defining the 'American Indian': A Case Study in the Language of Suppression," *The Speech Teacher* 21 (1973): 93.

<sup>39</sup> Myra Jehlen, "Why Did the Europeans Cross the Ocean? A Seventeenth Century Riddle," in *Cultures of United States Imperialism*, eds. Amy Kaplan and Donald Pease (Durham, NC: Duke UP, 1993), 42.

<sup>40</sup> Frederick E. Hoxie, ed., *Talking Back to Civilization: Indian Voices from the Progressive Era* (Boston: Bedford/St. Martin's, 2001), viii.

---

<sup>41</sup> Etienne Balibar, “The Nation Form: History and Ideology,” in *Race, Nation, Class: Ambiguous Identities*, eds., Etienne Balibar and Immanuel Wallerstein (London: Verso, 1991), 93.

<sup>42</sup> Campbell, “Agency: Promiscuous and Protean,” 3.

<sup>43</sup> See especially A. Lavonne Brown Ruoff, ed., “Editor’s Introduction,” in S. Alice Callahan, *Wynema: A Child of the Forest*, 1891 (Lincoln: U of Nebraska P, 1997), xiii-xlviii; William W. Savage, Jr., *Indian Life: Transforming an American Myth* (Norman: U of Oklahoma P, 1977), 3-16); and William Strickland, “The Rhetoric of Removal and the Trail of Tears: Cherokee Speaking Against Jackson’s Indian Removal Policy, 1828-1832,” *Southern Speech Communication Journal* 47 (1982): 292-309.

<sup>44</sup> The distinction of “institutional powers” is employed to denote the particular discourse generating from the legislative, executive, and judicial branches of the U.S. government. Granted, “institutions” like the church, media, news media, NGOs, non-profits, and the like can be also considered “institutional.” The discursive examples provided in this study spawn from the Congress, the Executive and its attendant departments, and the Supreme Court. According to Charles, while other institutional discourses are vital, “of much greater import is the insidious and more effective colonial discourse of the learned: the reasoned, symbolic, subtle language” of powerful government institutions (Asselin Charles, “Colonial Discourse Since Christopher Columbus,” *Journal of Black Studies* 26 [1995]: 135).

These “institutional powers” tend to guide broader national ideologies. Ideology is defined herewith along the lines of Therborn’s work: “(Ideology is) that aspect of the human condition under which human beings live their lives as conscious actors in a world

---

that makes sense to them to varying degrees. Ideology is the medium through which this consciousness and meaningfulness operate ... Meaning operates through a symbolic order of language codes” (Goran Therborn, *The Ideology of Power and the Power of Ideology* [London: Verso Press, 1988], 2-3). Ideology represents, therefore, the political languages – controlled by institutions – that guide our collective lives.

<sup>45</sup> Amy Kaplan, *Anarchy of Empire in the Making of U.S. Culture* (Cambridge, MA: Harvard U P, 2002), 28.

<sup>46</sup> Stuckey, *Defining Americans*, 29.

<sup>47</sup> General Allotment Act (Dawes Act) of 1887, in *U.S. Statutes at Large* 24 188: 388-391.

<sup>48</sup> Such scholars include John Buchanan, *Jackson's Way: Andrew Jackson and the People of the Western Waters* (New York: Wiley and Sons, 2001); Colin G. Calloway, *First Peoples: A Documentary Survey of American Indian History* (Boston: Bedford/St. Martin's, 1999); Vine Deloria, “American Indians in Historical Perspective,” in *Native American Law and Colonialism, Before 1776-1903*, ed., John R. Wunder (New York: Garland P, 1996), 123-135; Deloria, *Custer Died for Your Sins*; Dippie, *The Vanishing American*; Francis Paul Prucha, *The Indians in American Society: From the Revolutionary War to the Present* (Berkeley: U of California P, 1988); Prucha, *The Great Father*; Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln: U of Nebraska P, 1975); and Anthony F.C. Wallace, *The Long, Bitter Trail: Andrew Jackson and the Indians* (New York: Hill and Wang, 1993).

<sup>49</sup> Robert V. Remini, *Andrew Jackson and His Indian Wars* (New York: Viking, 2001), 278.

- 
- <sup>50</sup> Remini, *Andrew Jackson and His Indian Wars*, 280.
- <sup>51</sup> Calloway, *First Peoples*, 221.
- <sup>52</sup> Prucha, *The Indians in American Society*, 14.
- <sup>53</sup> Satz, *American Indian Policy*, 1.
- <sup>54</sup> Roy Harvey Pearce, *Savagism and Civilization: A Study of the Indian and the American Mind* (Baltimore: Johns Hopkins U P, 1967), 56.
- <sup>55</sup> Dippie, *The Vanishing American*, 60-61.
- <sup>56</sup> Ryan, *The Grammar of Good Intentions*, 45.
- <sup>57</sup> Deloria, *Custer Died for Your Sins*, 30, 33.
- <sup>58</sup> Dippie, *The Vanishing American*, 179.
- <sup>59</sup> Prucha, *The Great Father*, 624.
- <sup>60</sup> Wallace, *The Long, Bitter Trail*, 118.
- <sup>61</sup> Otis, *The Dawes Act and the Allotment of Indian Lands*, 2.
- <sup>62</sup> Wilcomb E. Washburn, *The Assault on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887* (Philadelphia: Lipincott Company, 1975).
- <sup>63</sup> See, for example, Robert M. Utley, *The Indian Frontier of the American West, 1846-1890* (Albuquerque: U of New Mexico P, 1984).
- <sup>64</sup> See, for example, William M. Osborn, *The Wild Frontier: Atrocities During the American-Indian War from Jamestown Colony to Wounded Knee* (New York: Random House, 2000).
- <sup>65</sup> For more on the rise of American Indian Studies, see Devon Mihesuah, *So You Want to Write About American Indians? A Research Guide for Scholars, Students and Writers* (Lincoln: U of Nebraska P, 2005).

---

<sup>66</sup> Prucha, *The Indians in American Society*, 46-47.

<sup>67</sup> Nabokov, *Native American Testimony*, 1999.

<sup>68</sup> Ibid.

<sup>69</sup> Henry E. Fritz, *The Movement for Indian Assimilation, 1860-1890* (Philadelphia: U of Pennsylvania P, 1981), 213-214.

<sup>70</sup> Deloria, *Custer Died for Your Sins*, 7-8.

<sup>71</sup> William M. Strickland, "The Rhetoric of Removal and the Trail of Tears: Cherokee Speaking Against Jackson's Indian Removal Policy, 1828-1832," *Southern Speech Communication Journal* 47 (1982): 294.

<sup>72</sup> Conser, "John Ross and the Cherokee Resistance Campaign," 195.

<sup>73</sup> Gary E. Moulton, *John Ross: Cherokee Chief* (Athens: U of Georgia P, 1978).

<sup>74</sup> For example, Perdue collected the writings of *Cherokee Phoenix* newspaper editor Elias Boudinot and ordered them into contextual topics concerning U.S. Indian policy. These works typically include categories of correspondence such as "Removal," the "Treaty of New Echota," or other Native agreements related to removal (Theda Perdue, *Cherokee Editor: The Writing of Elias Boudinot* [Knoxville: U of Tennessee P, 1983]).

<sup>75</sup> The most wholistic and longitudinal study – as well as the only book-length study – in rhetorical studies of American Indian discourse or Native issues is Janice Schuetz's *Episodes in the Rhetoric of Government-Indian Relations* (Westport, CT: Praeger, 2002). This study, however, seems more focused on showcasing rhetorical criticism than government-Indian relations. In fact, the title's term "episodes" refers to a collection of disconnected and arbitrarily chosen moments of American Indian history;

---

each “episode” undertakes a different rhetorical-critical endeavor (i.e., narrative analysis, generic analysis, and dramatistic interpretation, etc.).

<sup>76</sup> Blue Clark, “Lone Wolf v. Hitchcock: Implications for Federal Indian Law.” *Western Legal History* 5 (1992): 11. For a thorough and extended version of Clark’s article, see his *Lone Wolf v. Hitchcock: Treaty Rights and Indian Law at the End of the Nineteenth Century* (Lincoln: U of Nebraska P, 1994).

<sup>77</sup> As with Nabokov’s work, Moquin and Van Doren’s classic *Great Documents in American Indian Policy* provides Native responses along with brief introductory comments on each text presented (Wayne Moquin and Charles Van Doren, *Great Documents in American Indian History* [New York: De Capo, 1995]).

<sup>78</sup> Hoxie, *Talking Back to Civilization*.

<sup>79</sup> See Nelson, *National Manhood*; and Siobhan Senier, *Voices of American Indian Assimilation and Resistance: Helen Hunt Jackson, Sarah Winnemucca, and Victoria Howard* (Norman: U of Oklahoma P, 2001).

<sup>80</sup> Robin Patric Clair, “Organizing Silence: Silence as Voice, and Voice as Silence in Narrative Explanation of the Treaty of New Echota,” *Western Journal of Communication* 61 (1997): 315-337. Clair analyzes these “silences” as part of the larger verbal responses of Cherokee communities. Silences in her work equate, more, to pauses than to absences of speech.

<sup>81</sup> Richard Morris and Phillip Wander, “Native American Rhetoric: Dancing in the Shadows of the Ghost Dance,” *Quarterly Journal of Speech* 76 (1990): 164-191.

<sup>82</sup> In terms of models, I think of studies by Wilson wherein African American rhetoric surrounding the reconstruction desegregation debates of 1870-1875 are shown to



---

have helped shape, along with institutional discourses, broader U.S. identities while reconfiguring the role of freed slaves (Kirt Wilson, *The Reconstruction Desegregation Debate: The Politics of Equality and the Rhetoric of Place, 1870-1875* [East Lansing: Michigan State UP, 2002]). Similarly, Flores' exploration of Chicana/o voices within the milieu of immigration in the early twentieth century helps illustrate how Mexican Americans reconstituted their identities – and disputed the identities of the United States as a bastion of openness – through petitions (Lisa Flores, “Constructing Rhetorical Borders: Peons, Illegal Aliens and Competing Narratives of Immigration,” *Critical Studies in Media Communication* 20 [2003]: 362-387). Other scholarship by Hammerback and Jensen and McDorman performs the same type of analyses concerning the joint identity constructions extant in the convergence of cultural voices (John C. Hammerback and Richard J. Jensen, “History and Culture as Rhetorical Constraints: Cesar Chavez’s Letter from Delano,” in *Doing Rhetorical History: Concepts and Cases*, ed., Kathleen J. Turner [Tuscaloosa: U of Alabama P, 1999]; Todd McDorman, “Challenging Constitutional Authority: African American Responses to *Scott v. Sandford*,” *Quarterly Journal of Speech* 83 [1997]: 192-209). This trend of research that centers on the layering of identity formation, constitutive rhetoric, and ideology remain exemplars, and provide direction, for a study centered on the nineteenth century interplay of U.S. and American Indian identities.

<sup>83</sup> Sidney Lens, *The Forging of the American Empire*, 3.

<sup>84</sup> See Hoxie, *Talking Back*; Maureen Konkle, *Writing Indian Nations: Native Intellectuals and Politics of Historiography, 1827-1863* (Chapel Hill: U of North Carolina P, 2004); Lucy Maddox, *Citizen Indians: Native American Intellectuals, Race*

---

*and Reform* (Ithaca, NY: Cornell U P, 2005); and Senier, *Voices of American Indian Assimilation and Resistance*.

<sup>85</sup> Calloway, *First Peoples*, 4.

<sup>86</sup> Calloway, *First Peoples*, 4.

<sup>87</sup> For more on ethics in American Indian research, see Devon A. Mihesuah, *So You Want to Study American Indians*.

<sup>88</sup> These sources include Supreme Court decisions, Congressional debates, presidential speeches and reports, executive department reports (i.e., Annual Indian *Commissioner Reports*), public correspondence between governmental officials, media reports of governmental policy (i.e., *The Independent*; *American Monthly*, *Review of Reviews*), and federal statutes. These items are found in numerous locations including the Library of Congress (especially the papers of Andrew Jackson), the National Archives (particularly, “Petitions and Memorials of the House,” and “Petitions and Memorials of the Senate”), the collected papers and messages of the presidents, registers of debates in Congress, U.S. *Statutes at Large*, Supreme Court collections and secondary collections of discourse.

<sup>89</sup> These sources derive from the *Cherokee Phoenix* newspaper archives, petitions and memorials (found in the National Archives as House and Senate Committees on Indian Affairs Reports), Native speeches found in the Congressional Record, discourse presented in the autobiographies of Native leaders, memoirs of indigenous people published during the nineteenth and early twentieth centuries,<sup>89</sup> published collections from state historical societies, the papers of Chief John Ross and Elias Boudinot, legal briefs included in the Supreme Court *Register*, American Indian letters found in the

---

correspondence of U.S. presidents, discourse embedded in Indian Commissioner reports, texts existent in popular American presses (i.e., Native autobiographies), texts found in nineteenth-century anthropological works and secondary collections of works.

Given the difficulty of locating archival nineteenth-century American Indian rhetoric (most, for instance, exist as “primary” in government reports, popular media editions, anthropological studies or autobiographies), secondary editions occasionally will be consulted.

<sup>90</sup> In terms of textual authenticity, nineteenth century Native discourse was often oral in nature and was recorded by either American Indian translators or by agents of the Bureau of Indian Affairs. If recorded by an American Indian translator, speeches tended to be published in popular presses by European-Americans associated with the speaker’s nation. If recorded by agents of the Bureau of Indian Affairs, speeches were either published in popular presses or stored in the Department of Interior, *Record Group 75: Records of the Bureau of Indian Affairs, 1793-1989* at the National Archives II in College Park, Maryland. I have attempted, whenever possible, to analyze texts from archival sources, but in some instances, have also accessed those accounts included in popular presses.

Indeed, one of the more problematic issues of studying American Indian discourse is the authentication of documents. As Moquin and Van Doren comment: “There are no masses of letters, diaries, speeches, newspaper articles, pamphlets, books or tracts hidden away in tribal archives” with which to triangulate and corroborate texts (see Moquin and Van Doren, *Great Documents in American Indian History*, xvi-xvii). Thus, authenticating texts involves comparing the extant versions of discourse in governmental

---

archives, popular presses, anthropological studies and autobiographies, or tracing a piece of discourse as far back in the historical record as possible. Despite the difficulties in authenticating pre-twentieth century Native discourse, Mihesuah argues that using whatever exists remains far better for Native voice than contextualizing and analyzing U.S.-American Indian relations from European American viewpoints alone (see Mihesuah, *So You Want to Write About American Indians?*, 15). Therefore, I am committed to using the Native discourse that exists, but am mindful of the cautious need to corroborate and compare versions of discourse against others. As Nabokov reminds scholars researching American Indian issues: “most eighteenth- and nineteenth- century Indian-expressed accounts are unearthed from [government] documents and scholarship,” which can be “haphazard prospecting” (see Nabokov, *Native American Testimony*, 426).

<sup>91</sup> Michael Calvin McGee, “Text, Context and the Fragmentation of Contemporary Culture,” *Western Journal of Speech Communication* 54 (1990): 279.

<sup>92</sup> Jim A. Kuypers, Marilyn J. Young, and Michael Launer, “Composite Narrative, Authoritarian Discourse and the Soviet Response to the Destruction of Iran Air Flight 655,” *Quarterly Journal of Speech* 87 (2001): 307.

<sup>93</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (London: Verso, 1983), 15.

<sup>94</sup> Rogers M. Smith, *Civic Ideals: Conflicting Views of Citizenship in U.S. History* (New Haven: Yale UP, 1997), 11-30.

<sup>95</sup> Hobsbawm, *Nations and Nationalism*, 110.

<sup>96</sup> Vanessa Beasley, *You, the People: American National Identity in Presidential Rhetoric* (College Station: Texas A&M UP, 2004), 45.

---

<sup>97</sup> Interestingly, the bulk of research on nations, nationalism and national identities draws from nineteenth-century contexts. Beasley reminds us of this fact, which makes such literature vital and salient to a study on U.S.-American Indian issues between the removal era (1830s) and the allotment epoch (1890s). See Beasley, *You the People*, 24-36.

<sup>98</sup> Stuckey, *Defining Americans*, 9.

<sup>99</sup> David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: U of North Carolina P, 1997), 3.

<sup>100</sup> As mentioned above (see Note 22), such identity formations can be influenced by external forces and exchanges. This study's focus, however, is on the internal exchanges between U.S. and Native discourses as they co-construct identities.

<sup>101</sup> Anderson, *Imagined Communities*; M. Lane Bruner, *Strategies of Remembrance: The Rhetorical Dimensions of National Identity* (U of South Carolina P, 2002); Ernest Gellner, *Encounters with Nationalism* (Oxford, U.K.: Blackwell, 1994); Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century* (Princeton: Princeton UP, 2001); and Ronald Takaki, *Iron Cages: Race and Culture in 19<sup>th</sup> Century America* (New York: Oxford UP, 1990).

<sup>102</sup> Hobsbawm, *Nations and Nationalism*, 10.

<sup>103</sup> According to Delaney, place is the physical location of boundaries and terrain, whereas space is “about social relations of power” within these physical locations. He says when we speak of these social spaces, that we refer to “the complex ensemble of lines” and “territorial configurations” that give meaning to “actual lived-in landscapes.” Geography then involves “the shifting approximations of social space, the creation and

---

transformation of real places, and the differing experiential geographies of real people” (David Delaney, *Race, Place and the Law, 1836-1948* [Austin: U of Texas P, 1998], vii, 13, 14).

<sup>104</sup> William G. Robbins, “In Search of Western Lands,” in *Land in the American West: Private Claims and the Common Good*, eds. William G. Robbins and James C. Foster (Seattle: U of Washington P, 2000), 7.

<sup>105</sup> R. Douglas Hurt, *The Indian Frontier, 1763-1846* (Albuquerque: U of New Mexico P, 2002 ), xiv.

<sup>106</sup> Ronald Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity* (Berkeley: U of California P, 2003), 150.

<sup>107</sup> David Rich Lewis, *Neither Wolf Nor Dog: American Indians, Environment and Agrarian Change* (New York: Oxford U P, 1994), 10.

<sup>108</sup> Strickland, “The Rhetoric of Removal,” 294.

<sup>109</sup> Robbins, “In Search of Western Lands,” 5.

<sup>110</sup> Dippie, *The Vanishing American*, 60-61.

<sup>111</sup> Delaney, *Race, Place and the Law*, 5.

<sup>112</sup> Ruth Muskrat Bronson, “Life on the Checkerboard” in *Native American Testimony: A Chronicle of Indian-White Relations From Prophecy to the Present, 1492-2000*, ed. Peter Nabokov (New York: Penguin, 1999), 262; and Delaney, *Race Place and the Law*, 5.

<sup>113</sup> The process of understanding land in “context” and then digging into the ideologies maintaining geographies of power and/or resulting from “land dominance” by

---

an institutional power derives largely from Nicholas K. Blomley, *Law, Space and the Geography* (New York: Guilford, 1994).

<sup>114</sup> Rogers Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, CT: Yale UP, 1997), 30.

<sup>115</sup> David M. Ricci, *Good Citizenship in America* (Cambridge, UK: Cambridge UP, 2004), 75.

<sup>116</sup> James Madison, "The Federalist Number Ten" in *A Documentary History of the United States*, 7d., ed., Richard D. Heffner (New York: Signet, 2002), 40-43.

<sup>117</sup> Rogan Kersh, *Dreams of a More Perfect Union* (Ithaca, NY: Cornell UP, 2001), 74-75.

<sup>118</sup> Michael Schudson, *The Good Citizen: A History of American Civic Life* (New York: The Free Press, 1998), 28.

<sup>119</sup> Smith, *Civic Ideals*, 31.

<sup>120</sup> Robert E. Shalhope, *The Roots of Democracy: American thought and Culture, 1760-1800* (Boston: Twayne, 1990), 24.

<sup>121</sup> Smith, *Civic Ideals*, 184.

<sup>122</sup> Celeste Michelle Condit and John Louis Lucaites, *Crafting Equality: America's Anglo-African Word* (Chicago: U of Chicago P, 1993), 69-74

<sup>123</sup> *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831).

<sup>124</sup> Smith, *Civic Ideals*, 184.

<sup>125</sup> "Declaration of Independence," in *A Documentary History of the United States*, 7d., ed., Richard D. Heffner (New York: Signet, 2002), 12.

<sup>126</sup> Takaki, *Iron Cages*, 63.

---

<sup>127</sup> *Johnson v. McIntosh*, 21 U.S. 543, 5 L.Ed. 681, 8 Wheat. 543 (1823); James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill: U of North Carolina P, 1978), 291; and David E. Wilkins, *American Indian Sovereignty and the Supreme Court: The Masking of Justice* (Austin: U of Texas P, 1997), 33.

<sup>128</sup> Smith, *Civic Ideals*, 14.

<sup>129</sup> Beasley, *You the People*, 45.

<sup>130</sup> Patricia Wald, "Terms of Assimilation: Legislating Subjectivity in the Emerging Nation," in *Cultures of United States Imperialism*, eds. Amy Kaplan and Donald Pease (Durham: Duke UP, 2000), 59.

<sup>131</sup> Maurice Charland, "Constitutive Rhetoric: The Case of the *Peuple Quebecois*," *Quarterly Journal of Speech* 73 (1987): 222.

<sup>132</sup> James Jasinski, "A Constitutive Framework for Rhetorical Historiography: Toward an Understanding of the Discursive (Re)Constitution of 'Constitution' in The Federalist Papers," in *Doing Rhetorical History: Concepts and Cases*, ed. Kathleen J. Turner, (Tuscaloosa: U of Alabama P, 1998), 76.

<sup>133</sup> Stuckey and Murphy, "By Any Other Name," 76. I view rhetoric as any symbolic expression conveyed between and among parties that foments meaning for these parties. Taking a *rhetorical perspective* involves examining this symbolic expression – represented in texts – for the ways that it expressions "means" and functions.

<sup>134</sup> Wilkins, *American Indian Sovereignty and the Supreme Court*, 14.

<sup>135</sup> James Boyd White, "Law as Language: Reading Law and Reading Literature," in *Jurisprudence Classical and Contemporary: From Natural Law to Postmodernism*,



---

eds. Robert Hayman, Nancy Levit, and Richard Delgado (St. Paul, MN: West Group, 2002), 480.

<sup>136</sup> Jasinski, "A Constitutive Framework," 75.

<sup>137</sup> Blue Clark, *Lone Wolf versus Hitchcock*, 13.

<sup>138</sup> While I understand the problems with using the phrases "top down" and "bottom up" due to their tendency to reify hierarchies, this is the phrasing often employed by constitutive scholars in describing constitutive rhetoric moving from institutional to subaltern groups.

<sup>139</sup> Jasinski, "A Constitutive Framework."

<sup>140</sup> Charland, "Constitutive Rhetoric," 148.

<sup>141</sup> Wald, "Terms of Assimilation," 60.

<sup>142</sup> See Karlyn Kohrs Campbell, "The Rhetoric of Radical Black Nationalism: A Case Study in Self-Conscious Criticism," *Central States Speech Journal* 22 (1971): 151-160; Karlyn Kohrs Campbell "The Rhetoric of Women's Liberation: An Oxymoron," *Quarterly Journal of Speech* 59 (1973): 74-86; and Richard Gregg, "The Ego-Function of the Rhetoric of Protest," *Philosophy and Rhetoric* 4:1 (1971): 71-91.

<sup>143</sup> Michael Calvin McGee, "In Search of 'The People': A Rhetorical Alternative," *Quarterly Journal of Speech*. 61 (1975): 235-249.

<sup>144</sup> Randall Lake, "Enacting Red Power: The Consummatory Function in Native American Protest Rhetoric," *Quarterly Journal of Speech* 69 (1983): 127-142.

<sup>145</sup> Phillip Wander, "The Ideological Turn in Modern Criticism," *Central States Speech Journal* 34 (1983): 122. Wander alludes, here, to a critic's role in performing ideological criticism. Uncovering ideologies within discourses places the critic in the

---

role of “moral actor” (James F. Klumpp and Thomas A. Hollihan, “Rhetorical Criticism as Moral Action,” *Quarterly Journal of Speech* 75 [1989]: 84-97). The notion of the “moral actor” is not meant to define the critic as a savior (invoking a scholarly rescue myth), or to assume that one’s criticism will forever change the world. Instead, these roles place the critic in a position to view rhetorical situations through both mainstream and alternative viewpoints and to recognize the power in reading ideological contexts through discourse.

<sup>146</sup> Therborn, *Ideology of Power*, 2, 15.

<sup>147</sup> McGee, “In Search of the ‘People,’” 249.

<sup>148</sup> Campbell, “Agency: Promiscuous and Protean,” 4-5.

<sup>149</sup> John Angus Campbell, “Between the Fragment and the Icon: Prospect for a Rhetorical House of the Middle Way,” *Western Journal of Communication* 54 (1990): 368.

<sup>150</sup> McGee, “Text, Context and Fragmentation,” 281.

<sup>151</sup> Campbell, “Between the Fragment and the Icon,” 368.

<sup>152</sup> Michael Calvin McGee, “The ‘Ideograph’: A Link Between Rhetoric and Ideology,” *Quarterly Journal of Speech* 66 (1980): 10.

<sup>153</sup> Dana Nelson, *National Manhood: Capitalist Citizenship and the Imagined Fraternity of White Men* (Durham: Duke UP, 1998), 61.

<sup>154</sup> Lepore, *The Name of War*.

<sup>155</sup> Senier, *Voices of American Indian Assimilation and Resistance*.

<sup>156</sup> May Joseph, “Hybridity,” in *Dictionary of Cultural and Critical Theory*, ed. Michael Payne (Cambridge, MA: Blackwell, 1996), 251.

---

<sup>157</sup> Thomas C. Greaves, “Liminality,” in *Dictionary of Cultural and Critical Theory*, ed. Michael Payne (Cambridge, MA: Blackwell, 1996), 312.

<sup>158</sup> Johannes Angermuller and Katharina Bunzmann, “Hybrid Spaces – Theory and Beyond,” in *Hybrid Spaces: Theory, Culture, Economy*, eds. Johannes Angermuller, Katharina Bunzmann and Christina Rauch (New Brunswick, NJ: Transaction Press, 2000), 3.

<sup>159</sup> Monika Kaup, “Constituting Hybridity as Hybrid: Metis Canadian and Mexican American Formations,” in *Mixing Race, Mixing Culture: Inter-American Literary Dialogues*, eds., Monika Kaup and Debra J. Rosenthal (Austin: U of Texas P, 2002), 186.

<sup>160</sup> This strand of scholarly thought – rooted in structuralism and “objective” diplomatic historical studies – can be found in classic works of U.S.-American Indian relations produced prior to the 1990s. Such pieces include: Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Lawrence: U of Kansas P, 1982); Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960* (Albuquerque: U of New Mexico P, 1986); Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: U of Nebraska P, 1984); Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: U of Nebraska P, 1984); and William W. Savage, *Indian Life: Transforming an American Myth* (Norman: Oklahoma P, 1977).

<sup>161</sup> Dippie, *Vanishing American*, 199.

---

<sup>162</sup> Monika Kaup and Debra E. Rosenthal, "Introduction," in *Mixing Race, Mixing Culture: Inter-American Literary Dialogues*, eds., Monika Kaup and Debra J. Rosenthal (Austin: U of Texas P, 2002), xiv.

<sup>163</sup> Peter Brooker, *A Concise Dictionary of Cultural Theory* (Oxford, U.K.: Oxford UP, 1999), 3.

<sup>164</sup> Brooker, *Concise Dictionary*, 211.

<sup>165</sup> Robert J.C. Young, *Colonial Desire: Hybridity in Theory, Culture and Race* (London: Routledge, 1995), 22.

<sup>166</sup> *Space* refers to the "dynamic, multitudinous and changing social construction constituted in and through social relations of power" (Barker, *Cultural Studies*, 449). It is the social site of geography – "invisible" and "power generating" (Edward Soja, "History: Geography: Modernity," in *The Cultural Studies Reader*, ed. Simon During [London: Routledge, 1994], 139, 144). Space is differentiated by *place*, the physical site of geography. Still, though, place is similarly socially constructed (Barker, *Cultural Studies*, 350). According to Delaney, place is the location on/through which "the world of everyday life is carved up into meaningful spaces." Spaces – which bring to bear "geographies of power" – are layered over the constructed physical borders of place (Delaney, *Race, Place, and the Law*, 4-5).

<sup>167</sup> Homi Bhabha, *Location of Culture* (London: Routledge, 1994), 37.

<sup>168</sup> Homi Bhabha, "The Commitment to Theory," *New Formations* 5 (1988), 13.

<sup>169</sup> Kaup, "Constituting Hybridity as Hybrid," 205.

<sup>170</sup> Kaup and Rosenthal, "Introduction," xxii.

<sup>171</sup> *Ibid.*

---

<sup>172</sup> Philip Deloria and Neal Salisbury, "Introduction," in *A Companion to American Indian History*, eds., Philip Deloria and Neal Salisbury (New York: Blackwell, 2002), ii

<sup>173</sup> Eva Marie Garroutte, *Real Indians: Identity and the Survival of Native America* (Berkeley: U of California P, 2003), 99-139.

<sup>174</sup> Alexandra Harmon, "Wanted: More Histories of Indian Identity," in *A Companion to American Indian History*, eds., Philip Deloria and Neal Salisbury (New York: Blackwell, 2002), 259.

## CHAPTER ONE

### U.S.-NATIVE RELATIONS:

#### INTERACTIONS AND IDENTITIES FROM CONTACT TO REMOVAL

The United States did not commence its Indian policies and constructions of Indianness without some semblance of responsiveness and co-construction on the part of American Indians. As Calloway has argued, U.S-Native relations is at once “a story of conquest and colonization” propagated by the United States, but is also a tale of “resilience, innovation, and survival” on the part of American Indian nations.<sup>1</sup> Both contribute in some way to the larger context of U.S-Native relations. And, though the voices of the mainstream United States and indigenous cultures during the removal era often bypassed each other, they also sometimes clashed and commingled. Senier contends that, while the interactive voices might be hard to uncover and pin down, this “difficulty exists at least partially because these discourses” are not seen as exactly “*oppositional*, but as dynamic and mobile, able to meet new cultural challenges.”<sup>2</sup> The dynamic voices of the U.S. government and American Indians – especially as they co-constructed identities – helped figure and make sense of policies, such as removal. The notion of co-constitution can be found, according to Rosteck, in the “consideration of the whole ensemble of culture, its ‘mosaic of documents’ ... accounting for popular opinions, beliefs, and constellations of attitudes.”<sup>3</sup> Generally, the interactive relationship between U.S. and Native identities is discerned from discourses crafted during historical, political and cultural contexts, such as removal.

The hybrid relationship between the United States and American Indian nations did not begin, however, in the 1830s with the Indian Removal Act and the subsequent

Trail of Tears. In fact, the relationship began even before the formation of the American republic, well back into the first contact between Natives and early European American settlers. The present chapter looks backward to review the extending and interactive characteristics of the U.S.-Native experience. As Lepore explains, the identities of U.S. nationalism as well as Native populations in the New World “would form the basis of American nationalism as it emerged in the late eighteenth and early nineteenth centuries.”<sup>4</sup> Lepore suggests that early interactions between European American and Native cultures marked the beginning of the trajectory of U.S.-Native relations.

This chapter, then, moves through the seventeenth, eighteenth, and (early) nineteenth centuries in order to trace the interconnected relationships leading to the removal policy. First, European American and Native identities are addressed from Columbian contact to the French and Indian War to demonstrate how identities developed through juxtaposition, around varying perspectives of land, and within tutelage constructs. Next, identities are considered during the early American period. Within this era, U.S. identities centered on protectionism and interventionism, and Native communities argued for a sovereignty outside the scope of the government. The period ends with U.S. and Native voices interacting over issues of expansion, assimilation, territory and citizenship. Finally, hybrid identities are approached at the turn of the nineteenth century to reveal how the U.S. government’s constitution of its own, and Native, identities shifted from an inclusive to an exclusionary relationship. In addition, American Indians challenged and reconfigured the inclusive characteristics of assimilation and the exclusionary features of early removal as they affected both Natives and the United States.

## PRELUDE TO AMERICA'S "LONG, BITTER TRAIL"<sup>5</sup>

European American and Native identities transformed noticeably between the arrival of the Spanish in the fifteenth century and the ascension of the English in the wake of the French and Indian War in the eighteenth century. Within the Columbian period of contact, European and indigenous communities viewed each other with caution and disdain. The Spanish, in particular, constructed Native identities as inferior, while indigenous groups constituted Spanish identities as malevolent. In both cases, self-identity was crafted in opposition to those identities of the groups' counterparts.

The juxtaposition of identities continued with the dominance of the English in the seventeenth century. After the English settled in North America, relations with Native nations turned on economic identities including the trading of goods and the exchange of land. Differences over views of land – for the English, it was a site of production and commodification; for Natives, it was a space of spirituality and moral inheritance – led to aggression among the groups. England's victory over Native forces led to the elevation of European American identities as superior – again – in opposition to weakened Native identities. Finally, aggressiveness transformed into a form of tutelage, wherein European Americans involved themselves in guiding Native nations through conversions to Christianity, adaptations to agriculture, and dependence on trade with the English. This latter hybridity of identities arose when the English began its "benevolent era policy" after it secured Native lands following the French and Indian War.

### *Columbian and Early European American Contact*

When the first European explorers landed on the shores of North America, they found, first, neither gold nor the proverbial fountain of youth, but myriad communities of



indigenous nations. From the start, the self-professed “civilized” European cultures clashed with the New World’s pre-existent and (because they were deemed non-Christian and non-white) “savage” populations.<sup>6</sup> Christopher Columbus, upon setting his sights on the Natives he encountered, immediately considered indigenous communities subordinate. Constructing a diminutive Native identity, he wrote: “they are fit to be ruled ... they would make great slaves.”<sup>7</sup> Columbus’s 1492 journal remains infused with metonymic constructions. For instance, he wrote on December 11, 1492, “these people are as inferior to the Spaniards as children are to adults ... there is as great a difference between them as there is between savagery and forbearance ... almost – I am inclined to say – as between monkeys and men.”<sup>8</sup> In fact, Columbus and other Spanish explorers classified these seemingly new-found “discoveries” as specimens to be carried home to Europe along with trees, birds, mammals, and minerals. As Columbus recorded in his log, “I have sent men to a house on the west bank of the river. They have brought me back seven head of women, girls and adults, and three infants.”<sup>9</sup> These Natives were next crowded into the belly of one of the great Columbian triumvirate of ships along with various exotic flora and fauna, and were sent as gifts to Queen Isabella of Spain for her living menagerie.

Though Columbus and other Spanish explorers would come to construct the “enduring images” of indigenous North America for future Europeans, Native populations were not without some observations of their own.<sup>10</sup> To Mayobanex (Ciguayo), for instance, it was the Spanish who exhibited savageness. He noted in 1533 that “the Spaniards are violent and perfidious men, and only seek to shed the blood of innocent people.”<sup>11</sup> Reconstructing Ciguayo identity as “innocent” and Spanish identity

as bloodthirsty, Mayobanex indicated that he would never entreat with the Spanish “nor form any alliance with so false a people.”<sup>12</sup> Having viewed some of the atrocities committed by the Spanish, a Taino medicine man likewise portended in 1519 that the Spanish were doomed given their tendency to mistreat North America’s Natives. The medicine man explained, “Departing souls go in two directions: one is bad, full of darkness, where those who do evil to men go; the other is good and happy, and peace-loving people go there.”<sup>13</sup> The Taino, of course, traveled the latter direction. Reversing the order of the Spaniards’ Christian destiny – reducing Natives into submission based on God’s will – he reconfigured the way good and evil played out through European American and Native identities.

The metonymic construction of Native identity by way of European Americans continued forth, beginning in the sixteenth and seventeenth centuries, with the arrival of French, Dutch and English colonists who eventually settled, and remained permanent residents of, North America. European Americans in the seventeenth century shaped their own identities in juxtaposition to Native nations. In a pivotal anthropological work, Pearce posited that “Aboriginal Americans, so European voyagers were again and again to find, denied their holy, human selves and lived like beasts; they were, in the traditional terminology, more animal than rational.”<sup>14</sup> English Reverend Samuel Purchas’ 1622 narrative of early European-Native relations demonstrated this typical belief. The Natives, he argued, were “bad people, having little of Humanitie but shape ... more brutish than the beasts they hunt, more wild and unmanly than that unmanned wild Country.”<sup>15</sup> To the Christian, landed, and literate European American, the American Indian became the heathenistic savage.

This relationship soon helped construct European American identities based on contrasts to Native identities. One of the first counterpoints of early European American identities involved simultaneously evaluating themselves against Natives and Europeans, and noting the differences from both the east and west. European Americans foiled themselves against the “red savages” whom they averred were de-evolved or underdeveloped versions of themselves. Pearce points out that this key identity construction of the “Indian creature” showed European Americans “what they might be if they were not civilized and Christian, [if they] did not fully partake of the divine idea of order.” Natives seemed, in early European American thought, “to have fallen as far away from his proper state as he could and yet remain human.”<sup>16</sup>

Seventeenth century European Americans, contrary to fifteenth and sixteenth centuries’ conceptions that reduced Natives to untamed animals, began viewing indigenous communities with human characteristics; they were part of “all men” and “remain[ed] human.”<sup>17</sup> This may have been so as European Americans decided to remain in North America and, thereupon, increased amicability with Native communities. One of Jamestown Colony’s first settlers, Robert Gray, opined in 1609 that they were certainly human, albeit humans in need of civilization: “it is everie mans dutie ... to bring the barbarous and savage people to a civill and Christian kinde of government, under which they may learne how to live holily, justly and soberly in this world ... rather than to destroy them.”<sup>18</sup> In the colonials’ view, the practice of “civilizing” became a vital part of European American identities, just as the *need* for civilizing became a part of Native identities. Simultaneously, European American discourse assembled a hierarchy wherein

Natives figured as lower order humans in need of tutelage from the higher ordered European Americans.

*Ascension of English-Native Relations*

On the heels of European American settlement, in the early seventeenth century, English colonists and Native peoples began engaging in an assortment of relationships regarding land exchange. Natives soon realized, though, that the colonists were not only remaining on, but also expanding throughout, the land. Captain John Smith, for instance, reminded both his fellow Jamestown colonists and a group of Powhatan in 1620 that “by reducing [Indian land], God shall be served, His Majesties Empire enlarged by the addition of ... large Territories ... and the Planters themselves enriched by the trafficke and commerce.”<sup>19</sup> The early English planned to broaden their territories to the detriment of Native holdings.

Indigenous communities typically viewed their relationships with the English as unhealthy, especially when the colonists insisted on “treating the Indians despicably” concerning trade and the exchange of land.<sup>20</sup> According to Native leaders, the more friendly Natives were and the more they extended their hands and hearts to the colonists, the more European Americans trespassed on Native lands. As Wahunsonacock (Powhatan) explained to Captain John Smith in 1622, “Yes, Captain Smith, some doubt I have of your coming hither, that makes me not so kindly seeke to relieve you as I would: for many inform me your coming is not for trade, but to invade my people and possesse my Country.”<sup>21</sup> Moreover, as Natives opened the door to the material exchange of goods, European Americans wanted to trade language, Christianity, and Eurocentric culture,

such as dress, virtues, and economic systems (including agricultural technologies) at a feverishly quicker pace.<sup>22</sup>

As the American colonials became more involved in Native cultures and the process of land exchange, aggression among English and Native groups increased. In a sense, then, the pattern of “hostility and open war” arose as a “dominant part of English-Native relations until almost the end of the nineteenth century.”<sup>23</sup> As McNickle puts it, peace between Natives and the English was destroyed due to “competition for material goods” and territory – which was “part of the cultural baggage of the incoming white man.”<sup>24</sup> More succinctly, negotiations broke down in the face of increased expansion on the part of European Americans.

The first “great moment” of aggression between European American colonists and indigenous nations stemmed from white attempts to colonize Native nations. In 1675, a group of Wampanoags under the leadership of King Phillip, also known as Metacom, rose up and attacked several white colonies in New York, Connecticut, and Massachusetts. The ensuing attacks from the European Americans and further response from the Wampanoags garnered the title, “King Phillip’s War.”<sup>25</sup> King Phillip eventually lost the war, and was beheaded. Increase Mather remarked that “the memorable day” of Metacom’s death was “a monument of revenging Justice” that witnessed the chief’s limbs “hewn in pieces before the Lord.”<sup>26</sup> It seems that the violence wreaked on the Wampanoags was committed under providential watch. In addition to the importance of eliminating a major war chief on the new frontier, King Phillip’s War led to European acquisition of land and the formation of identities. According to Lepore, the war confirmed the instability of the American frontier, and set into motion an endless

repeatability in which European Americans advanced their culture and influence over Natives and their land as they tramped westward.<sup>27</sup>

These actions – and the rhetoric that justified white encroachment – arose from and perpetuated the identity changes facing the new colonists. Lepore asserts that “seventeenth century English colonists in New England were plagued with issues of identity, not of self and the other, but of the more difficult triangulated self and the other.”<sup>28</sup> When stuck between the English and the so-called savage, the colonists chose the path of least resistance as a vehicle for forging their new “American” identity. In this vein, John Winthrop noted that English colonists were “sons of Adam” who were productive and used the “Lord’s garden” justly, compared to the Native who “lay waste [the land] without any such improvement.”<sup>29</sup> English identity was predicated on productivity and commodification of the land. Evidently, these young colonists could not move eastward, back across the Atlantic, to settle land in Great Britain. Not only was England historically situated as a metropol of European empire, but the British military would have summarily obliterated whatever scrappy militia the colonists could have gathered.<sup>30</sup>

Instead, European American colonists directed all attention toward their errand into the wilderness – the settling of the west as made manifest by the “Almighty.”<sup>31</sup> Part of this wilderness involved the inferiority of Native identity. As Churchill describes the situation: “The resulting rhetoric of dehumanization directed at indigenous peoples, juxtaposed as it was to a contemporaneous rhetoric of ‘civilization’ by which Europeans were indoctrinated to view themselves as the world’s inherently superior race” became the key rallying discourse of early American colonial identity.<sup>32</sup> It remained easy for the

English settlers to view themselves as civilized when, comparatively, they considered Indians – as Cotton Mather labeled them – “atheisticall, proud, wild, cruel, barbarous, bruitish (in one word) diabolicall creatures ... the worst of the heathen.”<sup>33</sup>

The bond between territory and inclusion was vital during the English colonial period. And, this connection was rooted in the colonial errand. The “one outstanding and universal requirement” for inclusion as active members of colonial life was some type of a “landed property” qualification for citizenship.<sup>34</sup> British jurist William Blackstone, for instance, argued that colonists without property lacked the resolve to civilize the North American wilderness. They had neither the motivation to protect the Crown’s colonial holdings nor the personal connection to the land that stimulated virtuous citizenship. He wrote in 1765 that “the true reason of requiring any qualification, with regard to property” for citizenship within the British Empire, “is to exclude such persons as are in so mean a situation as to be esteemed to have no will of their own.”<sup>35</sup> By all means class-based, Blackstone’s directives and legal holdings additionally prohibited those racial inferiors who occupied (not owned) land within the colonies. European whites who understood the “labor value” of land were seen as the Crown’s true citizens. Those “others,” such as American Indians, “did not correctly use the land which God gave mankind, did not mix their labor with natural resources to make property.”<sup>36</sup> According to the British, the “children of the forest” did not cultivate land and therefore understood not the value of republicanism with its emphasis on individualism, production and civic virtue.

Events like King Phillip’s War, and subsequent interactions, allowed Native communities to construct their identities and to understand better those of the English.

These indigenous nations soon realized that the English could not be trusted, as they were taking lands based on a European American providential right of possession. King Phillip (Wampanoag) reminded his community of the dangers associated with the English: "... and you now see the foe before you, that they have grown insolent and bold; that all our ancient customs are disregarded; that treaties made by their fathers and us are broken, and all of us insulted ... these people from the unknown world will cut down our groves, spoil our hunting and planting grounds, and drive us and our children from the graves of our fathers, and our council fires, and enslave our women and children."<sup>37</sup> Here, Wampanoag identity was centered on ancestral connections to the land; that customs would be overlooked and grounds spoiled affronted King Phillip. King Phillip's warning also foreshadowed the land wrangling that would soon follow, as well as the dangers associated with the English. Around this same time, an Onondaga, Cayuga and Seneca council announced to their respective tribes: "we have a new Chain, a strong and straight Chain that cannot be broken."<sup>38</sup> Constructing themselves as steadfast and united, these Natives worked to counter any weakened identity applied to them.

King Phillip's War, and the awareness that aggression represented one of few options for expansion, actually shifted the rhetoric of European American identity to one of benevolence and neighborliness. Following the war, colonists maintained that future atrocities might be avoided if American Indians were civilized and Christianized under English tutelage. In 1681 William Penn wrote, of this ideal, that with civilization Natives would be "commanded to love, and to help, and to do good" and that with assimilation "we may always live together as neighbors and friends."<sup>39</sup> Interestingly, this rhetoric of



benevolence helped alleviate the colonists' cognitive dissonance concerning the balance of supporting civilization projects with destroying savage culture.

### *Impact of the French and Indian War*

The next historical event to shape the English-Native landscape involved the peace treaty accorded England in the wake of the French-Indian War, 1756-1763. Also known as the Seven Years War, the campaigns therein witnessed the English and their American charges battling the French and their Native supporters on the frontiers of North America. The battle lines were drawn between the English (and the colonists hoping to secure French and Native lands) and the French (along with Natives who desired the expulsion of the English from the continent).<sup>40</sup> The English and French empires had been battling militarily and politically for a number of years. North America and the milieu of the colonist-Native tension – replete with its developing paternal dynamics – figured in as, yet, another venue through which to grapple over world domination of the high seas, the New World, and international commerce.<sup>41</sup>

When the French lost the Seven Years War, the Peace of Paris in 1763 established the boundaries and governments of new British areas in North America, settled former Indian lands, and demarcated the boundaries of Indian country in these new areas. In his famous Proclamation of 1763, King George III reserved the right to extinguish all Indian title.<sup>42</sup> That is, the English would control the land upon which Natives lived. King George announced to the American colonies that “we have thought fit ... to issue this Royal Proclamation, hereby to publish and declare to all our loving subjects that we have ... granted our letters patent ... to erect within the countries and islands ceded and confirmed to us by said treaty distinct governments in the Indian territories.”<sup>43</sup> French

and Spanish officials and Christian missionaries were to remove immediately following the establishment of new British governments in colonial North America.

King George's Proclamation of 1763 set into motion a new phase of European-Native relations: the benevolent policy era. In exchange for possessing Native lands, Britain promised to protect its Native populations as wards. King George noted "the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts or our dominions and territories."<sup>44</sup> Notice the construction of American Indians as subordinates in need of protection. As protector, the Crown made no qualms about "declaring it to be our royal will and pleasure" to take hold of and use those lands for the British colonists.<sup>45</sup>

Britain's North American identity, which was predicated on territorial expansion and western agricultural use of the land, did not go unnoticed by American Indians. To the charge that Natives were "brutes" who "passed away their time" and squandered fertile lands, indigenous groups challenged this Eurocentric view that Native identity was wasteful and inert.<sup>46</sup> Canassateego (Onondaga) argued that American Indians *did* understand land value: "We know our lands are now become more valuable. The white people think we do not know their value; but we are sensible that the land is everlasting, and the few goods we receive for it are soon worn out and gone."<sup>47</sup> Canassateego intimated that ancestral land was eternal, even though what the English considered of value (i.e., timber, fecund soil, minerals, game) might have been short-lived. Here, Native conceptions of land – as sacred and "everlasting" – challenged the European American view of land as commodity. Also, though, Canassateego's use of the term

“value” demonstrates a commodification in the vein of European American conceptions of land.

The British governments within Native territories soon began negotiating trade and land pacts with indigenous communities. An early example of these pacts arose in a plan issued by the Lords of Trade, the New World office of British commerce. In the “Plan for Future Management of Indian Affairs,” the Lords argued that local trade led to Native uprisings due to inconsistency of terms between locales: “all local interfering of particular Provinces” had “been one great cause of the distracted state of Indian affairs.”<sup>48</sup> Instead, the Lords set about establishing a centralized Indian board. As Prucha contends, the Lords of Trade instituted a metropol that issued forth colonial policies related to Natives. He notes also that “the plan included an imperial department of Indian affairs independent both of the military commander in America and of the colonial governments.”<sup>49</sup> The July 1764 plan stated “the regulation of Indian Affairs both commercial and political throughout all North America, upon one general system, under direction of officers appointed by the Crown, so as to set aside all local interfering of particular provinces which has been one great cause of the distracted state of Indian Affairs in general.”<sup>50</sup> Simply, local colonial governments were too divergent and inconsistent in their policies, and could not “grasp the overall pressure along the frontier.”<sup>51</sup> Instead, the British Crown began the long-standing tradition of protecting Native nations through centralized, governmental agencies.

Lest Native populations appear quiescent to British imperialism within tribal lands – and the identities constructed by the British – it must be noted that American Indian rebellions challenged the governing role bequeathed to the American colonists by

the Proclamation of 1763. Chief Pontiac (Ottawa), for instance, began confronting British forts along the upper Mississippi Valley. Pontiac traveled from the upper Midwest down to Creek territory (Alabama and Arkansas) enlisting support for his coup against the British. In a rallying call to a council at River Ecores on April 27, 1763, Pontiac exhorted an intertribal gathering to contest British encroachment: “My children, you have forgotten the customs and traditions of your forefathers. Why do you not clothe yourselves in skins, as they did, and use the bows and arrows, and the stone-pointed lances, which they used?”<sup>52</sup> In this oration, Pontiac resituated Native identity within the frames of ancestry and tradition. He continued, “You have bought guns, knives, kettles and blankets, from the white men, until you can no longer do without them ... Fling all these things away; live as your wise forefathers lived before you.”<sup>53</sup> He agonized that American accoutrements had diminished the heritage of the gathered nations’ ancestors. The chief’s centering of customs and land within the purview of Native ancestry occluded European American influence. Therefore, he suggested that the Natives discard English materialism. In the process, his discourse reflected a paternalistic construction of his fellow Natives, thus indicating that such paternal commitments were a visible component of Native identity as well.

Pontiac was not alone in his agitation, although other Native nations eschewed violence for the negotiating council. American Indians often met to discuss grievances against the Crown, including the practice of entering Native lands that the French had previously held.<sup>54</sup> These meetings between Native nations, and also between Natives and British colonials, continued into the Revolutionary era. In such a gathering, in 1774, Mihnehwehna (Ojibway) railed against the English to a group of kindred Native nations

and some representatives of the Crown: “Although you have conquered the French you have not conquered us! We are not your slaves. These lakes and woods and mountains were left to us by our ancestors. They are our inheritance and we will part with them to none.”<sup>55</sup> Like Pontiac, Mihnehwehna hearkened to the gathered nations’ moral inheritance to their ancestral identity. Land, so vital to American Indian identity, was sacred because it was bestowed by ancestors. That the English predicated their identity on their ownership and production of the lands fell on deaf ears. Thus, the English had overwhelmed the French, but not the Ojibway. Native identity challenged English landholding and English capitalistic assumptions about property and land rights.

#### THE AGE OF U.S. INDIAN POLICY

The hybridity of U.S. and American Indian identities continued, following the American Revolution, within the parameters of economics. Following England’s lead, the U.S. government instituted a treaty system predicated on an ideology of protectionism. That is, the United States promised security and friendship to American Indians in exchange for safe passage through Indian territory and the acquisition of Native lands. U.S. and American Indian identities, as in the past, clashed over understandings of land. As a result, the United States and Native nations negotiated the meanings of their identities through treaty meetings and councils. The U.S. government worked from an identity of superiority, modeled after the English, while simultaneously constituting Native identities as ward-like and dependent. American Indians, however, challenged these identity constructions by asserting self-sovereignty to the land. In the end, European American conceptions of land “discovery” as well as U.S. expansion and assimilation collided with American Indian notions of spiritual landholding and separate

sovereignty, demonstrating the contestation extant in the discursive exchange of U.S. and Native identities.

### *Rise of the U.S. Treaty Era*

The ascendancy of the American colonists over Britain ushered in another phase of relations. The U.S. treaty era found its way into U.S.-Native relations beginning with the 1778 exchange between the Continental Congress and the Delaware Nation.<sup>56</sup> It seems, according to Prucha, that the United States graciously inherited Britain's control over American Indian nations through "the use of treaties, carried over from British practice."<sup>57</sup> The idea of inheritance, thus, extended beyond land, capital, and independence won through the agency of the Revolutionary War. Ostensibly, the new American nation received at the war's end a population to control.

Treaties allowed the United States to acquire land and secure peace in exchange for the protection of American Indian nations and the payment of goods and money. Working from a protectionist identity, the United States employed western contractual law as the dominant form of agreement between itself and American Indians, thus limiting the space and agency of Native treaty parties. Some Native studies scholars have viewed this as a cultural imperialism that would consistently lead to U.S. interests trumping tribal liberties.<sup>58</sup>

Treaties – many of which concentrated on taking indigenous land – hearken to the vital theme of geography within U.S. and American Indian identities. Prior to the English arriving in Jamestown in 1607, roughly 800,000 Natives lived in vicinities east of the Mississippi River. According to Salisbury, most Native nations led insular lives replete with internal governments – or some system of social organization – and dependence on

subsistence farming and hunting.<sup>59</sup> Though the focus of a nation was inward, there did exist various forms of contact among groups, including both pleasant relations such as intermarriages, joint-hunts, and communal spiritual practices, as well as antagonistic clashes related to wars and contests over land boundaries and resources. Certainly, there were always distinct characteristics of each indigenous culture, however, all tended to share a sense of ancestral homeland.<sup>60</sup> Although fringes of land were traded with other Native nations, “all tribes insisted on retaining their heartlands.”<sup>61</sup>

Ancestral land represented the core of an American Indian identity. Land’s importance was so great, in fact, that many nations related their own physical existence and spiritual health to the ground upon which they claimed the Great Spirit placed them. We get a sampling of the indigenous connection to land with Antiwaneto’s (Covasuck) 1764 speech to the Massachusetts governor in Boston regarding the taking of Native lands:

We hear on all sides that [we] ... are bad people. Tis in vain that we are taxed with a bad heart. It is you ... that always attack us; your mouth is of sugar, but your heart of gall. In truth, in the moment you begin we are on our guard ... We have not yet sold the lands we inhabit, we wish to keep possession of them ... We acknowledge no other boundaries of yours than your settlements whereon you have built, and we will not, under any pretext whatsoever let you pass beyond them. The lands we possess have been given us by the Master of Life. We acknowledge to hold only from him. We are entirely free.<sup>62</sup>

These sentiments, first, indicate that Antiwaneto reconstituted the identities of the English and the Covasuck. He replaced and contrasted Native identities as “bad hearts” (which colonists supported) with a Native construction of the colonists’ “heart of gall.”

Second, Antiwaneto expressed the Native desire to keep land – not for its commodity – but because only the “Master of Life” possessed the land, not the British. Antiwaneto’s oration challenged American colonial identity predicated on the land’s utility and worth with an American Indian land identity based on its sacred and ancestral meanings.

Yet, despite Native understandings of their homelands, Europeans descended on American Indian lands and brought with them the “Doctrine of Discovery.” Beginning in the fifteenth century, this doctrine helped form European identities in North America. According to Lens, the doctrine was cited as the rationale for seizing land in the western hemisphere. More specifically, he argues that “because they were ‘Christian’ and ‘civilized,’ said the Europeans, they enjoyed the ‘right of sovereignty’ over the lands they claimed. They were people of a higher order endowed by the Creator with special rights.”<sup>63</sup> Reflecting the sentiments of Native identity by Columbus and other earlier explorers, European American settlers simply claimed an identity of domination over any land on which they set their feet regardless of Native heritage to the territory. The doctrine of discovery, then, “paved the way for further progressive infringement of independent Indian sovereignty as the United States made efforts to legitimate its quest to fulfill ... the country’s ‘manifest destiny’ to extend from sea to sea.”<sup>64</sup>

During the eighteenth and early nineteenth centuries, treaties were part and parcel to a U.S. version of the “Doctrine of Discovery.” This doctrine helped establish the dominance of U.S. identity over Native identity. While past European Americans might have claimed dominion over the land while simultaneously, or shortly after, exterminating Native people, the United States sought to extend a protective, yet controlling, hand to Native nations through treaties. Though Americans were quick to



react angrily to the “agreements” that Great Britain made with its North American colonies, “in turn, the American colonists were not slow to use the same language in their dealings with the native Indian population.”<sup>65</sup> The United States might have appropriated the treaty model because it did not involve explicitly devastating Native cultures. After all, claims Dippie, “the essence of paternal authority [in the United States] was firmness tempered with justice.”<sup>66</sup> America could not, that is, balance its new experiment based in life and liberty with actions deemed overtly violent or exterminatory to a “dependent” population.

America could, though, translate its desire for conquest into a language of care and concern, which helped form a benevolent identity concerning Native relations. And, at the same time that it could seek to civilize Native communities and later take their land, the United States could also ferret-out dangerous identities that threatened the American frontier based on an identity of concerned intervention. According to Ryan, “while Anglo-America figured the nation’s nonwhite populations as its most dangerous elements, they also characterized intervention into such lives as whites’ greatest opportunity for redemption.”<sup>67</sup> As the nation extended outward, it claimed “a care taking quality that might counterbalance the aggressiveness and expansion for which they were becoming known.”<sup>68</sup> Treaties, thus, became part of a rhetoric of spatial dominance that concomitantly rationalized territorial expansion and justified control over dangerous populations while reiterating America’s mission as a god-fearing people civilizing non-whites. Such a rhetoric of control was cast throughout in a discourse of benevolence.

One of the first treaties crafted by the United States involved securing the aid of the Delaware and Shawnee nations of the Iroquois Confederacy against the British during

the Revolution. The Delaware Indian Treaty (1778) promised the return of Iroquois lands (to conditions pre-existing the Proclamation of 1763) and guaranteed an Indian state in exchange for both the end of hostilities against the revolting colonists and the Natives' pledge to side with the Americans against the Crown.<sup>69</sup> The 1778 document recommended that "all offences or acts of hostilities by one, or either of the contracting parties against the other, be mutually forgiven" and that a "perpetual peace and friendship shall from henceforth take place."<sup>70</sup> Having built this ethos of friendship, treaties typically then articulated demands and stipulations. In the case of the Delaware Indian Treaty, the United States asked for aid against the British in the form of safe passage through Iroquois lands and the "affording to said troops of supplies of corn, meat, horses, or whatever" for the "accommodation of such troops."<sup>71</sup> In exchange, the Iroquois would receive "territorial rights in the fullest and most ample manner" along with a separate U.S. state, "whereof the Delaware shall be head" and a Native "representative in Congress."<sup>72</sup>

Vestiges of American benevolent identity exist in the Delaware Treaty through the promise of tribal protection against the British. For instance, Article III guaranteed that "The Delaware nation ... shall be garrisoned by such a number of troops of the United States, as the commanding officer can spare."<sup>73</sup> Now, it appeared, the United States would replace the Crown as a protectorate or, as Article V noted, "the confederation entered into by the Delaware nation and the United States renders the first dependent on the latter."<sup>74</sup> Also, the British were constructed as the enemies of both the American Indians and the United States: "these enemies ... have tried to possess the Indians in general with an opinion ... to extirpate the Indians and take possession of their

country.”<sup>75</sup> With the treaty, the United States laid the framework for a contractual relationship that demonstrated the hybridization of U.S. and Native identities.

Some 371 treaties were negotiated between the United States and tribal nations, but the Treaties of McIntosh (1785) and Hopewell (1785) began the codified practice of land control and land acquisition through a type of syncretic hegemony. The Treaty of McIntosh, for example, initiated the long-standing tradition of forcing tribes to consent to American superiority. The treaty’s second article asked the Wyandot, Delaware, Chippewa, and Ottawa nations to “acknowledge themselves and all their tribes to be under the protection of the United States and of no other sovereign whatsoever.”<sup>76</sup> Here, any sense that the Native nations would be treated as foreign countries on equal footing with America was obliterated. Instead, indigenous nations who negotiated with the United States were required to accept American protection.

The Treaty of Hopewell extended U.S. protection to the realms of commerce and trade. Couching their desire to regulate Native economies in a protectionist rhetoric, the Hopewell authors ensured that Natives would not have the right to trade with anyone but the United States. “For the benefit and comfort of the Indians and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States,” argued the treaty writers, “shall have the sole and exclusive right of regulating trade with the Indians.” Moreover, the United States tasked itself, here, with “managing all their affairs in such manner as they think proper.”<sup>77</sup> Nationhood status, or in the least sovereignty, tended to allow for such free trade; by the United States’ occlusion of free trade, American Indian groups were denied an equal presence before the United States government as respected powers.<sup>78</sup> Slowly, these denigrating treaty articles began to

manifest in the shape of a hegemonic relationship initiated by the United States that simultaneously strengthened U.S. and Native economic symbiosis.

Land acquisition articles within McIntosh and Hopewell ultimately propagated cultural borders that became entrenched around the turn of the nineteenth century. In McIntosh, the United States not only detailed the boundaries of its newly wrested territory, but also cautioned American Indians to stay away from white settlers therein: “the Indians ... do acknowledge that the land in the east, south and west of the lines ... belong to the United States.” Natives were warned that they should not “presume to settle upon the same or any part of it” lest they desired the wrath of the American settlers likely crouched and ready to seize the territory.<sup>79</sup> The Treaty of Hopewell contained these same elements of land acquisition. American negotiators at Hopewell also made the bold request for free movement of whites within Cherokee territory. For instance, Article X read: “all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Cherokees to trade with them, and they shall be protected in their person and property” to move from border to border.<sup>80</sup>

From an imperial perspective, the United States also took it upon itself through these treaties to redefine Indian Country. McIntosh continued that “the United States allot all the lands contained within the said lines” to the tribes with which they entreat.<sup>81</sup> Hardly visible in the treaty provisions was the Native voice. Rather, the rhetorical construction of the treaties followed from the American worldview, and typically placed the United States in an active role to protect, defend, trade, move, exchange, and decide for a tribe.<sup>82</sup> For instance, in the above McIntosh quotation, it is the United States which

“allots” the lands. Such active verbs constructed U.S. identity as vigorous compared to diminutive and passive American Indian identity.

Cultural inclusion and exclusion were residues of these constructed identities. And, territorial ownership played a significant role in who belonged to the United States as active and vigorous citizen members. Typically, citizenship was only offered to white males who could prove to possess fifty acres of land and, at least, two years of residence on the land.<sup>83</sup> Land ownership as a prerequisite to citizenship appeared, from the outset of the young United States, in the papers of the Continental Congress. The Congress’s Committee on Indian Affairs, for instance, celebrated the partitioning of American Indian lands as a way to quickly integrate emigrating Europeans. The Committee reported in 1783 that territory would exist as a “bounty” to those English immigrants, in particular, willing to relocate to the colonies, and that Native occupied (not owned) lands would make for a “speedy provision for extending” the colonies’ citizenry.<sup>84</sup> Those whites who received the bounty would be part of the U.S. citizenry. American Indians could never be considered, here, because they merely occupied territories and, at any rate, had to be driven off of what property they purported to own.

Furthermore, the Constitution offered little in the way of citizenship for American Indian nations. The Constitution provided that Congress “establish a uniform rule of naturalization” but did not specifically outline the qualifications for citizenship for whites, let alone Native communities.<sup>85</sup> Citizenship was split between individual states and the federal government. Localized citizenship tended to take precedence (so long as it remained consistent with whiteness and freeholding), but – beginning in 1790 – the U.S. Congress began moving citizenship requirements into central form. The

responsibility of separate states to establish citizenship requirements ended, officially, with the passage of the Fourteenth Amendment in which Congress determined “all persons born or naturalized in the United States and subject to the jurisdiction thereof shall be citizens of the United States and of the State in which they reside.”<sup>86</sup> Prior to that, both state and federal authorities negotiated citizenship. American Indians, of course, were not considered “citizens of the United States” and therefore were not protected – both prior to and following the Fourteenth Amendment. No state, then, was able to make or enforce “any law which shall abridge the privileges or immunities of citizens of the United States.”<sup>87</sup> Native nations, however, were left out because their lands were not their own. Their occupation of territory and misuse of “republican” land rendered them “as separate from white Americans’ territorial and affective union.”<sup>88</sup> Both the federal and state governments could deny Native communities citizenship as a part of the U.S. public.

The first attempt to legislate exclusive and inclusive citizenship was the Naturalization Act of 1790, which required free white persons to own property and reside for two years within the United States before becoming vested community members.<sup>89</sup> In March of 1795, Congress amended the Naturalization Act to increase the land and residency requirement to five years as Federalists feared the Crown implanting British loyals into the country.<sup>90</sup> The landholding requirement was amended again during the Quasi War with France, whereupon fourteen years became the standard residency condition due to protectionist needs. The Alien Acts of 1798 codified this new requirement in the hopes of strengthening the American citizenry and, also, facilitating its break from European ties.<sup>91</sup> The naturalization acts “marked out” American Indians as a

“group distinct from citizens in general.”<sup>92</sup> They were neither white nor were they perceived to hold territory; hence, Native communities were “not guaranteed opportunities for citizenship.”<sup>93</sup> But, American Indians could trade their territories – as tenants – through treaties that favored the U.S. government.

### *Native Responses to Treaty Making*

Just as American Indians responded to early European American relations and English dominance, Native groups likewise challenged the identities constructed by the United States in its post-revolutionary years. Joseph Brant (Mohawk), for instance, undertook an interesting strategy of linking Native sovereign identity to U.S. sovereign identity. Arguing against the typically one-sided dynamic of treaties, Brant appealed to George Washington in 1794: “We are of the same opinion with the people of the United States; you consider yourselves as independent people; we, as the original inhabitants of this country, and sovereigns of the soil, look upon ourselves as equally independent, and free as any other nation of nations.”<sup>94</sup> In this case, Brant confirmed American Indian sovereignty apart from the government, while also connecting the United States’ recent battle for independence with the Mohawk’s own distinct sovereignty. Just as the United States fought for sovereignty so, too, did Brant constitute American Indians as sovereign of the land. Moreover, Brant added the gloss that Natives were “original inhabitants,” perhaps increasing American Indian ethos as ancestral inhabitants of North America.

Similarly, Ohnawio (Mohawk), Oteatohatongwan (Mohawk) and Teholagwanegen (Mohawk) articulated their sovereign identities apart from the United States by appealing to key ideologies of the U.S. nation.<sup>95</sup> The trio contended: “Formerly, we enjoyed the privilege [that] we expect is now called freedom and liberty; but since the

acquaintance with our brother white people, that which we call freedom and liberty becomes an entire stranger to us; and in the place of that comes flattery and deceit.”<sup>96</sup>

This Mohawk group created an impasse for its American counterparts: dealings with Americans had severely limited freedom, thus violating an ideological building block of the United States. The use of familial language that reified the hybridity of kinship furthered the Mohawk grievances as the U.S. government arguably violated the rights of fellow family members. English revolutionary John Tucker justified the American colonists’ rebellion, arguing that “All men are naturally in a state of freedom, and have an equal claim.”<sup>97</sup> The Mohawk, here, seemed to hearken to these sentiments in order to urge equal status among brothers in the treaty-making process.

#### THE ROAD TO REMOVAL

American Indian and U.S. identities changed, once again, with the dawning of the nineteenth century. In addition to clashing over trade and land, the cultural groups began negotiating the idea of American Indian assimilation. Presidents Washington and Jefferson supported the acculturation of Native communities to American agriculture, trading, education, and domestication. Assimilation, almost by definition, reified a hierarchy of supervisor-to-ward, and the hybridity of identities reflected and refracted the impact of assimilation on both the United States and American Indians. When assimilation seemed to falter, the U.S. government shifted to a policy of removal. Suddenly, American Indian identities, which U.S. assimilationist rhetoric had previously constituted as adaptable and promising, became obstinate and removable. Throughout the evolution of U.S. Indian policy from assimilation to removal, the United States



further solidified its role as a paternalistic and protectionist force over American Indian nations, while Natives attempted to reconfigure these identities.

#### *U.S.-Native Relations in the Washingtonian Period*

As the U.S. government entrenched itself in the duties of nationhood, early leaders began to take notice of U.S.-Native relationships and to issue comments relating to the interconnected identities. Fields, for instance, argues that George Washington regarded “Native Americans either as separate nations to be dealt with through treaty and diplomacy or ‘banditi’ testing the new nation’s resolve and discipline.”<sup>98</sup> Washington’s uneasiness in classifying American Indians as friends or foes spoke volumes of the identity confusion experienced by those living in indigenous nations at the dawn of the nineteenth century. They were at once savages as well as extensions of the American nation – albeit ancillary and useable extensions.<sup>99</sup>

Washington and Jefferson viewed American Indian nations with greater trust and promise. Natives were, to these presidents, worth helping because they could contribute to the American nation by assimilating. For instance, in an 1802 Presidential Letter to Congress, Jefferson reminded politicians that they needed “to encourage them [Indians] to abandon hunting, to apply to the raising of stock, to agriculture and domestic manufacture, and to prove to them that less land and labor will maintain them on this better than in their former mode of living.”<sup>100</sup> These assimilation policies, though differing from the Jacksonian ideologies that will soon be illuminated, still remained controlling. Both Washington and Jefferson wished to replace Native identities with American identities predicated on American socio-economic practices, such as yeoman farming.

Washington's policy involved a softening of U.S.-Native relations, despite his personal prejudices. Washington, as Wallace reminds us, was covertly tentative about trusting American Indians and placing faith in the community as an intelligent, independent cadre of cultures. The president was "an old Indian fighter" from way back, and made no qualms about denigrating as inferior those who he considered his Native wards.<sup>101</sup> In 1787, following passage of the Northwest Ordinance,<sup>102</sup> Washington wrote to Secretary of War Henry Knox that the Indian and the wolf, "both being beasts of prey" might be ill-affected by the U.S.'s encroachment onto Native lands in the Michigan-Wisconsin-Minnesota region. He continued, "the gradual extension of our settlements will as certainly cause the savage, as the wolf, to retire."<sup>103</sup> At the same time, though, Washington was encouraged by Knox and others in his administration to take a softer line on land acquisition. The Northwest Ordinance came to represent Washington's overt policy that "the Indian tribes should be considered foreign nations" and that the United States "had only a preemptive right – an exclusive option – to purchase Indian land."<sup>104</sup>

The Washingtonian period indicates that U.S. and Native identities were built around dollar diplomacy. One of Washington's most extensive ideas for negotiating with American Indian communities was the establishment of trading houses. Such a system of trade, he said, "would be as honorable to the national character as comfortable to the dictates of sound policy."<sup>105</sup> This "sound policy" involved forcing American Indians to rely on goods produced by the United States. The policy was purported to work in two ways. First, it would help assimilate Natives to American customs and cultures. Second, as Natives entered into debt with trading houses, they might be more willing to sell their land to offset the debts.<sup>106</sup> As Washington put it, "the establishment of commerce with

the Indian nations on behalf of the United States is most likely to conciliate their attachment” to the land.<sup>107</sup>

The presence of Washington’s dollar diplomacy was certainly recognized by American Indian nations. Natives tended to view America’s economic policies as contributing to a diminutive indigenous identity. Speaking against the power dynamics of U.S.-led treaties and economic plans, Corn Tassel (Cherokee) challenged U.S. economic plans in 1795: “How [can the president] tell me that it [land] is yours by right of conquest? ... I should retort on him that *we* had last marched over his territory; even up to this place which he has fortified so far within his former limits ... If, therefore, a bare march, or reconnoitering a country is sufficient reason to ground a claim to it, we shall insist upon transposing the demand, and your relinquishing your settlements on the western waters and removing one hundred miles back towards the east.”<sup>108</sup> Corn Tassel called into question the hegemonic control of the United States. If, he contended, power over the land generated from mere occupancy then, surely, American Indians would have the more legitimate claim. If this were the case, the United States should remove. Such a reconstitution of identities was vital to Native voice.

For Little Turtle (Miami), speaking in 1795, American Indians did not ask to enter into treaties, as the United States had claimed. Instead, he “was much surprised to hear you say that it was my forefathers [who] had set the example to other Indians in selling their lands.” In fact, he argued that the United States came seeking territory and did so to the detriment of Native connections to the land: we “are of the opinion you take too much of [our] lands and confine them ... within the limits too contracted.”<sup>109</sup> Such constructions of the U.S. government as greedy contributed to a Native understanding of

European American identity rooted in commodification. Little Turtle intimated, also, that the U.S. government's "contracted" use of the land conflicted with Native identities regarding spiritual and ancestral worth of territories.

#### *Trade and Assimilation in the Jeffersonian Era*

Jefferson continued the notion of trading houses as a way to assimilate American Indians and to siphon away more land with the Trade and Intercourse Act of 1802, which, like the Treaty of Hopewell, limited all American Indian trade to the U.S. government alone.<sup>110</sup> In a special message to Congress in 1803 he argued that trade would promote both Native assimilation and U.S. expansion: "to multiply trading houses among them" and to lead "them thus to agriculture, to manufactures, and civilization; in bringing together their and our sentiments, and in preparing them ultimately to participate in the benefits of our Government, I trust and believe we are acting for their greatest good."<sup>111</sup> Trading houses became another way to instigate Native reliance on the U.S. government, strengthening their hybrid identities.

The hybridity between U.S. and Native identities also, though, centered on cultural integration. The overall watchword of Jefferson's Indian policy was assimilation, a practice that sought to integrate Natives into American culture. Jefferson's faith in natural rights, however, led him to pursue such assimilation under the aegis of an equal structure of human nature. Jefferson's public papers indicate his trust of, and sympathy toward, American Indians.<sup>112</sup> He even attributed any inferior identity concerning indigenous communities to environmental circumstances. Jefferson wrote in 1785: "I believe the Indian then to be in body and mind equal to the whiteman." Given different

geographical conditions, he argued, “we might find that they formed in mind as well as body, on the same module with the Homo sapiens Europaeus.”<sup>113</sup>

Jefferson’s assimilation turned on converting American Indians into yeoman farmers, a not unexpected ambition given Jefferson’s agrarian roots. As Prucha contends, Jefferson thought “if the Indians came to rely on agriculture and domestic manufacture for their food and clothing, they would no longer need extensive hunting grounds and would willingly give up their unneeded lands for white settlement.”<sup>114</sup> More to the point, assimilation would lead to the Natives’ decreased need for land. This reduced necessity would, in turn, benefit the white land squatters who were anxious to occupy fertile American Indian lands.

Because Jefferson “was far more sympathetic” to American Indians, assimilation grew in importance throughout his administrations.<sup>115</sup> He felt a benevolent policy of assimilation was the primary solution to U.S-Native difficulties. For instance, he advised a group of Miami, Potawatomi, and Wea Indians in 1802 that “We shall with great pleasure see your people become disposed to cultivate the earth ... These resources are certain, they will never disappoint you, while those of hunting may fail, and expose your women and children to the miseries of hunger and cold. We will furnish you with implements for the most necessary arts, and with persons who may instruct you how to make use of them.”<sup>116</sup> Jefferson also exhorted Congress that institutional intervention into Native education was crucial to Native survival. He noted in his Annual Message in 1803, “preparing them [Indians] ultimately to participate in the benefits of our Government, I trust and believe we are acting for their greatest good.”<sup>117</sup> Overall, Jefferson exhibited the hybrid nature of U.S. and Native identities; the U.S. would

entrench itself in Native cultural uplift through assimilation, while Natives would benefit the U.S. economy and expansionist goals through their assimilation.

Still, Jefferson never intimated that American Indian nations would attain the status of inclusion in the U.S. citizenry. He actually layered his goal of increasing white citizenship over Native communities' "mere occupancy" of their lands.<sup>118</sup> He did this by lowering territorial requirements in order to accommodate the enlarging white American population. In his first inaugural address – which foreshadowed his more liberal naturalization plan – he argued that a "rising nation, spread over a wide and fruitful land" demanded territory and yeoman farming – the latter of which could only be practiced by tying citizenship to the land.<sup>119</sup> Therefore, he suggested and signed into law the Naturalization Act of 1802, which lowered residency requirements to five years, but still maintained that land ownership was vital to U.S. citizenship.<sup>120</sup> Part of Jefferson's aspirations of linking territory to citizenship can also be seen in his 1803 confidential letter to Congress asking for funds to explore the Louisiana Territory. He said then that "an extension of territory which the rapid increase of our numbers will call for" was imperative for U.S. citizenship. This citizenship-through-land, Jefferson continued, could be had by displacing American Indians from their territories. He encouraged the establishment of trading houses for the purposes of obtaining this land, and he averred that "experience and reflection will develop to them [Natives] the wisdom of exchanging what they can spare and what we want, for what we can spare and what they want."<sup>121</sup> Occluded from Jefferson's landed citizenry were American Indian nations themselves. At the heart of Jefferson's naturalization plan was the "idea that prolonged terms of residence" and land ownership – for *whites* alone – was the "surest way" to guarantee

U.S. citizenship.<sup>122</sup> Indigenous communities and their territories were the currency that allowed the white American citizenship to grow. American Indians were “excluded from the privileges and immunities of citizenship.”<sup>123</sup>

### *Impact of U.S. Expansion*

The Lewis and Clark expedition of 1803 commenced following Jefferson’s Louisiana Purchase and summarily took as its thrust a surveying of the newly acquired land west of the Mississippi River. The Purchase demonstrated U.S. expansionist identity by allowing “the United States to claim a huge tract of land west of the Mississippi River, extending from New Orleans to Canada.”<sup>124</sup> The Louisiana Territory, also, came to impact Native identities by suggesting new areas onto which indigenous nations could be removed in the event that assimilation did not work.

Jefferson sponsored the Lewis and Clark expedition, in particular, to ascertain the quality, scope, topography, and fruitfulness of the western purchase, but also to discover possible locations for removal of the Five Civilized Tribes east of the Mississippi River.<sup>125</sup> In a private memorandum to Congress in January 1803, Jefferson opined that “Indian tribes residing within the limits of the U.S. have for a considerable time been growing more and more uneasy at the constant diminution of the territory they occupy.”<sup>126</sup> He then crafted an economic argument showing that the joint strategy of teaching the Natives agricultural technologies and surveying the Louisiana Purchase for their possible placement would add even more area to the Purchase as indigenous groups began vacating their eastern territory. Of this, he wrote: “The portion of their [Indian] country most important to us is exactly that which they do not inhabit . . . in the interior country.”<sup>127</sup> But, Jefferson needed an agency through which he could remove Natives

altogether by replacing and replicating their entire holdings, both hunting acreage and settlement areas. The Lewis and Clark expedition funding was, therefore, predicated upon Jefferson's argument that Indian removal would justify the cost of exploration and pay back into the American economy by seizing Native lands. The idea "is particularly interesting," wrote Jefferson. "In order peaceably to counteract this policy of theirs" we should "provide an extension of territory which the rapid increase of our numbers [in the eastern Indian country] will call for ..."<sup>128</sup>

Hence, Jefferson actually engineered the groundwork of what would later come to be known as Indian Removal. Evidence suggests that at the conclusion of the Lewis and Clark expedition Jefferson supported a constitutional amendment to "provide among other things for the transporting of the Eastern Indians to the newly acquired territory."<sup>129</sup> In a letter to Louisiana Territory Governor William Henry Harrison, Jefferson averred that Indian removal might best compliment U.S. expansion by eliminating the possibility of wrangling with Natives. The Indians, he argued, "will in time either incorporate with us as citizens of the United States or remove beyond the Mississippi."<sup>130</sup> In other words, the president's assimilatory policy involved a built-in alternative. If Natives could not retain success as yeoman farmers, thus entreating with the United States to transfer their excess land, they had better plan to remove. Jefferson often wavered on the removal issue, wondering whether "driving them across the Mississippi" might be "the only condition of peace?"<sup>131</sup>

Jefferson's amendment never made it to Congress, but the absence of a removal bill did not occlude his lobbying for removal. Wallace suggests that Jefferson "instructed Governor Claiborne of Mississippi Territory to make presents of trade of goods to the



southern tribes in order to encourage advance parties to cross the Mississippi.”<sup>132</sup>

Wallace also contends that Jefferson met several times with the Chickasaw in 1805 and Choctaw and Cherokee representatives in 1808 to inspire their removal.<sup>133</sup> So vital was Jefferson’s early maneuvering for removal that Andrew Jackson relied on Jefferson’s negotiating template. Jackson biographer, Remini, has argued on several occasions that “Jackson was probably one of the earlier converts to the notion of Indian removal through an exchange of land, an idea first put forward by Thomas Jefferson.”<sup>134</sup>

#### *The War of 1812 and U.S.-Native Relations in the 1820s*

Jefferson’s policies represented the calm before the storm. Following Jefferson’s administration, America found itself in the throes of the War of 1812, which coalesced for indigenous communities, in dozens of home-bound battles. By the time the war with Great Britain ended, American Indian communities had lost thousands of miles in the Southeast and suffered the decimation of countless numbers, including those who were British sympathizers and those who agitated against the U.S.’s expansion into western territories.

Following Jefferson’s administration, U.S.-Native relations began transforming into an aggressive dynamic that threatened not only the lives of those Natives caught up in the war’s wrangling, but also the relationship between the United States and American Indian communities. Whereas Washington and Jefferson viewed indigenous populations graciously – albeit with an eye toward domination – the administrations of James Madison, James Monroe, and John Quincy Adams ushered in war and increased expansion. As with the Washington and Jefferson administrations, the era between 1810 and 1828 would set the stage for eventual removal.

The hybridity of U.S. and American Indian identities also evolved into a colonizing dynamic.<sup>135</sup> During the tenures of Madison and Monroe, the idea of removing American Indians from America-proper and colonizing them on reservations promised an efficient, entropic mechanism for purifying U.S. identities. As Wallace argues, “by the 1820s, the term ‘colonization’ had become a popular label for the concept of solving social problems” by effectively removing those races deemed “problematic.”<sup>136</sup> Madison and Monroe both believed if Jeffersonian assimilation failed, that American Indian colonization west of the Mississippi represented the next logical solution to the “Indian problem.” In this vein, Monroe claimed in 1818, “it is indispensable that their independence as communities should cease, and that control of the United States over them should be complete and undisputed.”<sup>137</sup> Later in 1825, Monroe argued that by colonizing Natives “and by the establishment of such a government over these tribes ... we become in reality their benefactors.”<sup>138</sup> Ostensibly, the ideal of removal began to take shape as the United States, comprehending its tentative relationship with Natives, entered the war. Adding to this realization, American Indians in disproportionate numbers supported the British over what Chief Tecumseh called “the common enemy” of America.<sup>139</sup>

The war between the United States and England unfurled on lands owned by Native populations. The venues for the white dispute involved, mostly, the edges of the ever-expanding American empire. Hence, border skirmishes erupted along the U.S.-Canadian border and – most important with regard to Native lands – on the outer fringes of the American frontier: the Midwest along the Missouri and Ohio River valleys.

Tecumseh (Shawnee), a chief from the Detroit encampment area, viewed the presence of settlers on his nation's land as a sign of aggression. In October of 1812, Tecumseh gathered groups of dissenters and went on a tour to rally support against the U.S. government. Along the way, he drew into his fold hundreds of American Indians from the Seminole, Creek, Chickasaw, Choctaw, and Cherokee nations. Upon arriving at an inter-tribal council in Alabama, Tecumseh delivered an oration meant to unite the spirits of his community against the United States. He exhorted, "Listen! ... Oh Muskogeese! Brethren of my mother! Brush from your eyelids the sleep of slavery, and strike for vengeance and your country! ... Let the white race perish! ... Back whence they came, upon a trail of blood, they must be driven! ... Burn their dwellings – destroy their stock – slay their wives and children, that the very breed may perish!"<sup>140</sup> Equating U.S. treatment of American Indians to "slavery," Tecumseh responded to American demands for early removal by suggesting that Americans remove. As an alternative to accepting an identity as Native outsider, the chief constructed U.S. identity as the unwelcome pariah. In the process, the chief constituted Native identity as violent to inspire his audience to take up arms; this identity construction conflated Native violence and identity with their own survival.

Tecumseh's oration helped ignite a battle that led to the Fort Mims Massacre, north of Mobile at the convergence of the Tombigbee and Alabama rivers. Fort Mims generated an ongoing hatred between the Creek, in particular, and the federal government. Supported by the British, Tecumseh and his supporters argued that the war offered the opportune moment to challenge the United States for its past indiscretions, including the numerous broken treaties that resulted in Native losses of land.<sup>141</sup> With the

end of the war, “the Indians were defeated in both the north and the south, despite their hopes for aid from Great Britain.”<sup>142</sup> Instead of victoriously ousting Americans from Native land, the Creek and Tecumseh’s inter-tribal union lost their part of the War of 1812.

Other American Indian responses to U.S. activity in Indian Country during the War of 1812 were less bellicose than Tecumseh’s sentiments. Buffalo (Ojibway) responded to U.S. encroachment by appealing to a higher power. In 1812 he noted, “although we are red and you are white, there is One above to whom we all have to give an account, and who will not permit such acts of injustice to be done without visiting them with displeasure.”<sup>143</sup> Here, instead of threatening the U.S. government with force, Buffalo alluded to a divine retribution should more injustices be visited upon Natives. In a sense, as well, Buffalo demonstrated a union of identities between the United States and American Indians. That is, a higher power hybridized American Indian identities and U.S. identities through a duty of care for justice.

In another example of Native voice, Red Jacket (Seneca) worried, in 1811, that the U.S. government’s movement into Native territory would dispossess indigenous nations from their spiritual homes: “If we should sell our lands ... we should be looked upon in the country to which we go as foreigners and strangers ... we should soon be surrounded by the white people, who will there also kill our game, and come upon our lands and try to get them from us.”<sup>144</sup> Red Jacket, here, constructed a U.S. identity based on continual expansion. At the same time, Red Jacket argued that the Seneca were determined “not to sell our lands, but to continue on them. We like them. They are fruitful and produce.”<sup>145</sup> Thus, Red Jacket reconstituted the way that the United States

viewed Native identity; instead of American Indians squandering land, as earlier colonists believed and U.S. leaders had claimed, Red Jacket acknowledged the agricultural and productive value of land and promised the Seneca Nation's active and continued usages.

*Early Removal and the Confluence of Territory and Citizenship*

U.S.-Native land conflicts during the War of 1812 ended when Indian fighter, Andrew Jackson, defeated the Red Stick Creeks in 1813 at the Battle of Horseshoe Bend near present-day Talladega, Alabama. As the war ended, with Jackson ascending as the quintessential military hero, the Tennessean inherited a new position: Chief Indian Agent. Beginning in 1815, Jackson took it upon himself to meet several times with the North American "Five Civilized Tribes" (Seminole, Cherokee, Chickasaw, Creek, Choctaw) in order to initiate, what would soon be called, the removal policy. Throughout these talks with Natives, Jackson strengthened the familial bond between the United States and American Indians, begun earlier with the relationships spawning from the Proclamation of 1763 and the ensuing U.S.-Native treaties. Perhaps borrowing from the protectionist ideology of these treaties, Jackson employed parent-child metaphors in constituting Native and U.S. identities in his 1821 address to the Creek nation: "Your white brethren must be settled there [Indian land] to keep from you bad men and bad talks. I wish to be informed where the Red people in the Floridas are settled, that I may make it known to your Father the President, that he may be enabled to judge your situation, [so that] you may be treated as the rest of his beloved children."<sup>146</sup> Here, he reaffirmed an authoritarian role for the U.S. government, noting that it would be best enabled to judge American Indians' situations. Jackson also indicated that part of U.S. identity involved protecting Native nations; in the process, he additionally constructed American Indians as

dependents of a central power. Such constructions foreshadowed Jackson's and the larger culture's paternalistic mindset that would become even more pronounced in the era of removal.<sup>147</sup>

In another example of early removal rhetoric, Jackson found an opening to offer his guidance by diminishing Native identity and capacity to reason.<sup>148</sup> In an 1820 talk with Choctaws, Jackson commanded: "Hear and listen well. Decide for the happiness of all your people ... We have labored hard to convince you of your real interests. We hope you will see them as we do, and adopt the treaty proposed ... Should you reject it, it will be a source of great regret."<sup>149</sup> It appears that American Indians had minimal choice in determining their "interests." Instead, the U.S. government decided the "real interests" of American Indians. Jackson constructed U.S. identity as superior and, therefore, the United States retained power to guide because it ruled with reason.<sup>150</sup> Native identities were seen as closer to nature and therefore were susceptible to wild desires.<sup>151</sup>

The defeat of the Red Stick Creeks during the War of 1812 provided the United States a justification for further control over American Indians. Colonization of American Indians grew, not only through the office of the President and through Congressional treaties, but also through Supreme Court decisions. Chief Justice John Marshall's infamous "Indian Trilogy" set the stage for a weakened Native identity. Simultaneously, Marshall inscribed upon Native communities the status of non-citizenship. Or, as Kettner asserts, the high court held that "Indian tribes did not enjoy full sovereign power over the lands they occupied."<sup>152</sup>

The first case, *Johnson v. McIntosh* (1823), involved two European Americans wrangling over control of previously held Indian lands. According to Cheyfitz, in 1775 a

group of British investors including Thomas Johnson purchased a tract of land in present day Illinois from the Piankeshaw Indians.<sup>153</sup> In 1778, the state of Virginia seized this tract of land for itself. Then in 1783 Virginia ceded the land to the newly created United States, which sold nearly 12 thousand acres to William McIntosh in 1818. The sale to McIntosh provoked a lawsuit by the heirs of Johnson, who claimed the land was theirs based on trade with the Piankeshaw. The legal question at stake in 1823 was whether the Piankeshaw held land rights and subsequently could sell land. The Court “found that such a sale was not legal, precisely because, in the opinion of the Court, the U.S. held absolute title to Indian lands.”<sup>154</sup> Thus, McIntosh held title to the land because the United States, and not a Native nation, had sold him the tract.

The Court’s justification for denying the Piankeshaw land rights brought to light an early example of how the Court helped constitute American Indian identities and outright denied Native involvement in the U.S. citizenry. Marshall codified the rule that “the extent of their right of alienation must depend upon the laws of dominion under which they live ... They are subject to the sovereignty of the United States.”<sup>155</sup> His holding strengthened the U.S. government’s tendency to view Natives as dependents. Moreover, racial stereotypes of the “red child” were constituted with Marshall’s insistence that the United States treat Natives “as an inferior race of people, without the privileges of citizens, and under the perpetual protection and pupilage of the government.”<sup>156</sup> Seemingly, Marshall contributed to the notion that Natives could not acquire citizenship based on race. After Jeffersonian assimilation failed to convert American Indian citizens, and as removal garnered popularity, the Supreme Court

codified the stripping away of indigenous citizenship as a justification for dispossessing Native communities and taking more land.

The Court's insistence on the "doctrine of discovery" as law solidified the "European narrative of conquest of America."<sup>157</sup> Marshall said, "To leave them in possession of their country, was to leave the country a wilderness."<sup>158</sup> In other words, the logical suggestion if Natives were to remain in possession of newly discovered lands, then the land would go to waste.<sup>159</sup> Marshall's holding demonstrated how the United States predicated part of its identity on a "productive" use of the land, while denigrating American Indian identity which included occupying the land for ancestral and spiritual purposes. According to Johnson and Hamilton, Marshall took into account the U.S. government's expansionist identity and ambitions: "(It) could not be ignored. Indian tribes could not be too sovereign."<sup>160</sup> Extending too many rights and privileges to too many people, especially those deemed savage, would presumably impede a strengthening American identity.

The primary legal consequence of *Johnson v. McIntosh* for Native identity was the transfer of land ownership from indigenous authority to the U.S. government. Ostensibly, the Court admitted Natives were occupants of land, but with the caveat that "their rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil at their own will, to whomsoever they pleased, was denied" by the fundamental principle of discovery.<sup>161</sup> The Court's rhetoric pointed to an imperial identity that blocked American Indian empowerment.<sup>162</sup> Moreover, Marshall's nineteenth century vision of discovery created a landlord-tenant relationship. As landlord, the U.S. government "possessed the power to terminate the



‘tenancy’ of its occupants but also could materially affect the lives of Indians through its control and regulation of land use.”<sup>163</sup> That American Indians could not hold property – in the western sense – indicated to Marshall and the broader U.S. government the inability of Native communities to obtain full U.S. citizenship. Overall, as Wilkins reminds us, the Court’s holding in *Johnson* was that “indigenous peoples [did] not have the natural right exercised by citizens of ‘civilized’ nations” to own, sell or claim property.<sup>164</sup>

Native status faced another challenge when, in 1825, President James Monroe announced a voluntary policy of removal. Concerned that assimilation had not worked as planned, Monroe suggested that “removal of the tribes from the territory which they now inhabit ... would not only shield them from impending ruin, but promote their welfare and happiness.”<sup>165</sup> Thus, as Indian agent Jackson strove for removal through his “talks” with Natives, and as the Supreme Court diminished Native connections to the land, Monroe set into motion Jefferson’s ideas for removal. John Quincy Adams also supported voluntary removal as an option alongside assimilation, but did not discuss it in the public record.<sup>166</sup>

Even prior to an official involuntary U.S. removal policy American Indians responded with disdain to the government’s early attempts at dispossessing Native nations. To one of Jackson’s removal talks, Black Thunder (Fox) retorted in 1815: “I have nothing new to say here in your councils ... You heard it, and no doubt remember it. It [is] simply this. My lands can never be surrendered; I was cheated and basely cheated in [U.S. sponsored] contracts; I will not surrender my country but with my life.”<sup>167</sup> It seems, here, that Black Thunder typified American Indian identities related to the land,

and was willing to die for the cause of remaining on his ancestral homeland. Similarly arguing against President Monroe's voluntary removal policy, Petalsharo (Pawnee) lamented in 1822: "when we did not know the whites – our wants were then fewer than they are now ... we had then seen nothing which we could not get. Before our intercourse with the whites ... we would find the buffalo feeding around our camp – but now they are killing them for their skins, and feeding the wolves with their flesh to make our children cry over the bones."<sup>168</sup> Petalsharo, here, constituted U.S. identity as caustic; prior to contact, Natives enjoyed their land without barrier. On the other hand, Petalsharo suggests that land, under Native care and influence, was honored for its natural abundance. Moreover, throughout the discourse can be seen traces of an "intercourse" that illustrates the interconnectedness of U.S. and Native identities.

A sampling of Native identity based on a connection to the land is also found in the Chickasaw Nation's response to a U.S. government offer to exchange their Tennessee Valley hamlets for land west of the Mississippi River. In its 1826 plea to agent Jackson and President John Quincy Adams, the Chickasaw leadership opined: "it being the land of our forefathers we" do not want to remove. "If we should exchange our lands for any other ... the consequences may be similar to transplanting an old tree, which would wither and die away, and we are fearful it would come to the same."<sup>169</sup> Here, indigenous identity and possession of the land hinged on where one's ancestors were buried. In addition, the Chickasaw response intimated that one's land was also where one was born; birth and life were both vested in the land. Removing an American Indian community subsequently caused it to die as a deracinated tree. Following the metaphor, here, roots

referred not solely to one's physical birth, but also the location where one's people were created and remained spiritually and temporally.

President Monroe's 1825 address suggested that the acculturation of American Indians had been a flawed policy. Monroe said then: "in their [Indians'] present state it is impossible to incorporate them ... into our system ... without a timely anticipation of land provision against the dangers to which they are exposed, under causes which it will be difficult, if not impossible, to control, their degradation and extermination will be inevitable."<sup>170</sup> Speaking benevolently, Monroe argued that American expansion and the salvation of Native nations depended on a new policy. Monroe was "impressed with the opinion that removal" would form the crux of such a new policy. With removal, Monroe thought that "permanent peace" would be secured for American Indians and that "our commerce [would] be much extended" with an Indian policy of dispossession and relocation.<sup>171</sup>

The prospective plans for removal would also further separate American Indians from members of the U.S. citizenry. Removal came to exemplify what Wilkins has called "territorial integration." This concept is "the establishment of national central authority over subordinate political units" which exist apart from the central populace, but remain part of the national community, at least spiritually, as domestic charges. Native communities were not so much divorced from the U.S. government and U.S. public as they were reduced to ward-like land tenants (not owners) who were, thus, disqualified from citizenship based on property requisites. Such removal to the outer spaces of the nation also served to diminish contact and to blunt away any expectation of citizenry rights or claims.

Though important to both Monroe and (Quincy) Adams, removal was never officially implemented in the 1820s. Removal as an involuntary policy would have to wait until 1828 when Jackson was elected to the presidency. Old Hickory, the “great Indian fighter,” would disparage assimilation for the outright removal of Native identities from the U.S. landscape. The next chapter explores the way that U.S. institutional rhetoric helped construct U.S. and Native identities around the policy of removal.

#### END NOTES

---

<sup>1</sup> Colin G. Calloway, *First Peoples: A Documentary Survey of American Indian History* (Boston: Bedford/St. Martin's, 1999), 4.

<sup>2</sup> Siobhan Senier, *Voices of American Indian Assimilation and Resistance: Helen Hunt Jackson, Sarah Winnemucca, and Victoria Howard* (Norman: U of Oklahoma P, 2001), 23.

<sup>3</sup> Thomas Rosteck, “Form and Cultural Context in Rhetorical Criticism: Re-Reading Wrage,” *Quarterly Journal of Speech* 84 (1998): 230.

<sup>4</sup> Jill Lepore, *The Name of War: King Phillip's War and the Origins of American Identity* (New York: Vintage, 1999), xiv.

<sup>5</sup> The phrase “Long, Bitter Trail” refers to Jacksonian scholar Anthony Wallace's description of Jackson's campaign to remove the Five Civilized Tribes (Cherokee, Seminole, Creek, Choctaw, Chickasaw) from the American southeast as well as the policies that led to Indian removal. See Anthony F.C. Wallace, *The Long, Bitter Trail: Andrew Jackson and the Indians* (New York: Hill and Wang, 1993).

<sup>6</sup> Deloria argues that despite the fact that early European Americans traveled to the New World to seek refuge from oppression, they became, themselves, the oppressors.

---

“The early colonist did not flee religious persecution so much as they wished to perpetuate religious persecution under circumstances more favorable to them. They wanted to be the persecutors.” This tension between religious freedom fighter and Christian converter, he contends, helped encourage the difficulties and clashes between the cultures. See Vine Deloria, Jr., *Custer Died for Your Sins: An Indian Manifesto* (Norman: U of Oklahoma P, 1988), 177. Brown makes a similar argument about the European American tension of balancing its cultured European roots with the new “rugged individualism” taking hold on the frontier. American Indians represented this latter half of the dialectic, and tended always to be used as counters or ciphers to white identity on the fringes of the North America. Part of cultural problems, Brown asserts, arose from European expansion and attempts to situate identity in the geographically and politically expanding continent. See Dee Brown, *Bury My Heart at Wounded Knee: An Indian History of the American West* (New York: Holt, 2000), xvii.

<sup>7</sup> Francisco Colon, *The Life of the Admiral Christopher Columbus* (New Brunswick, NJ: Rutgers UP, 1959), 11/10/1492.

<sup>8</sup> Colon, *The Life of the Admiral Christopher Columbus*, 11/10/1492.

<sup>9</sup> Colon, *The Life of the Admiral Christopher Columbus*, 12/11/1492.

<sup>10</sup> Calloway, *First Peoples*, 72.

<sup>11</sup> Mayobanex (Ciguayo), “The Spaniards are Violent,” in *History of the Indies, Book Two*, trans., Andree Collard (New York: Harper, 1971), 146.

<sup>12</sup> Ibid.

<sup>13</sup> Anonymous (Taino), “You Have Come a Powerful Man,” in *History of the Indies, Book One*, trans., Andree Collard (New York: Harper, 1971), 55.

---

<sup>14</sup> Roy Harvey Pearce, *Savagism and Civilization: A Study of the Indian and the American Mind* (Baltimore: Johns Hopkins UP, 1967), 5.

<sup>15</sup> Samuel Purchas, *Hakluytas Posthumus, or Purchas His Pilgrimmes* (Glasgow, 1906), 218.

<sup>16</sup> Pearce, *Savagism and Civilization*, 4-5

<sup>17</sup> Ibid.

<sup>18</sup> Robert Gray, *A Good Speed to Virginia* [1609], ed., W.F. Craven (New York, 1937), ci.

<sup>19</sup> Quoted in Pearce, *Savagism and Civilization*, 18-19.

<sup>20</sup> Francis Paul Prucha, *The Great Father: The United States Government and the American Indians, vol. 1* (Lincoln: U of Nebraska P, 1984), 11.

<sup>21</sup> Wahunsonacock (Powhatan), "1622 Speech to John Smith," in *Travels and Works of Captain John Smith* ed., Edward Arber (Edinburgh, 1910), 137.

<sup>22</sup> Hans Koning, *The Conquest of America: How the Indian Nations Lost Their Continent* (New York: Cornerstone, 1993), 57-59.

<sup>23</sup> Prucha, *The Great Father*, 11. For a comprehensive examination of colonial Indian wars, see Douglas Edward Leach, *Arms for Empire: A Military History of the British Colonies in North America, 1607-1730* (New York: MacMillan, 1973).

<sup>24</sup> D'Arcy McNickle, "Indian-White Relations from Discovery to 1887," in *The Rape of Indian Lands*, ed., Paul Wallace Gates (New York: Arno Press, 1979), 3.

<sup>25</sup> Several smaller wars between the European American colonists and American Indians took place before King Phillip's War. For instance, the Pequot War of 1636 also challenged the paternal and expansionist character of European American settlers.

---

Members of the Mahican, Mohawk, and Algonquin fought the Christian church, the English and the French, and the Dutch trading companies during the era of 1600 to 1670. For more on these skirmishes, see Lepore, *The Name of War*; Prucha, *The Great Father*; Prucha, *The Indians in American Society*; and Neal Salisbury, “Native People and European Settlers in Eastern North America, 1600-1783,” in *The Cambridge History of the Native Peoples in the Americas, vol. 1, part 1*, eds. Bruce Trigger and Wilcomb E. Washburn (London: Cambridge UP, 1996).

<sup>26</sup> Increase Mather, “A Brief History of the Warr with the Indians in New England,” in *So Dreadful a Judgment: Puritan Responses to King Phillip’s War, 1676-1677*, eds., Richard Slotkin and James K. Folsom (Middletown, CT: Wesleyan U P, 1978), 138-139.

<sup>27</sup> Jill Lepore, *The Name of War*, 21.

<sup>28</sup> Jill Lepore, *The Name of War*, 5.

<sup>29</sup> Quoted in Pearce, *Savagism and Civilization*, 21.

<sup>30</sup> Colin Calloway, *First Peoples*, 150-157.

<sup>31</sup> See Mazur, *1831: Year of Eclipse*; and Anders Stephanson, *Manifest Destiny: American Expansionism and the Empire of Right* (New York: Hill and Wang, 1995) for more information on this pivotal Puritan myth of fulfilling God’s plan through conquering the wilderness and civilizing its human inhabitants.

<sup>32</sup> Ward Churchill, *Indians are Us? Culture and Genocide in North America* (Monroe, ME: Common Courage Press, 1994), 308.

<sup>33</sup> Cotton Mather, “Decennium Luctuosum,” in *Narratives of the Indian Wars, 1675-1699*, ed., Charles H. Lincoln (New York: Lincoln, 1913), 242.

- 
- <sup>34</sup> Rogers Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, CT: Yale UP, 1997), 58.
- <sup>35</sup> William Blackstone, *Commentaries on the Laws of England, 1765-1769*, vol. 1 (Chicago: U of Chicago P, 1979), 156.
- <sup>36</sup> David M. Ricci, *Good Citizenship in America* (Cambridge, UK: Cambridge UP, 2004), 103.
- <sup>37</sup> King Phillip (Wampanoag), "You See This Vast Country," in *Narratives of the Indian Wars, 1675-1699*, ed., Charles Lincoln (New York: Scribner's Sons, 1918), 10-11.
- <sup>38</sup> Onondaga, Cayuga, and Seneca Council, "Speeches to the Governors of New York and Virginia, 1684," in *The History of the Five Nations of Canada*, ed., Cadwallader Colden (London, 1755), 46-51.
- <sup>39</sup> William Wistar Comfort, *William Penn, 1644-1718: A Tercentenary Estimate* (Philadelphia, 1944), 44.
- <sup>40</sup> For an extended discussion of the French and Indian War, see William Fowler, *Empires at War: The French and Indian War and the Struggle for North America, 1754-1763* (New York: Walker and Company, 2004).
- <sup>41</sup> Prucha, *The Great Father*, 24-26.
- <sup>42</sup> Salisbury, "Native People and English Settlers," 446-450.
- <sup>43</sup> Proclamation of 1763, in *The American Indian and the United States: A Documentary History, vol. III*, ed. Wilcomb Washburn (New York: Random House, 1973), 2135.
- <sup>44</sup> Proclamation of 1763, 2133.
- <sup>45</sup> Proclamation of 1763, 2136.



---

<sup>46</sup> Bernard Romans [1775], quoted in Pearce, *Savagism and Civilization*, 47.

<sup>47</sup> Canassatego (Onondaga), “We Now Speak,” in *Minutes of the Provincial Council of Pennsylvania*, vol. 5 ed. Samuel Hazard (Harrisburg, PA: T. Fenn & Co., 1851-53), 401-2.

<sup>48</sup> Lords of Trade, “Letter to Sir William Johnson,” in *New York Colonial Documents* vol. 7, ed., E.B. O’Callahan (Albany: Weed, Parsons, 1858), 535-36.

<sup>49</sup> Prucha, *Great Father*, 26.

<sup>50</sup> “The Plan for the Future Management of Indian Affairs,” *Documents Relative to the Colonial History of the State of New York*, vol. 7, ed. E.B.O’Callaghan (Albany: Weed, Pearson, and Company, 1953), 639.

<sup>51</sup> Prucha, *Great Father*, 26.

<sup>52</sup> Pontiac (Ottawa), “You Must Lift the Hatchet Against Them,” in *The Conspiracy of Pontiac*, ed., Francis Parkman (New York: Champlain, 1898), 5.

<sup>53</sup> Ibid.

<sup>54</sup> Salisbury, “Native People and English Settlers,” 448.

<sup>55</sup> Mihnehwehna (Ojibway), “Englishman!,” in *Travels and Adventures in Canada and the Indian Territories Between the Years 1760 and 1776*, ed., Alexander Henry (New York: I. Riley, 1809), 44.

<sup>56</sup> Treaty making ended in the late nineteenth century with the passage of an 1871 Congressional bill that allowed the U.S. legislature to decide Indian law without Native input. This general law that ended the treaty policy stated, “No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty;

---

but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March third, eighteen hundred and seventy-one, shall be hereby invalidated or impaired.” Permanent General Laws Relating to Indian Affairs – The Revised Statutes, Title XXVIII, chap. 2 (Performance of engagements between the United States and Indians), Sec. 2079. *Indian Affairs: Laws and Treaties*, vol. 1., ed. Charles J. Kappler. Washington, DC: Government Printing Office (1904), 8. This is not to say that treaties agreed upon prior to 1871 were void; these earlier treaties were supposed to remain in effect for time immemorial. In a sense, Indian voice was removed from negotiations as Congress and the Executive took over all responsibilities, duties, and intricacies of U.S-Indian policy relations through “plenary” or ultimate decision-making power.

<sup>57</sup> Prucha, *The Indians in American Society*, 30.

<sup>58</sup> See Churchill, *Indians Are Us?*; Richard Drinnon, *Facing West: The Metaphysics of Indian Hating and Empire Building* (Norman: U of Oklahoma P, 1997); and Wallace, *The Long, Bitter Trail*.

<sup>59</sup> Salisbury, “Native People and European Settlers,” 446-450.

<sup>60</sup> Hazel Hertzberg, *The Search for an American Indian Identity* (Syracuse, NY: Syracuse UP, 1971), 31-134.

<sup>61</sup> Francis Paul Prucha, *The Great Father: The United States Government and the American Indians, abridged* (Lincoln: U of Nebraska P, 1988), 195-196.

<sup>62</sup> Antiwaneto (Cawasuck), “We Hear on All Sides,” in *Documents Relative to the Colonial History of New York, vol. 10*, ed., E.B. O’Callaghan (Albany: Weed, Parsons, 1858), 252-254.

---

<sup>63</sup> Sidney Lens, *The Forging of the American Empire – From the Revolution to Vietnam: A History of U.S. Imperialism* (Chicago: Haymarket Press, 2003), 41.

<sup>64</sup> Joy Porter, “Native Americans: The Assertion of Sovereignty and the Negotiation of Citizenship and Identities,” in *Federalism, Citizenship and Collective Identities in U.S. History*, eds. Cornelius A. Van Minnen and Sylvia Hilton (Amsterdam: VU Boekhandel U P, 2000), 183.

<sup>65</sup> Bruce Kleinig, *Paternalism* (Totowa, NJ: Rowman and Allanheld, 1984), 171.

<sup>66</sup> Brian Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Lawrence: U of Kansas P, 1991), 97-98.

<sup>67</sup> Susan M. Ryan, *The Grammar of Good Intentions: Race and the Antebellum Culture of Benevolence* (Ithaca: Cornell U P, 2003), 5.

<sup>68</sup> Ibid.

<sup>69</sup> Henry E. Fritz, *The Movement for Indian Assimilation, 1860-1890* (Philadelphia: U of Pennsylvania P, 1973), 83.

<sup>70</sup> Delaware Treaty, Fort Pitt, September 17, 1778, in *The American Indian and the United States: A Documentary History, vol. III*, ed. Wilcomb Washburn (New York: Random House, 1973), 2263.

<sup>71</sup> Delaware Treaty, 2264.

<sup>72</sup> Delaware Treaty, 2265.

<sup>73</sup> Delaware Treaty, 2264.

<sup>74</sup> Delaware Treaty, 2265.

<sup>75</sup> Ibid.

---

<sup>76</sup> Treaty of McIntosh, in *The American Indian and the United States: A Documentary History*, vol. IV, ed. Wilcomb Washburn (New York: Random House, 1973), 2269.

<sup>77</sup> Treaty of Hopewell, in *The American Indian and the United States: A Documentary History*, vol. IV, ed. Wilcomb Washburn (New York: Random House, 1973), 2275.

<sup>78</sup> Lewis notes how the freedom to engage in economic trade and production supported Native communities' sense of nationhood, or separate sovereignty. In turn, such sovereignty allowed a "sense of place and identity." See David Rich Lewis, *Neither Wolf Nor Dog: American Indians, Environment, and Agrarian Change* (New York: Oxford UP, 1994), 3.

<sup>79</sup> Treaty of McIntosh, 2270.

<sup>80</sup> Treaty of Hopewell, 2275.

<sup>81</sup> Treaty of McIntosh, 2270.

<sup>82</sup> See also the Treaties of Harmar (1789), Creeks (1790), Oneidas (1794), Greenville (1795), Choctaws (1801), Kaskaskias (1803), and Sacs and Foxes (1804) in *The American Indian and the United States: A Documentary History*, vol. IV, ed. Wilcomb Washburn (New York: Random House, 1973).

<sup>83</sup> Robert E. Shalhope, *The Roots of Democracy: American thought and Culture, 1760-1800* (Boston: Twayne, 1990), 24.

<sup>84</sup> Continental Congress, "Report of Committee on Indian Affairs, October 15, 1783," *Journals of the Continental Congress*, 25: 681-683, 693.

---

<sup>85</sup> “Constitution of the United States of America,” in *A Documentary History of the United States*, 7d., ed., Richard D. Heffner (New York: Signet, 2002), 22.

<sup>86</sup> “Constitution of the United States of America,” 33.

<sup>87</sup> *Ibid.*

<sup>88</sup> Rogan Kersh, *Dreams of a More Perfect Union* (Ithaca, NY: Cornell UP, 2001), 94.

<sup>89</sup> “Naturalization Act of 1790,” in *Folwell’s Laws of the United States* (New York, 1796), n.p.

<sup>90</sup> “Naturalization Act of 1795,” in *Folwell’s Laws of the United States* (New York, 1796), n.p.

<sup>91</sup> “An Act Concerning Aliens, June 1798,” in *A Documentary History of the United States*, 7d., ed., Richard D. Heffner (New York: Signet, 2002), 71-72.

<sup>92</sup> Smith, *Civic Ideals*, 132

<sup>93</sup> Smith, *Civic Ideals*, 132

<sup>94</sup> Joseph Brant (Mohawk), “We Have Borne Everything Patiently for This Long Time,” in *Indian Oratory: Famous Speeches by Noted Indian Chieftains*, ed. W.C. Vanderwerth (Norman: U of Oklahoma P, 1989), 50-53.

<sup>95</sup> Ideographs are vital terms representing larger ideologies that a given culture has been conditioned to believe and understand; they are one-term orientations of the culture’s ideology. Ideographs constitute a political language and comprise ideology, and hence act as basic building blocks of culture. See Michael Calvin McGee, “The ‘Ideograph’: A Link Between Rhetoric and Ideology,” *Quarterly Journal of Speech* 66 (1980): 1-16.

---

<sup>96</sup> Ohnawiiio, Oteatohatongwan and Teholagwanegen (Mohawk), “Formerly, We Enjoyed the Privilege,” in *American State Papers: Indian Affairs*, vol. 7 (Washington: Office of Indian Affairs, 1903), 617.

<sup>97</sup> John Tucker, *A Sermon Preached at Cambridge, 29 May 1771* (Boston: Draper, 1771), 13.

<sup>98</sup> Wayne Fields, *Union of Words: A History of Presidential Eloquence* (New York: The Free Press, 1996), 192.

<sup>99</sup> Gloria Jahoda, *The Trail of Tears* (New York: Wings, 1995), 46.

<sup>100</sup> Thomas Jefferson, Presidential Message, Record Group 233, Records of the U.S. House of Representatives, File HR7A-D1 at the National Archives II.

<sup>101</sup> Wallace, *The Long Bitter Trail*, 38.

<sup>102</sup> The Northwest Ordinance of 1787 was considered one of the most significant achievements of the Confederation – and later – the early Republic. Prior to the Ordinance, land north of the Ohio River and east of the Mississippi had been forbidden from development. This particular proclamation allowed for the opening of land in exchange for pecuniary interests between the United States and the northern tribes. The Ordinance codified the process for northern land acquisition in states like Ohio, Indiana, Illinois, Michigan, and Wisconsin. And, following suit, the Ordinance “accelerated the westward expansion of the United States.” Donna Hightower Langston, *The Native American World* (New York: John Wiley & Sons, 2003), 404.

The Ordinance stated, “that the utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they shall never be invaded or disturbed,

---

unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them and for preserving peace and friendship with them.” Northwest Ordinance, in *The American Indian and the United States: A Documentary History*, vol. III, ed. Wilcomb Washburn (New York: Random House, 1973), 2144. Notice that the Ordinance allows for the negotiations of both U.S. and American Indian voices for further expansion.

<sup>103</sup> Quoted in Wallace, *The Long Bitter Trail*, 38.

<sup>104</sup> Wallace, *The Long Bitter Trail*, 32.

<sup>105</sup> George Washington, “Third Annual Message to Congress, October 25, 1791,” in *A Compilation of the Messages and Papers of the Presidents, Vol. I*, comp., James D. Richardson (New York: Bureau of National Literature, 1897), 96-97.

<sup>106</sup> Prucha, *The Great Father*, 30.

<sup>107</sup> George Washington, “Fifth Message to Congress, October 25, 1793,” in *A Compilation of the Messages and Papers of the Presidents, Vol. I*, comp., James D. Richardson (New York: Bureau of National Literature, 1897), 133.

<sup>108</sup> Corn Tassel (Cherokee), “Let Us Examine the Facts,” in *Tatham’s Characters Among the North American Indians* (London: Annual of Biography and Obituary, 1820).

<sup>109</sup> Little Turtle (Miami), “Brothers, These People Never Told Us They Wish to Purchase Our Lands from Us,” in *Indian Oratory: Famous Speeches by Noted Indian Chieftains*, ed. W.C. Vanderwerth (Norman: U of Oklahoma P, 1989), 56-59.

<sup>110</sup> Trade and Intercourse Act, March 30, 1802, *U.S. Statutes at Large*, 2:139-46.

---

<sup>111</sup> Thomas Jefferson, “Message to Congress on Indian Trading Houses, January 18, 1803,” in *A Compilation of the Messages and Papers of the Presidents, Vol. 1*, comp., James D. Richardson (New York: Bureau of National Literature, 1897), 340-41.

<sup>112</sup> This argument generates from Prucha, *The Indians in American Society*, 6.

<sup>113</sup> Thomas Jefferson to Chastellux, June 7, 1785, *The Papers of Thomas Jefferson* vol. 8, ed. Julian Boyd (Princeton, NJ: Princeton UP, 1950), 186. Notes to this effect, concerning Jefferson’s complimentary views of American Indian, may also be found in Thomas Jefferson, *Notes on the State of Virginia* (Richmond: J.W. Randolph, 1853), 67.

<sup>114</sup> Prucha, *The Indians in American Society*, 12.

<sup>115</sup> Wallace, *The Long Bitter Trail*, 38.

<sup>116</sup> Records of the Office of the Secretary of War, Indian Affairs, *Letters Sent*, vol A, p.143, Record Group 75, National Archives. Also found in *The American Indian and the United States: A Documentary History, vol. I*, ed. Wilcomb Washburn (New York: Random House, 1973).

<sup>117</sup> “Message of January 18, 1803,” in *A Compilation of the Messages and Papers of the Presidents, Vol. 1*, comp., James D. Richardson (New York: Bureau of National Literature, 1897), 352. Also found in *The Papers of Thomas Jefferson, vol. 10*, ed. Julian Boyd, (Princeton, NJ: Princeton UP, 1950).

<sup>118</sup> 21 U.S. 543 (1823), *Johnson and Graham v. McIntosh*, 568-569.

<sup>119</sup> Thomas Jefferson, “First Inaugural, March 4, 1801,” in *The Inaugural Addresses of the Presidents*, ed. John Gabriel Hunt (New York: Gramercy, 1997), 24.

<sup>120</sup> James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill: U of North Carolina P, 1978), 245-246.



---

<sup>121</sup> Thomas Jefferson, “On Indian Trading Houses – Confidential Letter to Congress, January 18, 1803,” in *A Compilation of the Messages and Papers of the Presidents*, vol. 1, comp., James D. Richardson [Washington, D.C.: Bureau of National Literature and Art, 1937]: 340-41.

<sup>122</sup> Kettner, *The Development of American Citizenship*, 246.

<sup>123</sup> Ibid.

<sup>124</sup> Donna Hightower Langston, *The Native American World*, 391.

<sup>125</sup> Wallace, *The Long Bitter Trail*, 38.

<sup>126</sup> Thomas Jefferson, Presidential Message, Record Group 233, Records of the U.S. House of Representatives, File HR7A-D1 at the National Archives II.

<sup>127</sup> Thomas Jefferson, Presidential Message, Record Group 233, Records of the U.S. House of Representatives, File HR7A-D1 at the National Archives II.

<sup>128</sup> Thomas Jefferson, Presidential Message, Record Group 233, Records of the U.S. House of Representatives, File HR7A-D1 at the National Archives II.

<sup>129</sup> Wallace, *The Long Bitter Trail*, 39.

<sup>130</sup> Thomas Jefferson to William Henry Harrison, February 27, 1803, *The Writings of Thomas Jefferson*, vol. 9, ed. Albert E. Berghe (Washington: Thomas Jefferson Memorial Foundation, 1907), 370-71.

<sup>131</sup> Thomas Jefferson to William Henry Harrison, February 27, 1803.

<sup>132</sup> Anthony F.C. Wallace, *Jefferson and the Indians: The Tragic Fate of the First Americans* (Cambridge: Harvard UP, 1999), 274.

<sup>133</sup> Wallace, *Jefferson and the Indians*, 274; and Wallace, *The Long Bitter Trail*, 39.

---

<sup>134</sup> Remini, *Andrew Jackson*, 54.

<sup>135</sup> I define colonization, along Botkin's lines, as "the story of a civilization" using its resources "to overwhelm and destroy indigenous cultures." (Daniel B. Botkin, "Introduction," in *The Colonizers: Early European Settlers and the Shaping of North America*, ed., T.J. Stiles [New York: Perigree, 1998], xx). Colonization often involves overwhelming and destroying cultures by "localizing them under a parent state" or by "institutionalizing" them by removing them from "the parent state." (*Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> edition*, ed., Frederick C. Mish [Springfield, MA: Merriam-Webster Incorporated, 1998], 226-7).

Presidents Madison and Monroe began advocating the dispossession of American Indians west of the Mississippi around the time that the American Colonization Society "aimed to colonize free blacks overseas" to "rid the United States" of the alleged "troublesome presence" of African Americans. (Phillip S. Foner and Robert James Branham, *Lift Every Voice: African American Oratory, 1787-1900* [Tuscaloosa: U of Alabama P, 1998], 114). An ideological link can be extrapolated between the U.S. government's plans to remove and colonize American Indians and its plans to deport and colonize (e.g., Liberia) African Americans. Both American Indian removal and African American colonization contributed to the broader context of U.S.-sponsored colonization of non-European American cultures. See Ronald Takaki, *Iron Cages: Race and Culture in 19<sup>th</sup> Century America* (New York: Oxford U P, 1990), 42-54; 55-65.

<sup>136</sup> Wallace, *Long Bitter Trail*, 39.

---

<sup>137</sup> James Monroe, "Second Annual Message, December 1818," in *A Compilation of the Messages and Papers of the Presidents, Vol. 2*, comp., James D. Richardson (New York: Bureau of National Literature, 1897), 46.

<sup>138</sup> James Monroe, "Message on Indian Removal, January 27, 1825," in *Documents of United States Indian Policy, 2d.*, ed., Francis Paul Prucha (Lincoln: U of Nebraska P, 1990), 40.

<sup>139</sup> Remini, *Andrew Jackson*, 3.

<sup>140</sup> Albert James Pickett, *History of Alabama and Incidentally of Georgia and Mississippi* (Charleston, SC: Charleston Press, 1851); also found in W.C. Vanderwerth, *Indian Oratory: Famous Speeches by Great Chieftains* (Norman: U of Oklahoma P, 1979): 54.

<sup>141</sup> See Remini, *Andrew Jackson*; Satz, *American Indian Policy*; and John William Ward, *Andrew Jackson: Symbol for an Age* (New York: Oxford UP, 1979).

<sup>142</sup> Prucha, *The Indians in American Society*, 31.

<sup>143</sup> Buffalo (Ojibway), "You Must Remember," in *National Archives I*, Treaty no. 287, RG 75, T-494, roll 5, 362.

<sup>144</sup> Red Jacket (Seneca), "Refusal of a Land-Purchase Offer," in *Indian Biography*, ed., B.B. Thatcher (New York, 1845), 282-284.

<sup>145</sup> *Ibid.*

<sup>146</sup> Andrew Jackson, "Talk with Indian Chieftains, September 20, 1821."

<sup>147</sup> Paternalism is generally concerned with "the special family relationship of father to child." A group "acts paternalistically with respect to another [group] ... when it is acting as a father acts with respect to his child or children" (Neil Fotion, "Paternalism.")

---

*Ethics* 89 [1979], 191). Ostensibly, the familial imagery is then naturalized in political contexts and “assimilates what is done by colonial powers to what goes on in the family, giving it a moral justification that it otherwise would have lacked.” (Kleinig, *Paternalism*, 171). Central groups, in particular, imitate the family relationship by claiming superior aptitude and endeavoring to identify the needs of “minors” (Mary R. Jackman, *The Velvet Glove: Paternalism and Conflict in Gender, Class, and Race Relations* [Berkeley: U of California P, 1993], 14-15).

<sup>148</sup> Robert Remini, *Andrew Jackson and His Indian Wars* (New York: Viking, 2001), 209.

<sup>149</sup> Andrew Jackson, “To Choctaw Indians, October 3, 1820,” *The Papers of Andrew Jackson IV*, eds. Harold D. Moser, David R. Hoth, and George H. Hoemann (Knoxville: U of Tennessee P, 1996), 391-392.

<sup>150</sup> Victor Jeleniewski Seidler, *Man Enough: Embodying Masculinities* (Thousand Oaks, CA: Sage, 1997): 35.

<sup>151</sup> Michael Paul Rogin, *Fathers and Children: Andrew Jackson and The Subjugation of the American Indian* (New York: Knopf, 1975), 43.

<sup>152</sup> Kettner, *The Development of American Citizenship*, 295.

<sup>153</sup> Eric Cheyfitz, “Doctrines of Democracy,” *Journal of Early American Life* 2:1 (2001): 14.3.

<sup>154</sup> *Ibid.*

<sup>155</sup> 21 U.S. 543 (1823), *Johnson and Graham v. McIntosh*, 568-569.

<sup>156</sup> *Ibid.*

<sup>157</sup> Cheyfitz, “Doctrines of Democracy,” 5.

---

<sup>158</sup> 21 U.S. 543 (1823), *Johnson and Graham v. McIntosh*: 590.

<sup>159</sup> See Richard Drinnon, *Facing West*; C. Richard King, *Colonial Discourses, Collective Memories, and the Exhibition of Native American Cultures and Histories in the Contemporary United States* (New York: Garland Publishing, 1998); Porter, “Native Americans”; Remini, *Andrew Jackson*; and Stephanson, *Manifest Destiny*.

<sup>160</sup> Tadd M. Johnson and James Hamilton, “Sovereignty and the Native American Nation: Self-Governance for Indian Tribes – From Paternalism to Empowerment,” *Conn. L.Rev.*27 (1995): 1253.

<sup>161</sup> Cheyfitz, “Doctrines of Democracy,” 1.

<sup>162</sup> Johnson and Hamilton, “Sovereignty and the Native American Nation,” 1253.

<sup>163</sup> Vine Deloria and Clifford M. Lytle, *American Indians, American Justice* (Austin: U of Texas P, 1983), 26-27.

<sup>164</sup> David Wilkins, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice* (Austin: U of Texas P, 1999): 33.

<sup>165</sup> James Monroe, “Message on Voluntary Indian Removal, January 27, 1825.”

<sup>166</sup> Prucha, *The Great Father*, 66-67.

<sup>167</sup> Black Thunder (Fox), “Speech to American Commissioners, 1815,” in *Biography and History of the Indians of North America*, ed., Samuel G. Drake (Boston, 1841), 632.

<sup>168</sup> Petalesharo (Pawnee), “It Is Too Soon, My Great Father, to Send Those Good Men Among Us,” in *Red Men Calling on the Great White Father*, ed., Katharine C. Turner (Norman: U of Oklahoma P, 1951).

---

<sup>169</sup> Levi Colbert, et. al., “Plea from the Chickasaw,” *Journal of the Chickasaw Council*, October 16, 1826 to November 1, 1826. *American State Papers*, vol. 2, Indian Affairs, 10.

<sup>170</sup> James Monroe, “Second Annual Message, December 1818.”

<sup>171</sup> *Ibid.*

## CHAPTER TWO

### GOVERNMENTAL RHETORIC AND THE CRAFTING OF U.S. AND NATIVE IDENTITIES: THE INDIAN REMOVAL ACT

Though the United States, at first, showcased assimilation as its central plan for American Indians, expansionist circumstances and the failure of partial acculturation pointed to removal as a viable policy. Even Thomas Jefferson, the key advocate of assimilation, admitted in 1824 that white expansion into the western vicinities of the Louisiana Territory was inexorable and – absent a removal policy – Natives would soon “disappear from the Earth.”<sup>1</sup> These sentiments were echoed two months later when James Monroe foreshadowed the need for an *involuntary* removal program.<sup>2</sup> Writing in his eighth annual message, he averred, “experience has shown” that the “tribes” have yet to become “civilized” and “can never be incorporated into our system in any form whatever.” He proposed a benevolent plan, one that would “rescue them from such calamities” of “their extinction” and allow the “parental” to remove and uplift “the infant state.”<sup>3</sup> As Monroe argued for removal, he cast the U.S.’s governmental identity in the leading role of a cultural rescue myth. The government, described as active and constructive, offered “civilization” to American Indians and a “well-digested” plan for their “own security and happiness.”<sup>4</sup> Simultaneously, Monroe alluded to the infantilization of Native identity and the country’s need to legislate for Native communities.

That American Indians had not assimilated flawlessly was one justification for their removal across the Mississippi. The second rationale, the continual westward movement of whites, was also at issue. The myths of the frontier and the “errand into the

wilderness” outwardly suffused U.S. identity.<sup>5</sup> As John Quincy Adams’ secretary of war reported to the House in 1826: “one master passion . . . that of acquiring land, has driven, in ceaseless succession, the white man on the Indian.”<sup>6</sup> Following Monroe’s voluntary removal program, several sub-tribes of Native nations agreed to relocate west based on the contention that white expansion would cause harm to indigenous communities. An 1826 treaty with the Creek Nation, for instance, stipulated that its agreement to relocate “would remove the difficulties which have thus arisen” by white settlers encroaching on Native lands in Georgia and Alabama. The treaty endeavored to alleviate the problems of boundaries in the east between whites and American Indians. These “artificial lines [were] no security [for] the untutored Indian against those trespasses which the coterminous whites perpetuated upon them.”<sup>7</sup> Similarly, a treaty with the Western Cherokees in 1828 boasted that, with removal, the Cherokee had “freed themselves from the harassing and ruinous effects consequent upon a location amidst a white population.”<sup>8</sup> In either the cases of assimilation’s failure or white expansion, removal as a governmental policy of Native relations escalated in the mid-1820s leading into the Jacksonian period.

The ascendance of Andrew Jackson to the presidency in 1828 marked a pivotal shift in policy toward involuntary removal. As Stuckey contends, the frontier character of an expanding America was both scripted by, and layered over, Jackson’s leadership. For Jackson, the key to America was not a revolutionary disposition “as it had been understood by members of the founding generation, but land.”<sup>9</sup> As his domestic policies commenced, Jackson transformed Jefferson’s stationary yeoman farmer into “an adventurous pioneer opening up the nation and increasing its territory.”<sup>10</sup> But, before this



pioneer spirit could fully flourish, American Indian nations on the frontier had to be displaced to allow for the unfettered settlement of white communities.<sup>11</sup> Early on as an Indian agent, Jackson intimated at the importance of overrunning Native lands. He wrote to Monroe in 1817: “I contend that the Legislature of the Union have the right to prescribe [Indians’] bounds at pleasure” and that the government has “the right to take it and dispose of it.”<sup>12</sup> The dual focus of removing American Indians while usurping their land for a broadened American citizenry became the hallmark of Jackson’s later Native policies as president. Overall, Jackson’s removal ideas greatly influenced the U.S. government. Both Congress and the Supreme Court were simultaneously grappling with the issue of removal as Jackson addressed its viability.

To be sure, there was a lack of consensus among the branches of the federal government regarding American Indian identity and how Native communities should fit into the nation. On the one hand, American Indians were considered children and part of the U.S. nation as protected wards. As a result, American Indians could not be completely expelled from the nation due to the familial relationship inhering between the U.S. government and Native nations. Early in his career Jackson demonstrated this familial role when he told a Chickasaw group in 1816 that “the President of the U States loves his red children, & will do justice to them” by considering their interests.<sup>13</sup> The protective relationship was also revealed as Monroe refused to engage in a removal policy that would “cause harm” to the nation’s “wards.” He addressed Congress in 1824, noting that to “remove them [Indians] by force, even with a view to their own security and happiness, would be revolting to humanity and utterly unjustifiable.”<sup>14</sup> Native identity seemed, in these constructions, diminutive yet safe. Sovereignty may not have

been solidified, but a familial and protective relationship undergirded the thought that American Indians were part of the nation.

A competing perspective of Native identity, though, situated American Indians as uncivilized and in need of severance from U.S. territories. They were, according to Governor John Forsyth (Georgia), “a race not to be admitted to be equal to the rest of the community ... treated somewhat like human beings, but not admitted” to be men with “civil and political rights.” Forsyth concluded that American Indians should be pushed aside because they possessed not “sovereignty” but “petty” and “animal” character.<sup>15</sup> This Native identity had little connection to territory – except through tenancy – and was used to justify an involuntary removal plan. As Secretary of War John Eaton wrote to the Cherokee Nation in 1829, “No right ... save a mere possessory one ... is conceded to your nation.” He continued that the “soil, and use of it, were suffered to remain with you, while Sovereignty abided in those states within whose limits you were situated.”<sup>16</sup>

The responsibility of determining American Indians’ places in the nation was similarly ambiguous and lacked administrative clarity. At times – as noted in Eaton’s quotation above – it appeared that individual states would hold sway over managing Native affairs. Thomas McKenney (Jackson’s advisor on removal) echoed Eaton’s sentiments when he remarked that “the General Government *will not* interfere (nor should it) to prevent states from extending their laws over the Indians within them.”<sup>17</sup> And, of course, the arguments of the southern states for removal were predicated on the supremacy of states’ rights over federal control. At the same time, however, the responsibility of governing Indian affairs had always legally fallen to the U.S. government. Even prior to the U.S. Constitutional period, the U.S. government claimed

pre-eminence over individual states. A notable proclamation of the Continental Congress helped forge one of the guiding tenets of U.S.-Native relations: “the United States ... have the sole and exclusive right and power of regulating the trade and managing the affairs of the Indians, not individual member states.”<sup>18</sup> Overall, there existed a scarcity of consistency regarding whether individual states or the federal government possessed the right to guide American Indian nations.

This chapter situates governmental discourse concerning the ambiguity of American Indian identities in the Jacksonian-era ideologies of expansion, citizenship, territoriality, republicanism, paternalism and sectionalism. The chapter unfolds, first, by examining Jackson’s executive removal rhetoric. As will be argued, Jackson worked through competing perspectives of American Indian identities as: childlike yet empowered; civilized and independent; and uncivilized and dependent. He ultimately settled on childish, dependent and needy identities for American Indians. These identities allowed the U.S. government greater ease in removing American Indians from their homelands based on U.S. benevolence. Such identities, in turn, occluded Native ownership of their lands based on their lack of cultivation of the territories. Jackson worked through a Native “tenant” identity that eventually prompted Congress to ratify the removal policy. The other side of such discourse, simultaneously, helped constitute U.S. governmental identities as fatherly, paternalistic and controlling.<sup>19</sup>

Next, the chapter considers the twenty-first Congress’s rhetoric and its debate that culminated in the Indian Removal Act (1830). Here, I contend that the Senate pro-removal advocates characterized American Indians as uncivilized “mere occupants” of territory – which afforded Natives the power to actively exchange these lands with the

government – but that concomitantly limited Native sovereignty as landowners.<sup>20</sup> As Smith writes, because they were viewed as “meager” occupants, American Indians “were marked out as a group distinct from citizens” belonging to “lesser classes.” At the same time, the U.S. government did not recognize them as “members of fully independent nations.”<sup>21</sup> This was done through the use of savage identities attributed to American Indians. Meanwhile, Senate anti-removal advocates countered removal sentiments by demonstrating a competing paternal vision of U.S.-Native relations that, while purporting to grant Native sovereignty and natural rights, nonetheless diminished indigenous identity to the benefit of the federal government. Here, American Indians were shown to be too childish to cultivate their lands; thus, they could not be considered landowners in the sense of producing on their territories. In the House, both removal advocates and opponents further weakened Native sovereignty by exploiting American Indian rights as a channel for sectional and political wrangling. Here, too, Natives were not granted inclusion based on an uncivilized identity that precluded their proper use of territories, resulting in a status outside the bounds of U.S. citizenship. In the end, the Congressional debates reconciled Native identities as monolithically dependent and in need of removal.

Finally, the chapter explores the ways the U.S. Supreme Court under John Marshall worked through paternalism to ensconce the diminished status of American Indians as dependent. Importantly, this section asserts that American Indian identities and Native nations’ roles within the United States were steered by contestations between federalism and states’ rights. In this vein, American Indian identity became a commodity that simultaneously served U.S. governmental interests and limited Native sovereignty. The removal policy included American Indians, mostly, as a conduit to dispute states’

rights. There was little contestation within the Supreme Court as Marshall and his fellow justices codified the exclusive right of the federal government to manage Native affairs. Simultaneously, Marshall grappled with the government's paired Native identities of uncivilized and childish. In the end, the Supreme Court crystallized the characterization of American Indians as dependent and childlike, thus homogenizing Native identities as controllable by the U.S. government. Therein, Native communities were constituted as dependent occupants of the land, which dissociated them from land ownership and U.S. citizenship. These identities helped the U.S. government justify its use of the doctrine of discovery in the confiscation of Native lands.

As each section demonstrates, by the time of the Removal Act, clear disagreements existed over the Native question on matters of Native citizenship, sovereignty, oversight of federal versus state's rights, and especially American Indian identity in relation to the U.S. nation-state. Through the removal milieu, and especially with passage of the Indian Removal Act, however, such contestations were significantly lessened for the federal government – at least leading into the late nineteenth century when the close proximity of American Indians and settlers reopened questions about the U.S.-Native relationship. The Indian Removal Act worked to reduce the government's own uncertainties over the status of American Indians and their relationship to the U.S. government, though – as will be shown – American Indians were not was amenable to the solvency of these uncertainties. The Act codified the notion that American Indians would be treated as perpetual wards of a controlling U.S. government. The policy was couched in a type of familial benevolence that appeared guiding and helpful to American Indians instead of beneficial solely to U.S. expansionist projects. American Indians were also

constructed monolithically as dependent. To this end, the government overlooked tribal differences and geographical nuances; the Act specified that *all* Native communities would be reliant on the U.S. government.

During the removal era, land functioned as a crucial space for contestation of Native identities. For the government, territory was viewed as a key criterion for U.S. citizenship, as long as inhabitants appropriately cultivated the land. American Indians were considered too uncivilized to cultivate the land. Therefore, the government dismissed their ownership rights to land based on a lack of productivity. Instead, Natives were granted tenancy (or occupancy) rights; their lack of territorial toil and citizenship resulted in the removal policy. Native communities lost rights to their homelands, which became the territorial property of the U.S. government. Here, the government worked through the doctrine of discovery to justify the taking of these Native homelands. In a sense, land was something to discover, conquer and civilize in order to expand the nation.

Throughout the resolution of contested issues surrounding removal, governmental discourse codified the paternal U.S.-Native relationship at the federal level to the detriment of states' rights. And, in the process, removal cemented the hybrid identities of the U.S. government as a dominant federal force responsible for supervising Native affairs and of American Indians as a homogenized monolith of neediness and weakness, which further eroded Native sovereignty and identity. Tangentially, the Removal Act and its accordant discourse empowered the presidency with control over U.S.-Native affairs. The federal government shared this solution to the complexity of U.S.-Native relations; but this sentiment was not similarly held by Native nations.

## JACKSONIAN IDEOLOGIES SURROUNDING REMOVAL

Expansion, citizenship, territoriality, republicanism, paternalism and sectionalism combined to define, in part, U.S. nationalism during the Jacksonian era. These ideologies moved the government toward a position of control over the continent through a hybridized hierarchy.<sup>22</sup> But, this seemingly clarified position did not come without contestation. Part of the government's control involved the subjugation of indigenous populations through competing ideological frames. The ensuing discussion spotlights the identities of American Indians and the U.S. government that were disputed and considered through Jacksonian ideologies. An appraisal of these ideologies contextualizes the analysis that follows.

Governmental identities in the Jacksonian era can be partly linked to a self-professed mission of expansion into new lands and civilizing so-called savages in the "wilderness" both with the support of divine providence. This mission was used to justify how the United States "conquered" others and "establish[ed] and perpetuate[ed] histories" that naturalized a hierarchy where the federal government possessed considerably "greater importance" than "others" like American Indians.<sup>23</sup> The mission of progress as a nationalistic concept has been deemed "manifest destiny."

Manifest destiny as a term derives from journalist John O'Sullivan's now classic interpretation of the U.S. nationalist projects sponsored under the Jackson, Tyler and Polk administrations during the early 1830s through to the 1840s. To O'Sullivan, America's westward movement was ordained by a higher power, and demanded that Americans fulfill such a divine plan as central to its destiny as a "superior" people.<sup>24</sup> In discussing expansion he worried that opponents of western expansion by "thwarting our policy and

hampering our power, limiting our greatness and checking the fulfillment of our *manifest destiny* to overspread the continent allotted by Providence for the free development of our yearly multiplying millions,” would counteract the momentum of U.S. nationalism.<sup>25</sup>

O’Sullivan’s term stuck over the course of the nineteenth century.<sup>26</sup>

Vestiges of this identity can be traced back to Samuel Danforth’s “errand into the wilderness” sermon in which expansion became the driving consequence of the Puritans’ covenant with God to satisfy “His” plan.<sup>27</sup> The early U.S. Republic later secularized the errand as it sought divine justification for its separation from Great Britain. Lens describes this as a grand motivation needed to remind early Americans that God was on their side both in their revolt from the Crown and in their conquest of American Indians and African slaves. He argues, “The Americans believed that in furtherance of the great law of self preservation, nature had given them a special right to expand. They were like the ancient Israelites, a chosen race ... carrying progress forward wherever they went. They were not trampling on other people, they were opening up new vistas for them.”<sup>28</sup> With God on its side, the nineteenth century U.S. nation could not only rationalize its existence but could also commence expansion to fulfill its desire to grow the nation’s economy and to secure more land for white settlers.<sup>29</sup>

Closely related to manifest destiny was the expansionist notion that the U.S. government’s identity involved the presence of a “frontier” or open and blank-slated lands along with cultures upon whom to inscribe American principles.<sup>30</sup> Again, such nineteenth century expansionist identity was predicated on America’s grand mission to spread from the Atlantic to the Pacific oceans. For all the stereotypes of Old World



Europe as stagnate and entrenched, the United States was most certainly the reverse: mobile and nebulous.<sup>31</sup>

The broadening of the U.S. land base inevitably led to a connection among citizenship, territory and republicanism. That is, as the U.S. nation expanded in the early nineteenth century, and as American settlers occupied these new spaces, property holding became a vital component of a republican citizenry that would nurture the nation.<sup>32</sup> Takaki claims that expansion “offered whites the promise of property ownership and [the government] a stable republican future.”<sup>33</sup> And, though U.S. citizenship was an “intellectually puzzling, legally confused, and politically charged and contested status,” one thing was certain: land typically affected citizenship status.<sup>34</sup> As Kersh explains, federal and state grants of land “encouraged grantees to view their holding as part of a unified American territory.”<sup>35</sup> Moreover, as James Madison made plain in 1787, bonding land and republican citizenship protected national and governmental interests. “Freeholders of the country,” he noted in *Federalist #10*, were said to be “the safest depositories of republican liberty.”<sup>36</sup> The more citizen-freeholders there were in the newly expanded republic, the safer the U.S. nation would prove against the external challenges of early nationhood.

Property ties to citizenship, however, seemed to loosen in the Jacksonian era as the populism of Republicans promoted lower classes to U.S. citizenship in contrast to the elitist and limited citizenship promoted by the Federalists. Land was certainly considered beneficial to citizenship, but it did not have to be inherited or owned in multitudes. With Jacksonian democracy – one known for privileging meritocracy over aristocracy – came the “enunciation of the cult of the self-made man.”<sup>37</sup> As long as people worked the land

with an eye toward improving the union, they could justly be considered republican citizens. After all, work attached people to the land, even if the people lacked ownership. And, this attachment similarly united people with the U.S. nation. Toil and pride in one's assiduousness equated with the "individual industriousness that spawned the virtue upon which" republican nations depended.<sup>38</sup>

Such a populist vision sprang from the role of expansion in the United States and the limitations of property requirements to settling new lands. Perhaps property holding requirements waned because yeoman farmers emigrating west could not afford land or because an increasingly large and "prominent slice of the population" was artisan, mechanical and shop-keeping, therefore owning little or no land.<sup>39</sup> That new lands could not keep up with the surges of American emigration and European immigration to the "West" during the Era of Good Feelings meant that relaxed and expedient citizenship rules needed to guide naturalization even more.<sup>40</sup> If such property requirements remained intact during the heady days of the Jacksonian era, new territories would have been virtually citizen-less. Furthermore, the continual descent of Federalist interests in the U.S. government meant that naturalization restrictions codified in the Naturalization Act of 1790 and the Alien and Sedition Acts likewise loosened.<sup>41</sup>

Next to property ownership, the issue of ethnicity figured most prominently in Jacksonian citizenship. And, ethnicity seemed to exacerbate the uncertainty of who could be considered part of the U.S. nation. As Jacksonians moved toward a state-centered, populist and "*white* republic," they defended their claims to citizenship "in terms of racial superiority rather than strained doctrines" of territory.<sup>42</sup> Any such guilt about this was alleviated through "scientific doctrines" that placed whites on a higher evolutionary and

cultural plane than other ethnicities.<sup>43</sup> Racial purity and economic security were certainly at stake with regard to African Americans. Keyssar concludes, for instance, that “permitting African Americans” to be citizens would open the door to “amalgamation and thus [would] diminish the significance of whiteness and citizenship.”<sup>44</sup> For American Indians, then, their “occupancy” with regard to land in North America meant little in terms of citizenship to the U.S. government of the time. Jacksonians, in particular, used ethnic categories to define citizenship as white-only. Jackson noted in 1829 that “Indians ... lacked the honest industry” of white citizens and, therefore, “the children of the forest” could not be a part of the U.S. nation merely because “they had seen [it] from the mountain or passed it in the chase.” White people, he wrote, were the “true” Americans; Natives had only “artificial distinctions” as weaker neighbors.<sup>45</sup> Even Anti-Jacksonian Daniel Webster summarily dismissed American Indian importance to the U.S. nation. Writing to a friend in 1826, Webster noted “there is little [about American Indians as citizens] worth studying or worth knowing.”<sup>46</sup> American Indians also often understood that their occupancy occluded them from the U.S. citizenry. Speaking to a group of Americans during a tour around the eastern seaboard following his surrender in 1833, Chief Black Hawk (Sauk) concluded, “we Indians ... are outside the Union.”<sup>47</sup>

The ambiguity of American Indians’ citizenship often teetered between their rights to territory based on birthright and occupancy and the competing idea that their race precluded citizenship. Even though indigenously born to North America, American Indians would not be considered either citizens or property owners during the Jacksonian era. Smith makes the ironic point that in terms of the “*jus soli* understanding of birthright membership, no one had better claim as native-born Americans than Native

Americans.”<sup>48</sup> This was indeed the case according to the common law. But, their non-white identity limited their property roles as occupants, not owners. Ownership involved a productive use of the land, as well as private holdings of territory. As far as the U.S. government was concerned, only western (and white) Europeans satisfied these criteria. Nineteenth century America, argues Takaki, averred that a nation should be “homogenous” in both ethnicity and civilized “character.” This homogenous nation included “a people with the same language and laws, good cabins and enclosed fields ... and private property.”<sup>49</sup> Native nations, for the most part, supported different languages, non-European dwellings, hunting and gathering subsistence and communal property. This diversity of ethnic identity prevented American Indians from “owning” land in the European sense of productivity. Instead, writes Wilkins, the U.S. government “reduced tribal claims to aboriginal lands as mere *tenancy*” – the political concept that American Indians existed on, but did not use and certainly failed to own, territory.<sup>50</sup>

Paternalism, another Jacksonian ideology, likewise guided U.S.-Native relations. Paternalism involved a rhetoric infused with “policies and practices of treating or governing people in a [parental] manner, especially by providing for their needs without giving them responsibility.”<sup>51</sup> Nineteenth century paternal identity in the United States was concerned with the familial relationship of parent to child especially regarding American Indian communities. The federal government worked from a paternal ideology as if it were “acting as a father acts with respect to his child or children.”<sup>52</sup> Such paternalism functioned by naturalizing familial imagery within political contexts and likening “what is done by colonial powers to what goes on in the family, giving it a moral

justification that it otherwise would have lacked.”<sup>53</sup> The United States imitated the family relationship to control its “minor” Native “children.”<sup>54</sup>

Vitally, nineteenth century paternalism involved hierarchies of power. Paternalism modeled itself on a “relationship of genuine *dependence* and incapacity, in which the helpless child’s survival and well being was contingent on adult care.”<sup>55</sup> Kleinig agrees, noting that such identity was a “technique for legitimizing control and violence.” Nineteenth century Americans were seen as “possessing virtually unlimited authority” over the nation’s myriad subalterns.<sup>56</sup> Thus, it can be ascertained that identity, that of the child, was constituted as dependent and incapable; simultaneously, the other identity, the parent, garnered authority “in regulating their [children’s] conduct and in supplying their needs.”<sup>57</sup>

One advantage that paternalism held for Jacksonian America was the license to intercede into tribal affairs. To Goodell, “paternalism was interference with others’ autonomy justified by reasons referring to their welfare, good, happiness, needs, interests and values.”<sup>58</sup> The United States was able to interfere, at will, as long as it could justify the intrusion as benevolent. But this naturalized kinship often provided more benefits to the U.S. government than indigenous people. Benevolence sometimes masked a code of oppression or exploitation. Paternalism could similarly capitalize on the symbolic gesture of charity; the “very act of receiving” in the nineteenth century characterized the beneficiary as veritably weaker and indebted.<sup>59</sup>

The paternal persona of the United States during the nineteenth century regarding Native populations complicated the certainty of American Indians’ roles in the U.S. nation, thus signaling a hybridized relationship. On one hand, the United States enabled

itself to assert, what many consider, an “unnatural control” over Native communities using the ironical, natural relationship of a father to his child.<sup>60</sup> In this vein, Natives were constructed as veritable wards who “as children were ignorant; they could be deceived or treated in a way that served the interests of the adults – a kind of exploitative paternalism.”<sup>61</sup> This oppression involved the cultural status of indigenous populations. As the United States constructed its own paternal relationship with the continent’s numerous Native nations, it additionally constituted these nations as inferior and less-than-civilized, or less-than-white.<sup>62</sup> On the other hand, American Indians were, as familial dependents, incorporated as protected by the nation and vital to the U.S. government’s acquisition of territory. The government seemed at a loss for how to define Native character based on the competing dynamics of Native diminution and Native consideration involved in the paternal relationship. According to Bahktin, this multifarious double movement is what comprises a “hybrid relationship.”<sup>63</sup>

Possibly, such diminished identity for American Indians and elevated status for the U.S. government assisted the nation in westward expansion. At a cultural level, however, the denigration of American Indians also allowed the United States to exert its influence over indigenous nations. As Prucha argues, “since children were defenseless, they required assistance and support, and since they were not fully responsible, they required guidance.”<sup>64</sup> The idea of a nation as “family” – with the U.S. government as father figure – often justified land encroachments on the part of the United States.<sup>65</sup>

Natives were also consistently caught between two sectional “father figures” during the Jacksonian period, which further complicated American Indian identities and how the U.S. government would interact with Native nations. Native sovereignty was

mired in the wrangling between the federal government and individual states, which raged beyond the Federalist and Anti-Federalist debates. Under the Articles of Confederation, sovereign states possessed the “grounds for independent action” to resolve conflicts and relationships with American Indian nations.<sup>66</sup> However, part of the Federalists’ revised plan for a more supreme central government involved limiting states’ rights to encroach on Native territories. The Continental Congress’s report on the Southern Department in August 1787 declared that “the laws of the States can have no effect upon a tribe of Indians or their lands within the limits of the state ... no particular state can have an exclusive interest in the management of affairs of any tribe.”<sup>67</sup> Soon, the federalization of U.S.-Indian affairs was codified in the Constitution, which asserted that only Congress possessed the power to “regulate commerce with foreign nations, and among the several States and *with the Indian tribes*.”<sup>68</sup> In the end, Native sovereignty was further weakened by becoming a sectional token for federalists and states rights’ advocates.

Individual states, typically more adverse to Native sovereignty since it impeded local expansion, attempted to regulate Indian affairs against constitutional doctrine. Such state power was overlooked as the federal government became more occupied with naturalization.<sup>69</sup> As more European immigrants arrived in the United States, the federal government could not keep up with a central system of naturalization.<sup>70</sup> States, especially in the South, viewed the federal government’s efforts to entreat with Native nations, and also regulating immigration to the states, as too slow. Therefore, the federal government “did not forbid the states to continue” to accept immigrants and “grant them citizenship

rights with regard to local laws and politics.”<sup>71</sup> And, states were not equally prevented from regulating relationships with American Indians.

However, once the War of 1812 threatened national security the federal government stepped in to regulate Native relations and naturalization. The former was necessary as a number of Native nations sided with the British against the United States. These American Indians were led in spirit, if not in physical battle, by Tecumseh (Shawnee) who made his partisanship known: “I am now backed by the strong arm of British soldiers.”<sup>72</sup> Likewise, newly arrived British immigrants were feared to throw their loyalty to their homeland, despite taking an oath of allegiance to the U.S. government required by law. In any regard, states’ rights concerning American Indians were drastically reduced in the wake of the War of 1812, and this decline additionally obscured U.S.-Native relations.

The states suffered numerous challenges to their sovereignty that complicated the sectional conflict and U.S. governmental and American Indian identities. In 1819, John Marshall held that “it would be difficult to sustain” the proposition that “the powers of the general government ... are delegated by the States” and, hence, “the people of a single State cannot confer a sovereignty” which would extend above and over the Union.<sup>73</sup> This opinion (*McCulloch v. Maryland*) put a temporary check on states’ rights; according to Brands, the court “swept aside” states’ rights en route to charting “the course of the republic by the Federalist stars.”<sup>74</sup> The high court’s ruling and Congress’s continued privileging of federal authority over states’ rights through the Missouri Compromise (1820), Tariff of Abominations (1828), and the Foote Resolution (1830) brought the Union to the brink of collapse. Jackson’s vice president, John Calhoun,



threatened in his South Carolina Exposition, that states would be “equally clear in the existence of a necessity to justify its exercise” of nullification should the General Government “persist in its improper assumptions of power.”<sup>75</sup> Sectional rifts were thus widening between the South and the federal government.

Expansive nationalism, citizenship based on territoriality, paternalism and sectionalism experienced increased vigor and rejuvenation in the Jacksonian era. Mead contends that Jackson’s administration along with Congress and the Supreme Court during this era configured and strengthened familialism as a vital component of the U.S. nation. And, all of the above ideologies entered into the creation of some semblance of a U.S. “family.”<sup>76</sup> Mead writes, for instance, that Jackson was absolutely fixated on viewing the American polity as a family. Jacksonian America, he argues, was “an emotion, like the love of one’s family ... The nation is an extension of the family. Members of the American folk are bound together by history, culture, and a common morality.” And, Jackson felt that “a feeling of kinship exist[ed] among Americans.”<sup>77</sup> Still, the fashion in which American Indians fit into the “U.S. family” remained unclear prior to the removal era.

#### EXECUTIVE REMOVAL RHETORIC & PATERNALISM

Jackson became the executive mouthpiece of the federal government in dealing with the issue of removal. Scholars locate Jackson at the epicenter of the policy. The pinnacle of the Jackson-centered era is Rogin’s psycho-historical analysis of Jackson. Rogin’s work argues that expansion “dominated his public life from the beginning” as well as his private understanding of his self-ethos.<sup>78</sup> Less personal accounts of Jackson still situate him as the central force in removal. Buchanan memorializes Jackson as the

prime catalyst for the policy: “Monroe and others knew the answer [to the Indian question] and it was simple: Turn Jackson loose!” and then “the southern warrior Jackson” would provide the nation with its “hammer” for indigenous removal. Continuing, Buchanan characterizes Jackson as an “indispensable man of action with [a] demonic will,” making the government’s removal “visions possible.”<sup>79</sup>

Even though Jackson’s plans matured with his presidency, he long viewed removal as a viable policy. Following the War of 1812, Jackson became the primary Indian negotiator of the Madison, Monroe and (Quincy) Adams administrations.<sup>80</sup> The quintessential “Indian fighter,” Jackson sought to negotiate small land cessions with Native nations so that the U.S. population could enact “the honorable toil of carrying the republican standard” of America “to the heights of Abraham.”<sup>81</sup> Speaking of Jackson’s aims as an Indian negotiator, Ward comments that he reaffirmed the nation’s belief in its sense of national prowess and destiny.<sup>82</sup> On the heels of the War of 1812, the United States sought some semblance of justification for expunging the British and moving into areas previously held by European powers and Native nations – both aims were reflected in the Treaty of Ghent in 1815.<sup>83</sup>

Jackson constructed American Indian identities and constituted the U.S.-Native relationship while advocating for removal. In so doing, he relied on competing formations of American Indian character. In his pre-presidential discourse, Jackson alternated between Native identities as childlike and, yet, empowered, eventually centering on childlike dependency as a monolithic characterization. In his presidential rhetoric, Jackson interchanged Native identities as civilized and independent and, in contrast, as uncivilized and dependent, eventually settling on the latter pairing in order to

further cement his constitution of American Indians as dependent and in need of protection. Part of these identity constructions limited American Indian ownership rights to their territories based on their lack of production on the land. Though Jackson hinted at Native agency in exchanging territories, he eventually solidified the Native “tenant” identity that motivated Congress to pass the Indian Removal Act. Simultaneously – throughout both his pre-presidential and presidential rhetoric – Jackson fortified the government’s role as a paternal force justified in removing American Indians based on familialism. Also, the presidency, in general, was constructed as the leading force in both removal and American Indian protection. Jackson’s clarifications of identities moved the federal government – though not American Indians – toward solidifying itself as paternal and Natives as dependent.

#### *Jackson’s Pre-Presidential Removal Rhetoric*

Jackson’s pre-presidential constructions of the U.S.-Native relationship mostly wavered between American Indians as childlike and, yet, empowered to make decisions. At the same time, Jackson was most clear on the government’s identity as paternal. Jackson’s paternal appeals derived from and supported the idea of expansion, which was “destined to be of increasing importance as America turned away from Europe and westward to its own development.”<sup>84</sup> In the process of his pre-presidential discourse, Jackson assisted in reducing the contestations over American Indian identity for the U.S. government – ultimately settling on Native characterizations as childlike. Concurrently, U.S. governmental identities were bolstered as paternal.

Jackson’s pre-presidential rhetoric enacted paternalism through a hybrid construction of American Indians as ward-like and the U.S. government as fatherly. This

hierarchical relationship singularized American Indians as childlike and dependent. Early in his negotiations as head Indian agent, he found an opening to offer governmental guidance by diminishing Native capacity to reason. In an 1820 talk with Choctaws, Jackson commanded: “Hear and listen well to Your Father. Decide for the happiness of all your people ... We have labored hard to convince you of your real interests. We hope you will see them as we do, and adopt the treaty proposed ... Should you reject it, it will be a source of great regret.”<sup>85</sup> It appeared that American Indians had no choice in determining their welfare. Instead, the United States, as a paternal figure, was empowered to decide the “real interests” of the Choctaw community.

But, the dependent identity Jackson linked to American Indians also challenged paternalism by alluding to American Indian agency to make decisions. Here, Jackson permitted some independence on the part of indigenous communities. When he exhorted the Choctaw Nation to “decide for the happiness of all your people” by removing, he intimated that the Choctaw had some vestige of choice in their actions.<sup>86</sup> His talk to the Choctaw complicated Jackson’s initial Native identity constructions as childlike and dependent.

Jackson also tended to spotlight the government’s controlling role by inspiring childlike guilt, again, constructing American Indians as dependent. In an 1815 speech to a Creek commission, Jackson presented a list of ways the United States had guided American Indians. Due to the government’s benevolent treatment, Jackson demanded that they listen to his advice and remove to Oklahoma. “Listen!” he commanded, “Did I not feed you by the orders of your father the President of the U. States and save you and

your nation from starving?”<sup>87</sup> Here, Jackson employed his granting of subsistent needs as a token for an exchange of Creek territory. He continued:

Have I not by the orders of your father the President sent goods into the nation, to cloath [sic] you and your naked woman [sic] and children ... Listen! I send you a true talk. You know I have never deceived or told you lies, and I now tell you if you listen to the talk of wicked men ... you will bring immediate destruction on your selves.<sup>88</sup>

Jackson presented his leadership as rational and sagacious. After all, he exhorted, he neither “deceived” nor “told” them lies. As a paternal character, Jackson wove a rhetoric of trust and wisdom, one that couched the language of guilt in the decision to remove his so-called “red children.” Jackson insinuated that he had cared for the Creeks – as well as the Choctaws – and had always been truthful.<sup>89</sup> The two Native nations should, he said, allow the U.S. government to nurture them, hence alleviating “guilt” and “preserv(ing) and perpetuat(ing) you as a nation.”<sup>90</sup>

By constructing Natives as childlike, the U.S. government retained the parental identity to manage Native affairs. But, Jackson also demonstrated how American Indians had previously made decisions, thus alluding to their independence. Jackson basked in the power to forgive Natives’ “bad decisions” while, simultaneously, justifying the settlement of whites in indigenous territories. The “Father the President” was charged with guiding his red children; he was enabled to “judge the situation” of American Indians and to direct them westward.<sup>91</sup> By bolstering hybridized American Indian identities as dependent on the U.S. government’s superior identity, Jackson placed the onus for Indian removal on Natives’ shoulders. Thus, Rogin argues, “Indian removal

represented an early application of democratic control ... liberal planning structured the environment to load the dice strongly in favor of a single alternative, and then gave (Indians) the onus of choice.”<sup>92</sup> Jackson set up unfair “choices,” however, and persuaded Natives to consent to his power. Hence, if Natives internalized the impossible situation they faced, then they, not the U.S. government, would be “responsible for the choices made.”<sup>93</sup> The conflation of American Indian identities as dependent and, simultaneously, empowered with choices reveals Jackson’s internal dissonance about Native identities.

In the end, Jackson’s pre-presidential removal rhetoric settled on a construction of American Indian identity as dependent and childlike in order to motivate early Native removal. To this effect, Jackson created overt constructions of Native childishness and in so doing he subverted any past Native empowerment to their dependent need for governmental protection. Jackson justified white encroachment and Native removal, for instance, by reminding American Indians that they had made some rather “childish” choices in the past. The Natives had cavorted with the “wrong crowd.” Jackson explained to the Seminole Nation, “your childish Nation was once led astray by the advice and counsel of wicked and bad men; the Creek Nation had listened to the same bad counsel, and in consequence, had brought destruction upon themselves.”<sup>94</sup> Jackson did not want them to end up like their “red brethren” in the southeast.<sup>95</sup> The U.S. government, Jackson proclaimed, “tried to give them Peace,” but the Creek “compelled your Father the President to send his whites ... to chastise and subdue you, and thereby to give peace to his red children.”<sup>96</sup> Jackson warned American Indians against acting out of line. The “red children” would not be “taken by the hand again” and lectured to next time; severe punishment would befall them unless they adhered to the rules of their white

father: removing beyond the Mississippi River.<sup>97</sup> Overall, Jackson's familial metaphors – and his clarification of Native identities as dependent – assisted the government in shoring up its paternal dominance over American Indians.

*Jackson's Presidential Removal Rhetoric*

As president, Jackson continued working to organize a paternal U.S.-Native relationship. He often justified this paternalism with a conflicted view of American Indians as both civilized and independent and uncivilized and dependent. Though he alternated between these constructions, he eventually settled on constituting American Indians as uncivilized and dependent. Concurrently, the U.S. government was considered civilized and paternal. These constructions would influence how the government eventually settled the complexities of governmental and Native identities.

The pairing of American Indians as uncivilized and the government as civilized tended to be part of Jackson's internal (administrative) discourse. For instance, in discussing his removal aims in a letter to one of his sub-agents, he argued that Creek territory should be populated by "the civilized" of the United States. It is "essential," he reasoned, that the land "be settled by a hardy race that would defend it ... our settlement [must] extend to the Mississippi."<sup>98</sup> Concomitantly, Natives were to be removed because they threatened the physical sanctuary of the nation and the fortitude of American character. The United States then, he averred, ought to "adopt every means to populate speedily this section of the Union ... our national security ... and reputation ... require it." Jackson viewed the "less advanced" American Indians as dangerous to, and undeserving of, the land.<sup>99</sup> In a sense, such a diminution of Native identity set the stage

for their occlusion from citizenship rights and land ownership that undergirded the forthcoming removal policy.

Jackson's characterizations of Native identity as uncivilized also connected with his constitution of American Indians as dependent and in need of protection. For instance, he thought that indigenous communities were equally at peril from contact with whites. Waxing paternalistic, Jackson said "*their* security require it" as well and that "the happiness and security of the whole require its salutary agreement."<sup>100</sup> Certainly American Indians were to be protected, but this protection was vital only inasmuch as they had lands to exchange; after the exchange, they were to be removed to the margins of U.S. territory. Native nations were said to be land tenants (as opposed to owners) due to their lack of civilization; they could not, in Jackson's estimation, "own the territory."<sup>101</sup> In this way, Jackson thought that American Indians' lack of civilization occluded them from claiming a stake in, and protecting, their territories. Thus, the U.S. government – symbolized by the president or "Great Father" – was to step in to offer paternal "supervision."<sup>102</sup> Jackson's continued use of the "Great Father" moniker also intimated that the government's power over American Indians would vest in the presidency.

Jackson's claims about Native territoriality – based on uncivilized and dependent tenancy – still hinted at American Indian civilization and independence, thus demonstrating his own internal uncertainty regarding Native identities. After all, territory was vital to the government's conception of rights, sophistication and citizenship. The expansion of U.S. territory and removal of Native nations had to be accomplished through diplomacy to uphold the republican ideals of territoriality.<sup>103</sup> Jackson was still



sensitive to “act humanely” and “justly” in exchanging – versus grabbing – Native territory.<sup>104</sup> This diplomacy speaks to the importance of American Indians being able to exchange their territory versus the federal government taking it without removal treaties. Jackson’s insistence on removal negotiations indicated some sense that American Indians possessed agency as independent landholders in order to exchange their territories.

The benevolent justification of negotiating land exchanges became the hallmark of Jackson’s removal rhetoric. Constructions of the U.S. government as a conquering and protective force were paired contrapuntally with a Native population that was in need of safeguarding. American Indian identity seemed, here, to have been domesticated – that is, if Jackson was claiming that the government had conquered land (and thus should populate it) then groups inhabiting it had been subdued, and then reduced to subjugation, by the United States.<sup>105</sup> That group, in his own words were “the isolated” ones, the “children” who threatened both themselves and the U.S. family.<sup>106</sup>

Jackson assumed the U.S. government had full responsibility in rescuing Natives from eminent ruin by removing them to the far reaches of the American landscape. Not only did he view “treaties with the Indians [to be] an absurdity not to be reconciled to the principles of our Government,” but he also configured a dichotomous relationship between the U.S. government and American Indians. To him, American Indians “were subjects of the United States, inhabiting its territory and acknowledging its sovereignty.”<sup>107</sup> Crafting a paternal American identity alongside a dependent Native identity, Jackson reiterated that any plan in which American Indians were granted agency to be “absurd.” He concluded that there was nothing wrong with a relationship in which the “sovereign” decided for the “subject” their “wants and safety.”<sup>108</sup> No matter how

much American Indians had accomplished through efforts to acculturate, the expediency of U.S. expansion required their removal. The doctrine of discovery and the United States' "rights and the will of Divine Providence" justified the exercising of paternalism to "save" Native communities. At the same time, the doctrine provided "American stability" as the frontier continued to be populated by white settlers.<sup>109</sup>

Though Jackson did not specifically detail a plan for removal in his 1829 inaugural address, he hinted at the hybrid relationship between the U.S. government and American Indians.<sup>110</sup> He stated then that it was his "sincere and constant desire" to extend to American Indians "a just and liberal policy, and to give them that humane treatment and considerate attention to their rights and their wants which is consistent with the habits of our government and the feelings of our people."<sup>111</sup> Importantly, here, Jackson situated U.S. governmental identity in a paternal and benevolent role. The government sought, above all, to assist American Indian communities, both "earnestly and steadily."<sup>112</sup> Of course, this notion assumed that Natives were in need of such guidance.

By working through his own internal contestations over Native characterizations as both civilized and independent and uncivilized and dependent, Jackson moved toward clarifying Native and governmental identities for U.S. leaders. As his removal plans took shape in 1829 and 1830, Jackson cemented a dependent role for American Indians in conjunction with a strong federal paternal character. U.S. expansion began to take shape as a selfless effort for the benefit of dependent American Indians. While preparing his first annual address in December of 1829, Jackson elucidated this paternal benevolence. For example, in responding to an inquiry from head Indian agent James Gadsen about

how to “entreat” with Natives, Jackson reminded his agents that “I shall adhere to the just and humane policy toward the Indians . . . and have recommended them to quit their possessions on this side of the Mississippi.” Part of his response indicated a concern for Native posterity: in the West, they “will always be free from the mercenary influence of White men and undisturbed by the local authority of the States . . . the General government can exercise a parental control over their interests.”<sup>113</sup>

Importantly, Jackson protected the “dependent native [sic]” by demonizing encroaching whites in his paternal argument for protecting American Indian communities.<sup>114</sup> States wishing to take upon themselves the duty of regulating Native affairs were shown to be a detriment to Native life. In the weeks preceding his 1829 annual message, and only a few months before the passage of the Indian Removal Act in May 1830, Jackson also elevated the “General government” as the primary influence over Native nations. Historians have long assumed this break from his states-centered ideology was due to cordial relations with the Federalists to secure passage of the ensuing removal act.<sup>115</sup> At any rate, the U.S.-Native relationship was not to be merely paternal but exclusive to the federal government and unhindered by states’ interests.

This same paternal shaping of removal, based on American Indian dependence, continued into his first annual message in which Jackson firmly committed his administration to pursuing a legislative bill for removal. The removal bill would seemingly codify the paternal relationship hybridized between the U.S. government and Native nations. Jackson established for Congress the difficulties resulting from Jefferson’s assimilative program. He wrote that, “It has long been the policy of the Government to introduce among them [American Indians] the arts of civilization in the

hope of gradually reclaiming them from a wandering life ... [the] Government has constantly defeated its own policy, and the Indians, in general ... have retained their savage habits.”<sup>116</sup> Governmental assimilation, in addition to proving futile had, worst yet, been responsible for pushing American Indians farther away from “civilization.” That Jackson pinned the blame for assimilation’s failure on the U.S. government created the entrée for Congress to take appropriate action in the upcoming session. His blame also assumed that American Indian dependence was linked to a lack of civilization – thus, the need for governmental protection.

Before crafting his solution to the “Indian problem,” Jackson noted the impetus for the problem’s timeliness. Southern states were mobilizing against American Indians while, in tandem, supplanting federal authority over Natives. Of late, the state of Georgia had enacted several laws calling for the removal of the Cherokee Nation within the state’s confines. In 1828, for instance, Georgia passed a resolution that granted it “the right to extend her authority and laws over her whole territory, and to coerce obedience to them from all descriptions of people, be them white, red or black who may reside within her limits.”<sup>117</sup> The U.S. government had promised the state in an 1802 agreement that the Cherokee Nation would be removed within twenty years. The Georgia legislature remarked that “all this will not do ... the United States will not redeem her honor” and, therefore, took it upon itself to entreat for removal or to “attempt violence” if other “means of redress fail.”<sup>118</sup> Notably, Georgia had a pecuniary reason to begin its enforcement of the 1802 compact near the turn of the decade. Satz writes that “the discovery of gold in northeastern Georgia in the summer of 1828 added new complications to the controversy by bringing swarms of whites into the area claimed by

the Cherokees.”<sup>119</sup> Jackson desired to forge his plan before Georgia threatened violence or forced American Indians to “submit to the laws of those States.”<sup>120</sup> And, Jackson worried about appearing too sectionalist in his support of states’ rights; as a politician with an eye toward passing removal legislation, he had to straddle the fence.<sup>121</sup>

Ultimately, though, Jackson made unequivocal the paternal relationship between the government and American Indians by positioning the U.S. government within the purview of the Constitution in interacting with American Indians. Again, the “Great Father” would lead the effort of the federal government. He hearkened to the provision that Congress had the power “to regulate commerce with foreign nations ... and with the Indian tribes” and that “no State shall enter into any treaty, alliance or confederation” with outside bodies.<sup>122</sup> Later in his message, he bivouacked federal ethos by referring to the Trade and Intercourse Act of 1802 in which the U.S. government codified the rule “that [states] could not negotiate such treaty or convention ... to treat with any such Indian nation, or tribe of Indians.”<sup>123</sup> Again, Jackson had to appear impartial in order to get Congress behind Indian removal. As Masur perceptively points out, Jackson alternated between opposing measures like the Bank of the United States and the Maysfield Road which would “lead to the destruction of states’ rights” while supporting protective tariffs legislation (i.e., 1828 and 1832) that would, also, minimize states’ rights. As an “ardent nationalist” and, yet, a supporter of state sovereignty, Jackson had a rough go at traipsing sectional politics.<sup>124</sup> Enacting a removal bill would triply: solidify the U.S. government’s controlling role in Native affairs, quell Southern antagonisms about indigenous presence in the states, and secure more land for white settlers while pushing American Indians outside the mainstream American polity.<sup>125</sup> This move toward

a removal bill based on Native dependency erased vestiges of American Indians as independent, while elevating governmental identities to supremely parental.

Jackson spent the remainder of 1830 with American Indian nations entreating with them to sign removal agreements.<sup>126</sup> Here, Jackson continually reified the hybrid paternal relationship between the U.S. government and American Indians. The two broad groups were symbiotic to Jackson; respectively, he thought that one's controlling role juxtaposed the others' lack of independence. Similarly, one's dependence strengthened the other's identity as paternalistic. Following his logic, one was to be centralized in this national imaginary while the other would be removed from such psychological identity formations. Speaking to Chief John Pitchlynn (Cherokee) in August of 1830, Jackson argued that his promotion of removal had left him feeling "conscious of having done my duty to my red children ... I have exonerated the national character from all imputation."<sup>127</sup>

Again, Jackson paired the U.S. government's duties to American Indians with the preservation of a benevolent U.S. identity. Omitting the mention of new white settlements prospectively planned for the Cherokee land, Jackson kept his discourse focused on highlighting the benefits of removal for American Indians and the concern of the government in affording justice to Natives. One advantage, Jackson reminded Pitchlynn, was that removal would mean the Cherokee Nation could survive and prosper. Outside of removal, the nation could only expect to be "poor" and "deluded" and would themselves induce an "annihilation" of their culture.<sup>128</sup>

In the end, Jackson constituted Native identities as uncivilized and dependent, while characterizing the U.S. government as paternal. Native identities, here, diminished

American Indian land ownership. To Jackson, they were not civilized enough to sustain productive use of the lands; hence, they could be neither landowners nor yeoman citizens. The Jackson administration was not the only institutional branch considering removal as a solution to strained relations between American Indians and the U.S. government. And, the Executive was not alone in grappling with the contestation over American Indian identities and the government's identity in relation to Native nations. The twenty-first Congress also shouldered the responsibility of codifying a policy of "forced removal."<sup>129</sup> As with Jackson's resolution of Native and governmental identities, Congress's cementing of these roles for U.S. leaders did not come without capriciousness.

#### LEGISLATIVE RHETORIC, REMOVAL & JACKSONIAN IDEOLOGIES

A removal bill had long been in the sights of Congress. President Monroe charged Congress as early as 1825 with determining a way to administrate such a plan. He was "deeply impressed with the opinion that removal of the Indian tribes from the lands which they now occupy" would yield more land for the United States while simultaneously quelling conflicts between states and Native nations. Monroe spoke directly to the Senate Committee on Indian Affairs, appealing that they "adopt, by solemn declaration, certain fundamental principles in accord" with removal.<sup>130</sup>

The Committee acted quickly, and within five days chair Thomas Hart Benton received a draft bill from Secretary of War John Calhoun, which he presented to his colleagues on February 1, 1825.<sup>131</sup> The Committee and the Senate passed the bill, but the House rejected it because of a request for an unacceptable sum "to carry out a policy of removal."<sup>132</sup> The issue did not fade from memory, though, and in February of 1826 a new removal bill was recommended, this time by the House Committee on Indian

Affairs. Committee chair John Cocke wrote to Secretary of War John Barbour assuring him that “[we] are desirous to cooperate with the views ... in relation to the Indians [being removed] within the limits of the U. States.”<sup>133</sup> Despite agreement among the House, Senate and President John Quincy Adams, the bill failed due to a “lack of information on the conditions of the Indians.”<sup>134</sup>

The following year, Georgia passed its removal law designed to rid the state of a Cherokee presence.<sup>135</sup> Conditions did not get better between southern states and American Indian communities, but the forthcoming presidential election pushed the “Indian issue” to the legislative backburner. As (Quincy) Adams left office in 1828, however, he urged President Jackson to find an expedient solution to the intensifying difficulties in the southeast. In his fourth annual message in December of 1828, Adams said, “We have been far more successful in the acquisition of their lands than [civilizing them] ... Indians are forming in the midst of ourselves communities claiming to be independent ... and rivals of sovereignty within the territories of our Union ... [we need to secure for] our confederation the rights of sovereignty and of soil.”<sup>136</sup> Here, Adams reified the discovery doctrine and the American errand to conquer the vast western wilderness before them. Instead of assimilating, Native communities were staking their own sovereignty, which competed severely with the “sovereignty” and “rights” of the United States.

As Jackson rounded out his first year in office, conditions between southern states and their American Indian neighbors were quickly deteriorating. Not only did Georgia and Alabama pass individual removal laws, but southern leadership also began petitioning both House and Senate Committees on Indian Affairs to get a bill onto the



twenty-first Congress's docket. To this end, Georgia governor George Gilmer argued that a removal policy would be a crafty tool to induce "ignorant, intractable, and savage people" to "yield up what civilized peoples had a right to possess by virtue of that command of the Creator." He insisted that the U.S. government allow its white population to "be fruitful, multiply, and replenish the earth, and subdue it!"<sup>137</sup>

Based, in part, on these appeals, the House Committee reported a removal bill by Representative Samuel Bell of New Hampshire that bolstered this expansionism by insisting that the policy would elevate "the claims of civilized communities over those savage tribes."<sup>138</sup> Actually, the Senate Committee first reported out a bill by Tennessee Senator Hugh White on February 22, 1830. Bell's bill made it out of committee two days later. The Senate debated the White bill, deliberating from April 6 to April 26. After White's bill passed, it moved into the House, where Representative Bell allowed White's bill to supplant his own removal proposal. The House took up White's bill on May 13 and passed it on May 26, whereupon the Senate received it back with a monetary-based amendment and passed it that same day. Jackson signed the bill into law on May 28, 1830.<sup>139</sup>

Congressional arguments surrounding removal brought to light several inconsistencies in the government's general outlook on American Indian identities. Proponents of removal in the Senate tended to characterize Native communities as uncivilized. The preceding quotations by Governor Gilmer and Representative Bell demonstrated these pro-removal constructions of American Indian character. Moreover, removal supporters in the Senate constituted American Indians as crude land tenants, thus limiting their sovereignty by occluding them from ownership. Concurrently, supporters

employed savage metaphors to ensure the government's control over Native territory and communities.

This view competed with anti-removal advocates in the Senate. Removal opponents were inclined to discuss American Indians in childlike and dependent terms. Senate opponents, therefore, attempted to invalidate the reduction of Native identity to uncivilized by hearkening to paternalism and contesting Native savagery by hinting at American Indians' natural rights. Although combating the diminutive images of savagery, such familial constructions nevertheless veritably contributed further to American supremacy through the frame of benevolence, thus weakening Native sovereignty and identity. Native territorial rights were limited here, as well, not due to savage identities, but because their childlike character disallowed the proper cultivation of land. This demonstrated the conflation of territory and inclusion as part of the U.S. nation.

In the House, both sides of the debate manipulated American Indian removal to engage in the nation's widening sectional conflict. In the end, like both counterparts in the Senate, the House debate elevated U.S. governmental identity to the detriment of American Indians. In the process, Native territorial ownership was weakened based on a failure to produce as was required of republican citizens before being granted inclusion in the nation. Overall, the eventual passage of the Indian Removal Act – a compromise between the battling sides of the debate – crystallized the U.S.-Native hybrid domestic relationship for the federal government leading up to the late nineteenth century. In so doing, however, the resolution of incoherent identity formations eroded Native sovereignty by constituting a monolithic Native identity, reducing the ideological

uncertainty over the Native question for the U.S. government. Concomitantly, the federal government's identity was illuminated as dominant in managing American Indian affairs. Such a cemented hybrid relationship continued to frame U.S.-Indian policies from that point forward for U.S. leaders, though not American Indians.<sup>140</sup>

*Territorialism and the Senate Debate, April 6 - April 26, 1830*

Senators supporting removal tended to hail from southern states and be Jacksonian Democrats. Southerners such as John Forsythe of Georgia – the most outspoken proponent of White's bill – were obvious champions of removal since their respective states had more at stake in the policy.<sup>141</sup> Forsythe exemplified the pro-removal position in the Senate. His opening comments on the bill attempted to justify U.S. rights to territory based on American Indians' so-called lack of sophisticated land ownership. Connecting Georgia's past actions to expansion, he said: "Georgia stands justified in her course ... the condition of these remnants of the once formidable tribes of Indians is known to be deplorable; all admit that there is something due to the remaining individuals of this race"<sup>142</sup> Here, Forsythe diminished Native identity in order to rationalize why removal should be codified. He shrouded expansionist ends in a rhetoric of protection; American Indians, he noted, were owed their removal in order to secure their well being. In making this argument, though, he alluded to American Indians as outdated and weak. They were once powerful, but were now residues of their ancestors. They no longer owned the land but merely "dwelled there" without "proper" attachments to territory.<sup>143</sup>

Forsythe employed savage metaphors to further erode Native sovereignty while pairing this diminution with constructions of a controlling governmental identity. Continuing his argument, Forsythe said that the U.S.-Native policy of assimilation had

worked in exactly the reverse of its intended effects. To allow American Indians to remain in the East, he exhorted, “you might as reasonably expect that wild animals, incapable of being tamed in a park, would be domesticated by turning them loose in a forest.” Analogizing American Indians to animals, he contended that their “wild nature never was yet tamed but by coercive discipline.” Such discipline was to be administered by the U.S. government, which could “better domesticate” these “impoverished savages.”<sup>144</sup> It is clear that Forsythe hid none of his prejudice toward Native communities. They were at once wild and in need of discipline. Regarding the latter, Forsythe helped fortify the U.S. government’s identity as dominant.

Forsythe buttressed governmental supremacy by encumbering American Indians with a lack of property holding. He continued to articulate joint U.S. governmental and American Indian hybrid identities by positioning his justification for removal in the doctrine of territorial discovery. The United States, through its relation to its European forebears, he said, had *found* North America, and therefore “had a right to possess it as such.”<sup>145</sup> Forsythe asserted, “In no part ... have the Indians [had] an admitted right to the soil ... [they are] a race not admitted to be equal to the rest of the community.” In fact, he continued, Natives were historically only “treated somewhat like human beings.”<sup>146</sup> He rationalized that no land was due “savage” groups, but rather that the United States assumed the civilized character needed to decide for American Indians. And, the U.S. government was deciding to move “Indian savages” to the west.

Similarly, Forsythe metonymically reduced American Indians to literal territory. The United States discovered land, he said, and had *found* American Indians: “The land and Indians are, according to the same principles, subject to the exclusive control” of

state and U.S sovereignty.<sup>147</sup> For this reason, he declared, “the European doctrine of the right conferred by the discovery of new countries, inhabited by barbarous tribes was” a reason to take land. He, therefore, predicated the expansion of the United States on the need to remove these “remnants” and “wild animals,” but likewise based removal on territorial dominance. After all, he told the Senate: “The lands, the streams, the woods, the minerals, all living things, including the human inhabitants” are all the “property of, or subject to, the government of the fortunate navigator.”<sup>148</sup>

Forsythe also supported removal through an economic argument whereby he constructed American Indians as unworthy of territory. Whereas Jackson glossed his desire to expand U.S. territory in a discourse of benevolence, Forsythe declared that territorial considerations trumped the United States’ need to help its so-called “wards.” “Purchase [land] from the Indians” and remove them, he said, “not because it is the only or the justest [sic] mode of managing them, but as the cheapest and most convenient” for achieving territory.<sup>149</sup> This quotation reveals that Forsyth viewed territorial desire as strong evidence for removal. Though he, at times, referenced U.S. paternalism, he seemed to argue from a hard-line expansionist discourse. The United States could exercise its power “whenever” it chose; the Native nations “must remove” because the United States had no obligation “to submit to the *intrusive* sovereignty of *petty* tribes of Indians.”<sup>150</sup> These petty tribes, he insinuated, were neither sovereign nor part of the nation. As with Jackson, Forsythe intimated that Native nations should be important only long enough to exchange their occupied (not owned) land.

Senator Robert Adams of Mississippi, who constituted the U.S. government as strong and American Indians as needy, also made territorial arguments. In fact, his

avoidance of extending rights to Native communities as land owning was his focal point. Ostensibly, he worried about those anti-removal senators who failed to trust the “the President ... to assign a district west of the Mississippi and, by strong arm, to drive these unfortunate people from their present abode.”<sup>151</sup> For instance, in complaining about removal opponents, he said “it is their [removal opponents’] wish that this exchange should be left to the free and voluntary choice of the Indians themselves.” He disagreed with this, as voluntary removal had progressed too slowly and as American Indians, in his estimation, were not worthy of “sophisticated” land use.<sup>152</sup>

Adams insinuated that American Indians had no agency to decide their own fate because they were not U.S. citizens. Free choice, said Adams, was impossible for indigenous communities because they were “mere” tenants. This was so, he insisted, because over the years American Indians had “acquiesced ... they submitted ... as soon as their power was lost, and they were no longer formidable ... they became subject to the control and legislation” of the United States.<sup>153</sup> With regard to constituting identities, Adams evidenced that the U.S. government considered American Indians “poor, ill-fated,” “subdued,” and “blindly compelled to yield up their territory.” On the other hand, the U.S. government had the “superiority of mental strength” to take land, and was dominant and “ably suited” to control Native nations.<sup>154</sup> American Indians were part of the U.S. family so long as they could traffic land. Still, they were not ably suited for full consideration, let alone citizenship.<sup>155</sup> Thus, of forced removal, Adams asked, “Is there any thing alarming in this proposition? ... I confess ... I see nothing in the provisions of the bill before us unbecoming the character of a great just and magnanimous nation.”<sup>156</sup>

Opponents of removal tended to deny the territorial arguments concerning removal and the movement of U.S. settlers into Native territory. Speaking from paternalism and American Indian natural rights and land tenancy, opponents seemingly supported Native sovereignty. In the process, though, they reified a hybrid and paternal relationship binding the U.S. government to American Indians.

Senator Theodore Frelinghuysen of New Jersey was the first opponent to speak during the debates. Frelinghuysen admitted that American Indians were “the original tenants of the soil” and he also elevated this right to “share in the common bounties of a benignant Providence.”<sup>157</sup> Tenancy – though not ownership – complicated the case for removal opponents. American Indians nations, as tenants, he admitted, had “some connexion [sic]” to the land, though not as resonant as the U.S. nation. Therefore, he concluded that American Indians had no need to remove. Instead, it would remain the U.S. government’s responsibility to motivate peace with American Indians.

Frelinghuysen, moreover, constituted American Indian identity as equal “under natural rights” and the U.S. government as the cause of the very alleged problem it claimed inhered in Native communities. Even if he could admit Native inferiority, Frelinghuysen argued, how could the United States blame them: “the confiding Indian listened to our professions of friendship; we called him brother, and he believed us ... [now we’ve taken] more of their land than can be cultivated in centuries ... We have crowded the tribes ... and, still, like the horse-leech, our insatiated cupidity cries, give! give!”<sup>158</sup>

Frelinghuysen’s more progressive view of American Indians’ natural rights conflicted with removal proponents who denied such rights under tenancy and certainly the natural rights of Natives.

Despite his progressive thinking, Frelinghuysen's constructions of American Indian and U.S governmental identities hinted at the hybrid relationships of landlord/tenant and warden/ward. At the same time that Frelinghuysen countered an exceptional U.S. governmental identity, he succeeded in victimizing American Indians – albeit in softer terms than removal supporters. His victimization reduced American Indian sovereignty just as pro-removal discourse had limited Native identities to disadvantaged and feeble. For all their differences, the two sides of the Congressional debate demonstrated similar types of hierarchy of governmental power hybridized with Native subjugation. His insistence on calling American Indians “poor, helpless and defenceless [sic] creatures” likely did not assist his support of American Indian sovereignty.<sup>159</sup>

Though he argued from benevolence Frelinghuysen replicated the very paternalism that he claimed Jacksonians abused. For instance, speaking for why the United States should not seclude Native communities, he opined: “If the United States ... shall withdraw their protective shield from around and above them; if the aegis, that in the days of her truth she raised, shall now be rudely and cruelly torn away, we shall refer the poor, driven, persecuted Indians over [to savagery].”<sup>160</sup> Here, Frelinghuysen employed paternal rhetoric, thus characterizing the hybrid relationship. His insistence on demoralizing Native identity limited the fullness of Natives' agency to resist policy.<sup>161</sup> His enveloping and directional metaphors – “protective shield from around them and above them” – also imbricated a hierarchy wherein the United States oversaw and contained its “ward.” The vehicle of a “shield” related to a tenor of protection. But, the shield's positions of *around* and *above* clarified the U.S. government's identity as a



parental figure that “raised” up Native nations and controlled their actions. This is a case-in-point for hybridity woven through a protected/protector relationship.

Frelinghuysen also called into question the government’s republican character as he reified American Indian identities as dependent. Through this, he urged the Senate to consider the nation’s reputation should it reject its foundational precepts by removing American Indians.<sup>162</sup> He employed the rhetorical tactic of moral inheritance to U.S. forebears as authoritative support for his anti-removal goal.<sup>163</sup> “Sir, if we yield up this right [of letting Natives remain in the east],” he averred, “the struggles of the Revolution will have been in vain. There will be but the exchange of tyrants ... We should ... resist a despotism that would despoil” the American system.<sup>164</sup> In this way, Frelinghuysen intimated that the U.S. government had been replicating British imperialists from which the nation had separated. He tread on shaky ground, however, as he reified Native limitations. He continued that, “If we abandon these aboriginals ... these adopted children of our forefathers, how shall we justify it to our country? To all the glory of the past, and the promise of the future? Her good name is worth all else besides that contributes to her [sic] greatness.”<sup>165</sup> Here, Frelinghuysen ended up reducing American Indian identity to child-like, while elevating governmental identity to “fatherly.”

Senator Peleg Sprague of Maine also spoke from moral inheritance and, similarly, constituted Native communities as needy. To Sprague, the moral obligation involved the United States retaining its honor by fulfilling past treaty obligations. With removal, a number of treaties regarding Native sovereignty to their eastern territories were going to be abrogated. Sprague contended that, “[w]e have pledged to them our protection; and instead of shielding them where they are now within their reach, under our own arm” we

are sending them away amongst fierce and warlike barbarians.”<sup>166</sup> Sprague substantiated the familial relationship at work in U.S.-Native affairs, for sure, but he also denigrated those American Indians west of the Mississippi. He used the presence of allegedly “uncivilized” Natives in the West – with whom eastern emigrants would mingle – as justification for failing the bill. To demonstrate American Indian dependence – and the necessity of U.S. protection – in the East, he paired Native neediness with savagery in the West.

The trumping of benevolence over the material advantages of territoriality comprised another line of Sprague’s argument. As with Frelinghuysen, Sprague predicated his benevolence on a diminutive Native identity. He concluded his speech on April 20 by stating “to have secured, even to the poor and despised Indian a spot of earth upon which to rest his aching head – to give him but a cup of cold water, in charity, will be a greater treasure than to have been the conquerors of kingdoms, and lived in luxury upon their spoils.”<sup>167</sup> Here, Sprague eschewed the prize of territory associated with removal for the benevolence of uplifting the “downtrodden” American Indian. Demonstrating heightened levels of charity toward Natives compared to many of the period, he rejected the ideology of territoriality, offering a critique of U.S. dominance and power. At the same time, however, he promoted a paternal hybrid relationship fused between the government and American Indians. Sprague’s approach to the hybrid relationship carried into the House debates.

*Sectionalism and the House Debate, May 13 - May 26, 1830*

The House removal debates did not deviate much in substance and style from the Senate’s key speakers. Remini mentions, for instance, that the House debates replicated

earlier Senate speeches since the Bell and White bills were virtually identical.<sup>168</sup> Moreover, the Senate exchanges between Forsythe and Frelinghuysen have been most popularly cited as the “essential” arguments articulated by both sides of the debate and in both chambers concerning legislative rhetoric during removal deliberations.<sup>169</sup> However, sectionalism played a larger role in the House debates perhaps, as Satz argues, because northern representatives sensed the removal bill’s impending passage.<sup>170</sup> Unlike Senate removal adversaries, anti-removal House members would take a different oppositional tack. Sectionalism provided another layer of contestation over American Indian identity during the debate. Whether viewed as uncivilized, dependent or some combination therein, the sectional strand of debate queried who would control Native communities.

The House’s pro-removal discourse – generating from Jacksonian Democrats – defended the states’ character while advancing removal. This was accomplished through a rhetoric of expediency and dissociation.<sup>171</sup> As Schmeckebier wrote in a 1927 government report, House southerners wished to pass the White bill quickly, since most of the “moral” arguments had already been hashed out in the Senate.<sup>172</sup> In terms of dissociation, southern Jacksonians appeared to make removal a general issue and not state-based to deflect any signs of self-interest. Satz contends that states such as Georgia, Tennessee, Alabama and Mississippi were being accused of self-aggrandizement in supporting removal.<sup>173</sup> Georgia Representative Thomas Flournoy Foster, a Jacksonian Democrat said of this: “We are considered ... parties of interest, as advocating our own cause ... I beg them [the House members] to consider the cause, and not the advocate.”<sup>174</sup> Therefore, removal advocates urged quick affirmation of the bill while the momentum of Senatorial approval was on the upswing.

The first removal proponent to speak during the House debates was Wilson Lumpkin of Georgia who burdened American Indians with a dependent identity. As the debate neared a resolution, Lumpkin softened the pro-removal position by working through paternalism instead of savagery. Perhaps he sensed that such a move toward a compromise over Native identities would ensure the bill's passage. He began his speech with a dire need to affirm the Senate's version:

... [T]o those Indians whose good we seek, the subject before you is of vital importance. It is a measure of life and death. Pass the bill on your table and you save them. Reject it and you leave them to perish. Reject this bill, and you thereby encourage delusory hopes in the Indians [which we] friends and allies well know will never be realized ... I therefore call upon you to avoid these evil consequences ... Delay is pregnant with danger to the Indians; what you do, do quickly, before the evil day approaches.<sup>175</sup>

This passage is vital for the Manichean dilemma that Lumpkin organized. Ostensibly, he charged the House with either saving or killing American Indian nations by passing or rejecting the policy; there were no alternatives to his false dilemma. That the matter was about life and death also helped him convey the expediency that Jacksonians sought in passing the bill. Moreover, Lumpkin constituted southern identity as friendly towards indigenous communities rather than self-serving land grabbers. He claimed the southern states to be virtuous. They combated "evil" and sought the good of American Indians. In this way, Lumpkin, it seems, enacted a benevolent discourse to detract from the southern territorial issue, and he similarly added a gloss of expediency to move the bill quickly through the House.

In similar fashion, Lumpkin paired Native dependence with a dissociation of Georgia as a zealot – a characterization that opponents had previously assigned southern states. The so-called “inhumanity of Georgia,” he asserted, “so much complained of, is nothing more nor less than the extension of her laws and jurisdiction over her this mangled and misguided population [of Indians].”<sup>176</sup> Here, he resituated Georgia’s recent individual removal law in a language of benevolence, versus oppression.<sup>177</sup> It was not so much, he intimated, that Georgia’s plan to dispossess American Indians was inhumane, as it was a way to alleviate the “mangled” Natives and to guide them (since they were “misguided”) along a safe path. Instead of constituting a southern identity of “inhumane,” Lumpkin turned the finger at removal opponents: “I have endeavored to tear the mask from this subject, that the character and complexion of the opposition might be seen and known.”<sup>178</sup> Opponents of the White bill were then pegged as villains for insinuating that anything other than benevolence toward American Indians had entered the debate.

In the process of Lumpkin’s defense, hybridity was enacted in a way that subjected American Indians to Georgia laws in the name of protectionism. The Cherokee, in particular, were within the supreme limits of the state. To this end, Lumpkin also declared that American Indians’ “childish habits” might be jettisoned and they could “enter the full enjoyment of all the blessings of liberty” should they be “required to take leave” of the east.<sup>179</sup>

The defense of southern states’ character and Native dependent identity was continued with the speech of Representative Foster. Foster, speaking of how Georgia had “uplifted” the Cherokee Nation by supporting localized and humane removal, questioned

the House: “Is this, then, sir, the State whose laws and whose courts are so oppressive to the Indians – whose people disregard all the objections of humanity, and trample on the rights of the weak and defenseless?” To the contrary, Foster said: “I feel proud that I can stand up here, and proclaim to the Representatives of the American people that all the records [of our state] furnish no unjust judgments against our red neighbors ... our alters have never been crimsoned with their blood ... the rights of the Indians are not to be violated with impunity.”<sup>180</sup> Here, American Indians were “weak and defenseless” neighbors. Interestingly, in dissociating an individual state from any type of territorial benefit, Foster proceeded to, nonetheless, endorse Native degradation. Georgia, he said, provided American Indians with protection against violence. Not only that, but the state was strong and defensive, versus the depreciated Natives. Again, pro-removal representatives tempered their discourse with paternalism rather than prejudice (against “savages”), seemingly, to bridge the chasm about native identities with removal opponents.

Anti-removal representatives focused much of their opposition on the pro-removal Jacksonians. Perhaps sensing the move from savagery to paternalism in removal advocates’ arguments, anti-removal representatives attempted to reconnect Jacksonianism with the ills associated with removal.<sup>181</sup> This shift toward sectionalism and partisanship in the debate may have spawned from a number of issues. First, the upcoming 1832 presidential election influenced the trajectory of the House debate. The National Republicans were searching for a way to oppose Jacksonians at every turn.<sup>182</sup> Jacksonian Democrats found it strange that northern Republicans opposed the measure so vehemently when many had supported John Quincy Adams’ near-identical plan.<sup>183</sup>

Jacksonians charged their northern colleagues with partisanship, and that may well have been the case. According to Satz, “the fact that it was Andrew Jackson who was sponsoring the measure did actually have a great deal to do with the mounting opposition to Indian removal.” Republicans who supported Adams’ plan were fearful that Jackson, unlike Adams, would use the measure to “force” the Natives out without care.<sup>184</sup> Second, the White bill passed the Senate based on the same arguments pro-removal House members were poised to make. Possibly, House Republicans had found another dimension of removal – namely the Jacksonians’ “rough and ready” persona – with which to oppose the bill.<sup>185</sup>

Regardless of the motives, House opponents focused a great deal of their antagonism, then, on Jacksonian cruelty toward dependent Native communities. William Storrs of Connecticut, the most outspoken Republican in the House, argued that the very fact Jackson mentioned a removal plan in his first inaugural (1829) and first annual message (1829) so hastily was enough evidence to demonstrate Jackson’s lack of regard for Native rights and U.S. reputation.<sup>186</sup> Storrs exhorted the House: “By surrendering the question of [Native] sovereignty, the Executive has, for all substantial purposes, virtually surrendered the treaties, too.”<sup>187</sup> Storrs continued that if Jackson’s removal plan attempted to undercut American Indian sovereignty agreed upon in earlier treaties, then the land given to the United States in exchange must also be null and void. Therefore he averred that Jackson abridged past diplomacy and failed “in his responsibility ... to the opinion of the world” to represent the United States as fair and just.<sup>188</sup> Jacksonians (especially the southern states) were to be disdained for such injustices.

Isaac Bates of Massachusetts also approbated Jacksonians as villains of American ideals and American Indian sovereignty. Bates considered Jackson's law to be a "mockery – to be used as an expedient, a contrivance – the means of driving a bargain and accomplishing an object."<sup>189</sup> The object, he contended, was states' rights and territorial expansion. Not only did Bates attack Jacksonians' support of a territorial ideology and the South's arguments for "expediency," but he also elevated U.S. identity to paternal to make his point. Why pass such a removal bill, Bates asked, if "they [Indians] are already under the protection of the United States ... [if] the *boundary* is already defined between them and the United States ... [if] we are already pledged" to "protect" and "defend" them?<sup>190</sup> Here, he paired U.S. paternal identities with ward-like qualities of American Indian communities. Moreover, the nationalistic dynamic of separation came to bear as the formation of boundaries was shown to be acceptable for U.S.-Native relations. Bates came closer to the reconciliation of Native identities by admitting that such cultural boundaries existed. The admission of such boundaries led to the passage of the Indian Removal Act, which cleared up the U.S.-Native relationship for the government.

#### *The Codification of the Indian Removal Act*

For all the partisan and sectional wrangling, the eventual passage of the Indian Removal Act clarified for the government a once-ambiguous relationship between itself and American Indians by constituting Native identity as dependent and by granting the federal government the ultimate power in deciding removal. Rather than being considered "savage," American Indians would be demarcated monolithically as childlike and immature. The constant reference to "all Indians" sought to homogenize Native



nations, thus demonstrating an elision of individuality, geographic specificity and past relationships with the federal government.<sup>191</sup> Also, though Native territoriality failed to appear as ownership, their natural rights – reiterated by Senate removal opponents – led to removal through negotiation, thus alluding to vestiges of Native agency. Tenancy, however, no longer sheltered American Indians from removal, especially as land ownership began equating more to U.S. citizenship. Thus, the Act noted, lands ownership “shall revert to the United States.”<sup>192</sup> Finally, the benevolent terms of the Indian Removal Act – and the notion that Natives would agree to removal through treaties – erased the sense of hypocrisy riddling U.S. governmental identities as imperialist. Section Five stated that the government would “cause such aid and assistance as may be necessary for their support and subsistence” across the Mississippi.<sup>193</sup> Such paternal protection squelched governmental identities as zealous and forceful, while reifying Native dependence. The alleged hypocrisy of the government, which connected its treatment of American Indians with the British Empire’s treatment of the American colonies, was quelled by the paternal relationship cemented by the Congressional debates and the eventual passage of the Indian Removal Act.

Overall, the U.S. government would come to support American Indians as a part of the nation, albeit a part that existed separated spatially and culturally from the dominant population. Demonstrating the conflation of territory and citizenship, the governmental removal discourse clarified that Native land entitlement was negated, which resulted in a justification for their dislocation from these territories. Another compromise between the factions was that, if removal was to commence, the federal

government and not the states would administrate the policy. States were not given this responsibility and, instead, a hybrid relationship was cemented between the federal government and American Indian communities, diminishing state sovereignty over Native matters.

The Indian Removal Act, moreover, granted an empowered role for the president over the treatment of American Indians. Section One of the Act noted “that it shall be lawful for the President of the United States ... as he may judge” to apportion land to Natives in the West and also to “exchange any and all of such districts ... with any tribe or nation of Indians now residing within the limits of the states or territories.”<sup>194</sup> This move coincided with the accentuation of federal power over states’ rights in the removal debate and in the codified act itself. The use of paternal logic combined with the bivouacking of federal powers naturalized the president’s role as the perpetual “Great Father” of American Indians. This executive role would carry into the latter stages of the nineteenth century until Congressional powers supplanted executive privilege in the General Allotment (Dawes) Act of 1887.

The act, summarily, endowed the United States with a controlling identity in guiding American Indian communities. It allowed the federal government “to cause such aid and assistance” toward American Indians as it deemed fit. The government also retained the duty of protecting American Indians “against all interruption and disturbance.” Perhaps the most telling of the law’s paternalistic rhetoric was its elasticity clause, which codified a “supervisory” role for the U.S. government over Native nations. Section Seven clarified this role by allowing the executive “the same superintendence and care over any tribe or nation in the country to which they may remove ... that he is now

authorized to have over them at their present places of residence.”<sup>195</sup> Overall, the act reduced the confusion and ideological contestations over the Native question for the federal government, at least until the 1880s when westward expansion brought whites and American Indians closer together, thus opening up more questions about the U.S.-Native relationship.<sup>196</sup> The solvency of the Native question (for U.S. leaders) through removal was further solidified by the Supreme Court.

#### ADJUDICATING PATERNALISM & SECTIONAL CONFLICT

The Supreme Court under Marshall is remembered as the tenure that, perhaps more than others, codified American Indian identities and the U.S. government’s relation to Native nations. To be sure, the Marshall Court’s decisions made “the Indians the only group of people in the United States who are governed by a distinct body of law.”<sup>197</sup> Specifically, the *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832) cases defined, in some measure, what it meant to be “Indian.”<sup>198</sup> The constitutive power of the Supreme Court in shaping both American Indian and U.S. governmental identities is found amid the course of these cases. Bearing in mind the constitutive nature of the high court, Wald notes that “these cases call attention to the symbolic processes through which the United States constitutes subjects: how Americans are made.”<sup>199</sup>

The Marshall years are also remembered for enacting “the largest number of cases supporting American federalism.”<sup>200</sup> Indeed, the period between 1801 and 1833 witnessed the championing of federal powers over state rights that, in part, eventually led to rifts between southern states and the U.S. government. Moreover, the period propagated a rise in cases extending the power of the Supreme Court to intervene into states’ rights issues (e.g., *McCulloch v. Maryland*).

The Supreme Court's decisions in *Cherokee Nation* and *Worcester* helped construct both monolithic and feeble American Indian identities while bolstering U.S. governmental identities as exceptional and paternal. Working from Jacksonian ideologies, the court's discourse reaffirmed the paternal ties between the United States and Native communities and ensured the dominance of the federal government – both of which were confirmed by Jackson's removal plan and the Indian Removal Act debate in Congress. To the issue of the federal government's dominance, the high court appeared to use American Indians as a cipher to fortify the federal government's influence over both states and Native nations.<sup>201</sup> The court's discourse illustrated an attempt to wrest control over the “parenting” of America's “red children” from individual states in order to constitute a central U.S. identity and a monolithic Native identity.<sup>202</sup> Marshall also, though, vacillated between the Native identities of savagery and childlike dependence. The result of the Marshall Court's “Indian cases” was that American Indian identities were ultimately homogenized, for the federal government, as childish, weak and hence controllable.<sup>203</sup> American Indian communities were confirmed as ward-like occupants of the land – a status that precluded them from land ownership and, thus, citizenship. Therefore, their diminished identities aided the U.S. government in rationalizing the ultimate seizure of Native lands through the doctrine of discovery.

### *Federalizing Identities*

Jackson was administering his removal policy at the same time that Marshall was grappling with the policy's impact on governmental and Native identities. Once the removal policy gained momentum, Jackson revised his previous rhetoric that endowed the “General government” with removal responsibilities.<sup>204</sup> The shift worked, instead, to

endorse a territorial program of states' rights. For sure, American Indians were to be removed by federal mandate, but Jackson hinted that individual states should encroach into Indian Country and pressure Native communities to remove. He said in his sixth annual message, for instance, that all efforts had been "given by law to destroy all ardent spirits found in their [Natives'] country, without waiting the doubtful result and slow process of a legal seizure."<sup>205</sup> Jackson called for expediency and extra-legal means of removal. Because removal took longer than Jackson anticipated, he encouraged southerners to speed up the process.<sup>206</sup> He even exhorted a group of Cherokees in 1835: "you are now subject to the same laws which govern the citizens of Georgia and Alabama."<sup>207</sup> This presented an inconsistency with Jackson's justification for removal predicated on federal administration, especially as reflected in the renewed Trade and Intercourse Act of 1834.<sup>208</sup>

According to Finkelstein, Jackson's administration supported "collaboration, not conflict" as the "touchstone of relations between the national government" and state settlers over the removal policy. Jackson was using intruders "to force the tribes to cede their land" more expeditiously in the wake of the Indian Removal Act.<sup>209</sup> The *Cherokee Nation* and *Worcester* cases involved, as a legal theme, the question of states' roles in expediting Native removal. Marshall queried how "to parcel out the territory of the Cherokees," and to whom the responsibility of Native guidance would fall: the federal government or state governments?<sup>210</sup> Marshall would clear up Jackson's confusion by calcifying the federal government as the primary removal administrator.

Jackson's turn toward state sovereignty in removal clashed with the strong federalism upheld by the Marshall Court.<sup>211</sup> Undoubtedly, Jackson's political influence

in support of states' rights affected the ways in which the high court dealt with constituting U.S. governmental and American Indian identities.<sup>212</sup> At least from Jackson's perspective, there existed divisive animosity between his administration and the Supreme Court. Jackson worried in an 1832 letter that "if anything the Court can paralyze [sic] the course of my executive ... they [justices] have never ceased to endeavor to put me down and the supreme court [sic] in a late decision declaring the Cherokee an independent nation, have united to embarrass me."<sup>213</sup> When Jackson was running for the presidency in 1828, Marshall made an equally wry remark that "perhaps I should consider the election of Jackson as a virtual dissolution of the government."<sup>214</sup> There was no love lost between the men. The rift was personal, as well as sectional and partisan.

Marshall certainly looked askance at heightened state sovereignty. As Olken writes, he "imbued his analysis of the Constitution with principles of federalist politics detrimental to states' rights."<sup>215</sup> Marshall underscored the need to protect the federal government from incursions by local authorities. Specifically, Marshall disagreed with southern states over issues of internal commerce, slavery, state judicial power to abrogate Congressional and high court decisions, and state powers to forge treaties with American Indians.<sup>216</sup> Marshall couched his rhetoric in a reliance on "constitutional intent" as an argument-by-authority.<sup>217</sup> In so doing, he "further defined the relationship between the states and the federal government in terms of the Constitution."<sup>218</sup> The Supreme Court existed in the midst of a contentious maelstrom between Jacksonians' move toward an insistence on state cooperation and the preservation of the federal government's sovereignty involving Indian removal, evidencing further the competing views on the Native question.

*Cherokee Nation v. Georgia and the “Domestic Dependent”*

*Cherokee Nation v. State of Georgia* (1831) strengthened U.S. dominance and facilitated territorial expansion by confirming the Court’s early construction of Native identities in *Johnson v. McIntosh* (1823) as moveable and dependent.<sup>219</sup> *Cherokee Nation* retains importance to Native identities in that American Indians were actual parties to the case and American Indian sovereign “character” was at issue.<sup>220</sup> The case also retains vitality as the Supreme Court valorized federalism through paternal control over American Indians. The case came in the wake of the Indian Removal Act when Georgia began designing its own laws to expedite removal. The state’s removal law claimed that “Indian lands” belonged to Georgia “absolutely” and “that the title is in her; that the Indians are tenants at her will, and that she may at any time she pleases, determine that tenancy, by taking possession of the premises.”<sup>221</sup>

The grievance forwarded by the Cherokee Nation demanded that the Court enjoin Georgia from forcibly removing American Indians by allowing whites to overrun Cherokee land. Cherokee attorney William Wirt noted “that the Cherokees were the occupants of and owners of territory in which they now reside, before the first approach of white men of Europe to the western continent.”<sup>222</sup> Considering this, the Cherokee demanded to be recognized as “a nation of Indians, a foreign state, not owing allegiance to the United States, nor to any state of this union ... other than their own.”<sup>223</sup>

Georgia responded by asking the Court to recognize the Indian Removal Act as proof that the state removal laws were constitutional and commensurate with federal legislation. To do this, Georgia hearkened to Article IV of the U.S. Constitution which states that “no new States shall be formed or erected within the jurisdiction of any other

State” as evidence that Native groups could not claim sovereignty and remain in Georgia’s limits.<sup>224</sup> Marshall ruled in favor of the Cherokee: that is, the Court protected American Indians from any incursions into their land by states and their residents, evidencing once again the contradictions inherent in the logic surrounding the Native question. But, the Cherokee victory was pyrrhic; Native nations would still be removed per the Indian Removal Act. Moreover, the holding positioned Natives as “dependent wards,” securing territorial rights to the federal government, and not to individual states. Concurrently, American Indians become homogenized as a monolithic group. The high court codified the practice of genericizing Native culture to the detriment of inimitable Native identities, reifying federal powers over the discursively homogenized group.

In order to enjoin Georgia from touching Cherokee land, Marshall conflated American Indian dependent identities with a lack of civilization.<sup>225</sup> He first argued that American Indians were once independent, but in the present remained subordinate to the “fatherly house” of the United States: “A people once numerous, powerful, and truly independent, found by our ancestors in the quiet and uncontrolled possession of an ample domain, gradually sinking beneath our superior policy, our arts, and our arms, have yielded their lands by successive treaties.”<sup>226</sup> Marshall also, though, hinted that American Indians were uncivilized by enjoying an “uncontrolled possession” of territory. However, while pro-removal advocates in the Senate argued that Native communities were still uncivilized, Marshall divorced contemporary American Indian identities from a naïve character and a “discovered” state. Instead, Marshall constituted American Indians as childlike, eking out a new life in the West with the “aid of the General Government” within whose policy, arts and arms indigenous communities were harbored.<sup>227</sup> He



subverted Native constructions as savage or uncivilized to an American Indian identity as “perpetually” childlike.<sup>228</sup>

Clarifying the paternal relationship between American Indians and the government, Marshall argued that the Cherokee Nation was neither a foreign entity nor a sovereign state, but rather a domestic “case of people” that the United States watched over. He denied the injunction against Georgia not based on the Cherokee claim to sovereignty; rather, he saw it fit that the Court protect indigenous populations from states that could not care for “our red children.” The possessive *our* referred to the federal government’s identity, not that of the individual states. Marshall continued by depicting American Indians as needy:

They may, more correctly, be denominated domestic dependent nations ... they are in a state of pupilage ... They look to our government for protection; rely upon its kindness and power; appeal to it for relief of their wants; and address the President as their great father. They [are] ... completely under the sovereignty and domination of the United States, that any attempt to acquire their lands, or to form a political connexion [sic] with them, would be considered an invasion of our territory and an act of hostility.<sup>229</sup>

The last sentence above presents an inconsistency between Marshall’s charge that a Native group was neither sovereign nor foreign and his charge that an attack on American Indians would qualify as an attack on the United States. Seemingly, Marshall’s argument flowed from the 1823 Monroe Doctrine, which was designed to protect U.S. interests by defending “foreign nations” from outside threats.<sup>230</sup> And, yet, Marshall did not deem Native groups “foreign nations.” Moreover, he did not label them domestic “states” that

the United States would have a right to protect. In this way, a dependent American Indian identity was solidified in opposition to any semblance of Native sovereignty.<sup>231</sup> Clearly, paternalism was trumpeted in Marshall's discourse.

Marshall also codified the notion that American Indians could be neither landowners nor citizens. Instead, they were to be considered ward-like occupants. He did this, first, by bivouacking the territorial identity associated with the U.S. government. He argued that American Indians "occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases."<sup>232</sup> Since American Indian nations' possession was tied to occupancy, not ownership, the U.S. government could seize Native territory writ large. Further, American Indians could not be considered citizens as mere tenants, but rather their "relation to the United States resembles that of a ward to his guardian."<sup>233</sup>

The ruling in *Cherokee Nation* alluded to a hierarchy of sorts as it simultaneously constituted the identities of American Indians and the federal government as paternally subjugated and dominant, respectively. Marshall, for instance, constructed the government as a strong federal power versus a confederation of states. White argues that this constitutive function of the Supreme Court helped embody a central system. He maintains that constituting nineteenth century identities was "not aimed ... at using rhetoric in a self-conscious, community building way."<sup>234</sup> Marshall demonstrated this constitutive rhetoric by cleverly employing the Cherokee as a cipher, a vessel used for larger purposes, in order to trump federalism over state sovereignty.<sup>235</sup> Wilkins argues that the Court declared American Indians "subject nations" not at the "mercy of the states." Instead, Marshall fortified the federal government as the primary benefactor of

Native communities. Had he “more accurately acknowledged them as foreign nations,” writes Wilkins, “they would have been independent of federal control.”<sup>236</sup> In this way, Marshall generated an extra-constitutional political status for American Indians by characterizing them as “domestic dependents.”<sup>237</sup>

Apparently to Marshall it was enough to label American Indians “dependents.” As such, Native people would be protected at all costs – either from foreign invasion or from states wishing to annex tribal land. Here, he hybridized the protector/protected relationship extant between Native and U.S. identities. The United States became a parental unit “when their [Indian] right of possession ceased” due to their own willingness to trade land for security.<sup>238</sup>

Infused throughout Marshall’s discourse was the homogenization of childlike American Indian identities. The Cherokee, again as flat representatives of Native people, were seen as “domestic dependents,” in a continuing “state of pupilage.” They were the “ward” to the American “guardian.” They “relied” on the United States and “appealed” to a “great father” for permission, security, and mobility. American Indians were “under” the sovereignty – “the dominion” – of the United States. And, the United States wanted their land for expansionist purposes. True, the Native lands were protected from rambunctious states, but *Cherokee Nation v. Georgia* reconfirmed the central and paternal stance of the United States in controlling American Indian territory and sovereignty. In the process, individual characterizations of Native nations were elided as the Court emboldened a monolithic construction of American Indians through the synecdoche of the Cherokee case.

*Worcester v. Georgia* and the “Distinct Community”

The second “removal” case of the Marshall court focused on the transference of American Indian identity from “domestic dependent” to “distinct community.” In *Worcester v. State of Georgia* (1832) white missionaries, who were previously arrested by state authorities for visiting the Cherokee tribe in Georgia, brought suit to demand visitation with their American Indian friends. Missionary Samuel Worcester and the Cherokee Nation pleaded to the Court that the American Indians could be viewed as sovereign, and thus were not subject to state law. This argument spawned from the injunction against Georgia issued in *Cherokee v. Georgia*. Incidentally, Georgia had just passed a law to prevent any white persons from meeting with the Cherokee. It was thought that anti-removal missionaries would inspire Natives to buck removal.<sup>239</sup>

The rhetorical transformation undertaken from “domestic dependent” to “distinct community” represented Marshall’s strongest threat to Jacksonian states’ rights. In an inconsistent ruling, at least per *Johnson* and *Cherokee Nation*, Marshall shifted Native identities to “distinct community” in order to stop Georgia from blocking Cherokee-missionary relations.<sup>240</sup> American Indians, once again, appeared to have won the day, as they seemingly were awarded limited rights under the U.S. court of law. However, Marshall’s rhetoric pointed, yet again, to emancipating the Cherokee from a “dependent” label in order to quell states’ rights and strengthen the federal government.

Moreover, Marshall’s rhetoric only reified American Indian dependence in order to elide individual states’ “custody” of American Indians. For instance, he argued, “[t]he Cherokee Nation, then, is a distinct community occupying its own territory ... in which [state laws] can have no force.” Therefore, he continued that states had “no right to

enter” unless consistent with treaties “and acts of Congress.” The “whole intercourse” between the United States and Native nations “vested” in the federal government.<sup>241</sup>

Here, Marshall denied Georgia access to Cherokee lands. Why? Not because the Cherokee were sovereign – Marshall never deemed the Cherokee Nation autonomous, but considered them “distinct.” Instead, Georgia could not interact with American Indians; only the federal government enjoyed this role. As a result of *Worcester*, “states were excluded from the Federal/Tribal relationship, and the tribes retained a very broad grant of sovereignty” inviolate save by federalist intervention.<sup>242</sup>

Most poignantly, the new label of “distinct community” allowed a paternal “intercourse” between indigenous people and the United States, not between Native nations and sovereign states. Marshall, basically, replaced the control bequeathed to the United States in the Cherokee “domestic dependents” label with another form of control – the U.S. government as sole administrator over American Indian territory. The “distinct community” moniker served only to clarify the state- and federal- Native relationships; American Indians, thus, were not “domestic dependents” of the states. Instead of having two authorities to answer to, American Indians would eternally be controlled by one, “great father” – the president of the United States.<sup>243</sup> Marshall’s prevention of states’ interaction with American Indians was so vehement that he, ironically, empowered the presidency – and particularly his arch-nemesis, Jackson – with control over Native communities. Seemingly, Marshall was willing to grant this presidential role so long as the federal government trumped states’ interests.

*Worcester* is generally considered the strongest defense of Native sovereignty against Jacksonian localized government. Wilkins argues that *Worcester* was, however,

simply a channel for the case that “can more accurately be understood as a defense of federal over state power” and of U.S. governmental paternal control over American Indian nations.<sup>244</sup> He continues that *Worcester* was “the test case Marshall had been waiting for” to codify the power of federalism in Native affairs by way of the Supreme Court.<sup>245</sup> Amusingly, Jackson was so incredibly angered by the Marshall decision to deem the Cherokee Nation a “distinct community” that he was known to have blurted, “Well, John Marshall has made his decision: *now let’s see him try to enforce it!*”<sup>246</sup> Jackson’s ire reflected the obvious reduction of state power vis-à-vis Indian Removal.

Also of interest in the *Worcester* case was the fashion in which Marshall vilified southern states through the issue of Native identity and sovereignty. Notice in the following his insistence that Georgia’s interest in Cherokee territory was inconsistent: “...The Acts of Georgia are repugnant to the constitution, laws, and treaties of the United States. They interfere forcibly with the relations established between the United States and the Cherokee Nation, the regulation of which ... are committed solely to the government of the union.”<sup>247</sup> Again, Marshall constituted a hybrid American dominance over Native nations. He couched this nationalism in the language of paternalism, for while American Indian identities were no longer deemed “domestic dependents” or “wards” they were still relegated to the “settled principles of our Constitution.”<sup>248</sup> Marshall also concluded that the homogenized American Indians were still part of the nation, but were removed to the literal and symbolic margins of the U.S. nation. As wards living as a “distinct community,” they would forever be subject to the policies and whims of the federal government.<sup>249</sup> This subjugation continued into the late nineteenth century.

## CONCLUSION

The clarification of U.S. governmental and Native identities through the removal milieu ultimately led to dire consequences for American Indians. For, as Bosmajian writes, “once the Indians were successfully defined as governmental nonentities” to be exploited at the whim of the U.S. government, “no more justification was needed to drive them off their lands” and to force them to emigrate across the Mississippi.<sup>250</sup> And, the ideologies of expansion, paternalism, citizenship, territoriality and sectionalism undergirded the way the government crafted U.S. and Native identities during the removal era.

Specifically, the many contestations over American Indian identities and the government’s roles in indigenous affairs shaped the removal policy. The three branches of the federal government grappled with American Indian identities as childlike yet empowered; civilized and independent; and uncivilized and dependent. To the government, the removal era’s ends demarcated American Indians as dependent on the federal government and, hence, part of the nation, yet marginalized both literally and symbolically. Concomitantly, the policy ensured that Native communities would enjoy the protection and guidance of the government from afar – on the farthest stretches of the U.S. nation.

Moreover, territory became a pivotal space for the contestation of Native identities. The government considered land a vital standard for U.S. citizenship. Individuals could be included as a part of the U.S. citizenry if they produced on their territories, consequently contributing to the nation-state. American Indians were considered too uncivilized to toil on their territories, and as a result, the government

discharged their ownership rights to land based on this lack of cultivation. Natives were granted occupancy rights based on a lack of territorial productivity. These diminutive characterizations of Native communities as too uncivilized and childish to work their land rationalized the government's doctrine of discovery, which pressed the nation to discover, conquer and civilize any territory in its midst.

The above analysis demonstrates how U.S. governmental discourse elucidated these contested characteristics of American Indian identity and made clear the ways the U.S. government would interact with Native nations. This certainty was codified for the government, though not always accepted by American Indian communities. Such ideological lucidity was assisted by the government's endorsement of: a paternal relationship that at once considered American Indian communities part of the U.S. nation while simultaneously removing them to far reaches of the nation; a view of territory that granted American Indians agency as land tenants and withheld full agency based on a lack of land ownership due to an improper use of the land; a policy that included American Indians in the U.S. nation as a commodity to quell states' rights and Native sovereignty; and a strategy of homogenizing Native nations that elided individual histories, geographies and past relationships with the United States. Throughout the removal milieu, the U.S. government constituted a paternal and hybrid relationship between American Indians and the United States that allowed the federal government the superior license to subjugate Native communities. And, the presidency appeared at the helm of policies dealing with American Indian sovereignty and identities.

Such ideological and political resolutions to the Native question solidified the terms of the U.S.-Native relationship for the federal government until the late nineteenth



century. In the 1880s, westward expansion brought white settlers and American Indians closer together, thus motivating a need to augment the relationship. Native nations came into near proximity with the U.S. polis, and the government averred that assimilation was the best way to “deal with the Indian question.”<sup>251</sup> And, as the policy moved beyond the halls of Congress and into practice within Native territories, resistance from American Indians complicated the Indian Removal Act. The power of Native agency and identities was evidenced in the difficulty of the government’s implementation of removal. The Act cemented identities for the U.S. government in the Jacksonian era, but Native nations rebutted this seeming lucidity.

The U.S. government, therefore, was not the only party to the U.S.-Native relationship endowed with the agency to constitute identities. In fact, the government’s seeming certainty of American Indian and governmental identities following the Removal Act became the impetus for Native remonstrance – especially as American Indians disagreed with the clarification crafted through removal. As the next chapter argues, American Indian groups enacted a hybridity whereby “within a single discourse one voice is able to unmask the other” and to create a self-sovereign voice.<sup>252</sup> That is, indigenous communities, in part, employed Jacksonian ideologies to resist removal.

---

<sup>1</sup> Jefferson, “Letter to William Ludlow,” September 6, 1824, in *The Writings of Thomas Jefferson*, vol. 16, ed., Andrew A. Lipscomb (Washington, D.C., 1903), 272.

<sup>2</sup> Recall from the previous chapter that Monroe publicly endorsed a *voluntary* program of removal in his special message to Congress in the winter of 1825. Though he never had a chance to legally validate a program of *involuntary* removal, he had wished to sign such a bill (See Francis Paul Prucha, *The Great Father: The United States*

---

*Government and the American Indians*, abridged edition [Lincoln: U of Nebraska P, 1986], 65-66; and Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* [Lawrence: U of Kansas P, 1982], 58). His voluntary policy fostered a politically moderate (and, thus, acceptable) compromise on the removal question by bringing to light the notion that “the removal of the Indian tribes from the lands which they now occupy ... to the country lying westward and northward thereof ... is of very high importance to our Union” and would mutually work “to promote the interest and happiness of those tribes” (James Madison, “Special Message to Congress,” January 27, 1825, in *A Compilation of the Messages and Papers of the Presidents*, vol. 2, comp., James D. Richardson [Washington, D.C.: Bureau of National Literature and Art, 1937], 280-83.) Monroe’s insistence on voluntary removal – and his passion for a future involuntary plan – inspired the Jackson administration which would commence its removal ideologies some three years later.

<sup>3</sup> James Monroe, “Annual Message to Congress,” December 2, 1824, in *A Compilation of the Messages and Papers of the Presidents*, vol. 3, comp., James D. Richardson (Washington, D.C.: Bureau of National Literature and Art, 1937), 830.

<sup>4</sup> Ibid.

<sup>5</sup> This “errand into the wilderness,” which involved the elevation of Puritan devotees as providential “chosen ones” can be found in Samuel Danforth’s “A Brief Recognition of New England[‘s Errand Into the Wilderness” wherein he argues that “You [Puritans] have solemnly professed before God, Angels and Men that the Cause of leaving your Country, Kindred and Fathers houses, and transporting your selves with your Wives, Little Ones and Substance over the vast Ocean into this waste and howling

---

Wilderness, was your liberty to walk in the faith of the Gospel, and your enjoyment of the pure worship of God according to his institution..." (44-45). See Samuel Danforth, "A Brief Recognition of New England[']s Errand Into the Wilderness" in *American Rhetorical Discourse*, 3d, eds., James F. Klumpp and Ronald Reid (Prospect Heights, IL: Waveland Press, 2004). In Danforth's rhetoric, a providential power has chosen the Puritans as the group to tread forward into the unknown and to spread "His word" to the uncivilized and untamed frontier. Secularly, the United States government supplanted this providence as the endower of such missions. By the time the 1820s began, settlers predicated their manifest movement into Native lands on an ideological ethos of "democracy, liberty and civilization" (3). See Thomas Hietala, *Manifest Design: Anxious Aggrandizement in Late Jacksonian America* (Ithaca, NY: Cornell U P, 1985).

<sup>6</sup> James Barbour, "Message to the House of Representatives," February 16, 1826, in "Preservation of the Indians," *Niles' Weekly Register* 30 (June 10, 1826), 275.

<sup>7</sup> "Treaty with the Creeks," January 24, 1826, in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb E. Washburn (New York: Random House, 1973), 2410-2411.

<sup>8</sup> "Treaty with the Western Cherokees," May 6, 1828, in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb E. Washburn (New York: Random House, 1973), 2421.

<sup>9</sup> Mary E. Stuckey, *Defining Americans: The Presidency and National Identity* (Lawrence: U of Kansas P, 2004), 22.

<sup>10</sup> Ibid.

---

<sup>11</sup> Ronald Satz, *American Indian Policy in the Jacksonian Era* (Lincoln: U of Nebraska P, 1975), 10.

<sup>12</sup> Andrew Jackson, "Letter to James Monroe," March 4, 1817, in *The Papers of Andrew Jackson*, vol. 4, eds., Harold D. Moser. David R. Hoth and George H. Hoemann (Knoxville: U of Tennessee P, 1996), 93-94.

<sup>13</sup> Andrew Jackson, "Talk with George Colbert and the Chickasaw," February 13, 1816, in *The Papers of Andrew Jackson*, vol. 4, eds., Harold D. Moser. David R. Hoth and George H. Hoemann (Knoxville: U of Tennessee P, 1996), 13.

<sup>14</sup> James Monroe, "Annual Message," in Richardson, 830.

<sup>15</sup> Found in Satz, *American Indian Policy*, 24.

<sup>16</sup> John Eaton, "To the Cherokee Nation on Removal, April 18, 1829," in Office of Indian Affairs, *Letter Book* no. 5, Record Group 75, pp. 408-412, National Archives.

<sup>17</sup> Thomas McKinney, "Letter," in *Magazine of the Reformed Dutch Church* 4 (August 1829):118.

<sup>18</sup> Proclamation of the Continental Congress, September 22, 1783, *Journals of the Continental Congress*, vol. 25., 602.

<sup>19</sup> Francis Paul Prucha, *The Indians in American Society: From the Revolutionary war to the Present* (Berkeley: U of California P, 1985), 3.

<sup>20</sup> John Franklin Phillips, *The American Indian in Alabama and the Southeast* (Nashville, TN: Parthenon Press, 1986), 100.

<sup>21</sup> Rogers Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, CT: Yale UP, 1997), 132.

---

<sup>22</sup> Anders Stephanson, *Manifest Destiny: American Expansionism and the Empire of Right* (New York: Hill and Wang, 1995).

<sup>23</sup> David G. Gutierrez, "Significant to Whom?: Mexican Americans and the History of the American West," in *A New Significance: Re-Envisioning the History of the American West*, ed. Clyde A. Milner III. (New York: Oxford, 1996), 68.

<sup>24</sup> See Lyon Rathbun, "The Debate Over Annexing Texas and the Emergence of manifest Destiny," *Rhetoric and Public Affairs* 4:3 (2001): 459-493.

<sup>25</sup> John O'Sullivan, "Annexation," *The United States and Democratic Review*, Vol. XVII, July/August (New York: O'Sullivan & Gardner Publishers, 1845), 5.

<sup>26</sup> See Hietala, *Manifest Design*, 8-9.

<sup>27</sup> Samuel Danforth, "A Brief Recognition of New England's Errand Into the Wilderness." in Reid/Klumpp

<sup>28</sup> Sidney Lens, *The Forging of American Empire: From the Revolution to Vietnam – A History of U.S. Imperialism* (Chicago: Haymarket Press, 2003), 2.

<sup>29</sup> Laura Anne Whitt, "Cultural Imperialism and the Marketing of Native America," *American Indian Culture and Research Journal* 19 (1995): 5.

<sup>30</sup> David Rich Lewis, "Still Native: The Significance of Native Americans in the History of the Twentieth-Century American West," in *A New Significance: Re-Envisioning the History of the American West*, ed. Clyde A. Milner III. (New York: Oxford, 1996), (New York: Oxford U P, 1996), 213.

<sup>31</sup> See Shawn Johansen, *Family Men: Middle-Class Men in Early Industrializing America* (New York: Routledge, 2001), 87.

---

<sup>32</sup> According to Shalhope, “by ‘property’ [the U.S. government] almost always meant land” or real property. Robert E. Shalhope, *The Roots of Democracy: American thought and Culture, 1760-1800* (Boston: Twayne, 1990), 162.

<sup>33</sup> Ronald Takaki, *Iron Cages: Race and Culture in Nineteenth-Century America*. (Boston: Little, Brown, 1979), 173.

<sup>34</sup> Smith, *Civic Ideals*, 14.

<sup>35</sup> Rogan Kersh, *Dreams of a More Perfect Union* (New York, Cornell U P, 2005), 74

<sup>36</sup> Found in Clinton Rossiter, ed., *The Federalist Papers* (New York: Penguin, 1961), 314.

<sup>37</sup> John William Ward, *Andrew Jackson: Symbol for an Age* (London: Oxford UP, 1955), 168.

<sup>38</sup> Shalhope, *The Roots of Democracy*, 162

<sup>39</sup> Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic, 2000), 34-35.

<sup>40</sup> The Era of Good Feelings, the period following the War of 1812, has been so-named due to a number of optimistic changes that took place in the U.S. nation. For one, the Federalist-Republican debate had come to end with the 1816 election of James Monroe; political partisanship was said, then, to have loosened [see Edward Pessen, *Jacksonian America: Society, Personality, and Politics* (Urbana: U of Illinois P, 1985), 34]. Also, though, industrialization in the north and the ascendance of a “cotton culture” in the south – in addition to the lifting of British and French blockades resulting from the War of 1812 – invigorated the U.S. economy. And, the advent of national roads,

---

turnpikes, canals and steamboats contributed to the overall feeling that America “had progressed and would survive beyond the war” [see George Dangerfield, *The Era of Good Feelings* (Chicago: Dee Publishing, 1989), 94; 104].

<sup>41</sup> Roger Daniels, *Coming to American: A History of Immigration and Ethnicity in American Life*, 2d ed. (New York: Perrenial, 2002), 114.

<sup>42</sup> Smith, *Civic Ideals*, 183

<sup>43</sup> Kersh, *Dreams of a More Perfect Union*, 116.

<sup>44</sup> Keyssar, *The Right to Vote*, 59.

<sup>45</sup> Andrew Jackson, “Draft of First Annual Message, December 8, 1829” in *The Correspondence of Andrew Jackson*, vol. 4, ed. John Spencer Bassett (Washington, D.C.: Carnegie, 1928), 103.

<sup>46</sup> Found in Kersh, *Dreams of a More Perfect Union*, 117.

<sup>47</sup> Colin G. Calloway, *First Peoples: A Documentary Survey of American Indian History* (Boston: Bedford/St. Martins, 1999), 40.

<sup>48</sup> Smith, *Civic Ideals*, 183

<sup>49</sup> Takaki, *Iron Cages*, 63

<sup>50</sup> David Wilkins, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice* (Austin: U of Texas P, 1999), 9.

<sup>51</sup> Prucha, *Indians in American Society*, 11.

<sup>52</sup> Neil Fotion, “Paternalism.” *Ethics* 89 (1979): 191.

<sup>53</sup> Kleinig, *Paternalism* (New York: Rowan and Allenheld, 1983), 171.

<sup>54</sup> Jackman, *The Velvet Glove: Paternalism and Conflict in Gender, Class and Race Relations* (Berkeley: U of California P, 1994), 14-15.

---

<sup>55</sup> Pierre L. Van Den Berghe, "Response to Goodell." *Current Anthropology* 26 (1985): 262.

<sup>56</sup> Kleinig, *Paternalism*, 171.

<sup>57</sup> Benjamin Sevitch, "The Rhetoric of Paternalism: Elbert H. Gary's Arguments for the Twelve-hour Day." *Western Speech Journal* 35 (1971): 15.

<sup>58</sup> Grace E. Goodell, "Paternalism, Patronage, and the Potlatch: The Dynamics of Giving and Being Given To." *Current Anthropology* 26 (1985): 247.

<sup>59</sup> Goodell, "Paternalism," 256.

<sup>60</sup> See Michael Paul Rogin, *Fathers and Children: Andrew Jackson and The Subjugation of the American Indian* (New York: Knopf, 1975).

<sup>61</sup> Prucha, *The Indians in American Society*, 11.

<sup>62</sup> For detailed discussions of this ontological degradation, see Jason Edward Black, "The Mascotting of Native America: Construction, Commodity, and Assimilation," *American Indian Quarterly* 23 (2003): 605-623; Haig Bosmajian, "Defining the 'American Indian': A Case Study in the Language of Suppression," *The Speech Teacher* 21 (1973): 89-99; James A. Clifton, *The Invented Indian: Cultural Fictions and Government Policies* (New Brunswick, NJ: Transaction, 1990); Eva Marie Garroutte, *Real Indians: Identity and the Survival of Native America* (Berkeley: U of California P, 2003); Reginald Horseman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge, MA: Harvard UP, 1981); C. Richard King, *Colonial Discourses, Collective Memories, and the Exhibition of Native American Cultures and Histories in the United States* (New York: Garland, 1998); Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*,



---

*unabridged* (Lincoln: U of Nebraska UP, 1984); Takaki, *Iron Cages*; Patricia Wald, “Terms of Assimilation: Legislating Subjectivity in the Emerging Nation,” in *Cultures of United States Imperialism*, eds. Amy Kaplan and Donald Pease (Durham, NC: Duke UP, 1993): 59-83; and Hilary N. Weaver, “Indigenous Identity: What Is It, and Who Really Owns It?” *American Indian Quarterly* 25:2 (2001): 240-255.

<sup>63</sup> Mikhail Bakhtin, *The Dialogic Imagination: Four Essays*, ed. Michael Holquist, trans. Caryl Emerson and Michael Holquist (Austin: U of Texas P, 1981), 344.

<sup>64</sup> Prucha, *The Indians in American Society*, 11.

<sup>65</sup> Whitt, “Cultural Imperialism,” 8.

<sup>66</sup> Francis Paul Prucha, *Documents of United States Indian Policy*, 2d. (Lincoln: U of Nebraska P, 1990), 10.

<sup>67</sup> Committee Report on the Southern Department, August 3, 1787, *Journals of the Continental Congress*, vol. 33., 456, 459.

<sup>68</sup> “The Constitution of the United States,” Art. 1, sec.8 and Art I, sec 10 in *A Documentary History of the United States*, ed., Richard Heffner (New York: Signet, 2002), 22.

<sup>69</sup> Prucha, *Documents*, 10.

<sup>70</sup> Of course, the requirements of “free-holding, European ancestry and manhood” were understood (See Shalhope, *The Roots of Democracy*, 162).

<sup>71</sup> David M. Ricci, *Good Citizenship in America* (Cambridge, UK: Cambridge U P, 2004), 70.

<sup>72</sup> Tecumseh, “Sleep Not Longer O Choctaws and Chickasaws, 1811,” in Wallace A. Brice, *History of Fort Wayne* (Fort Wayne, IN: D.W. Jones and Son, 1868), n.p.

---

<sup>73</sup> *McCulloch v. Maryland* (1819), 4 Wheaton 316.

<sup>74</sup> H.W. Brands, *Andrew Jackson: His Life and Times* (New York, Doubleday, 2005), 345-55.

<sup>75</sup> John Calhoun, "South Carolina Exposition, December 19, 1828" in *The Papers of John C. Calhoun*, vol. 10, 1825-1829, eds. Clyde N. Wilson and W. Edwin Hemphill (Columbia: U of South Carolina P, 1977), 461.

<sup>76</sup> See Kersh, *Dreams of a More Perfect Union*, 117.

<sup>77</sup> Walter Russell Mead, *Special Providence: American Foreign Policy and How It Changed the World* (New York: Knopf, 2001), 245.

<sup>78</sup> Rogin, *Fathers and Children*, 107.

<sup>79</sup> John Buchanan, *Jackson's Way: Andrew Jackson and the People of the Western Waters* (New York: Wiley, 2001), 366-368.

<sup>80</sup> Takaki, *Iron Cages*, 81.

<sup>81</sup> Andrew Jackson, "Letter to Rachel Jackson," October 21, 1814, in *The Correspondence of Andrew Jackson*, vol. 1, ed. John Spencer Bassett (Washington, D.C.: Carnegie, 1928), 365-66.

<sup>82</sup> Ward, *Andrew Jackson*, 28.

<sup>83</sup> For the complete facsimile of the archival text of the Treaty of Ghent, which ended the War of 1812 between the United States and Great Britain, see *Major Peace Treaties of Modern History, 1648-1967, vol. 1*, ed., Fred Israel (New York: Random House, 1967), 704

<sup>84</sup> Ward, *Andrew Jackson*, 29.

---

<sup>85</sup> Andrew Jackson, "To Choctaw Indians, October 3, 1820," *The Papers of Andrew Jackson* vol. 4, eds. Mozer, Hoth, Hoemann (Knoxville: U of Tennessee P, 1996), 391-392.

<sup>86</sup> Ibid.

<sup>87</sup> Andrew Jackson, "Talk to the Creeks, September 4, 1815," *Correspondence of Andrew Jackson*, vol. 2, ed., John Spencer Bassett (Washington, D.C.: Carnegie Institute, 1928), 216-217.

<sup>88</sup> Jackson, "Talk to the Creeks, September 4, 1815."

<sup>89</sup> Andrew Jackson, "To Choctaw Indians, October 17, 1820," *The Papers of Andrew Jackson* vol. 4, eds., Mozer, Hoth, Hoemann (Knoxville: U of Tennessee P, 1996), 393-396.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Rogin, *Fathers and Children*, 215.

<sup>93</sup> Ibid.

<sup>94</sup> Jackson, "Talk to Indian Chieftains, September 20, 1821"

<sup>95</sup> Jackson is referring, here, to the Upper Creeks (Red Sticks) who listened to Tecumseh's call to action in 1811 for Native nations to join him in fighting the United States during the War of 1812. The Red Sticks suffered an outright defeat at the Battle of Horseshoe Bend in present-day Talladega, Alabama as a result of their confrontation with Jackson's Tennessee Volunteers. In this quotation, Jackson is warning the Seminole Nation against acting disobediently as had the Red Sticks. For more on the Battle of Horseshoe Bend and the Red Stick rebellion, see Jason Edward Black, "Rhetorical

---

Identities of Native and Anglo Cultures in Alabama's Creek War, 1813-1814," *Alabama Heritage*, forthcoming; S.H. Halbert and T.H. Ball, *The Creek War of 1813 and 1814* (Tuscaloosa: U of Alabama P, 1995); and James W. Holland, *Andrew Jackson and the Creek War: Victory at the Horseshoe* (Tuscaloosa: U of Alabama P, 1968).

<sup>96</sup> Jackson, "Talk to the Creeks, September 4, 1815."

<sup>97</sup> Ibid

<sup>98</sup> Andrew Jackson, "Letter to John Williams," May 18, 1815, in *The Papers of Andrew Jackson*, vol. 3, eds., Harold D. Moser. David R. Hoth and George H. Hoemann (Knoxville: U of Tennessee P, 1996), 74-75.

<sup>99</sup> Ibid.

<sup>100</sup> Andrew Jackson, "Letter to John Williams," May 18, 1815, in *The Papers of Andrew Jackson*, vol. 3, eds., Harold D. Moser. David R. Hoth and George H. Hoemann (Knoxville: U of Tennessee P, 1996), 74-75.

<sup>101</sup> Ibid.

<sup>102</sup> Andrew Jackson, "To Choctaw Indians, October 17, 1820," *The Papers of Andrew Jackson* vol. 4, eds., Mozer, Hoth, Hoemann (Knoxville: U of Tennessee P, 1996), 393-396.

<sup>103</sup> Mary Jackman, *The Velvet Glove: Paternalism and Conflict in Gender, Class and Race Relations* (Berkeley: U of California P, 1994), 14-15.

<sup>104</sup> Andrew Jackson, "First Inaugural," March 4, 1829, in *A Compilation of the Messages and Papers of the Presidents*, vol. 2, comp., James D. Richardson (Washington, D.C.: Bureau of National Literature and Art, 1937), 438.

---

<sup>105</sup> Jackson referred, here, to the “doctrine of discovery,” or the rationale for seizing land “because [Europeans] were ‘Christian’ and ‘civilized’ ... They were people of a higher order endowed by the Creator with special rights” (Sidney Lens, *The Forging of the American Empire – From the Revolution to Vietnam: A History of U.S. Imperialism* [Chicago: Haymarket Press, 2003], 41). Discovery equated to a cultural “finders keepers” ideology. Eschewing the importance of land to American Indians, European settlers simply – though not at a lack of consequence for indigenous peoples – claimed dominion over any land on which they set their feet.

<sup>106</sup> Jackson, “Talk to Indian Chieftains, September 20, 1821”

<sup>107</sup> “Andrew Jackson to James Monroe,” March 4, 1817, in *Correspondence of Andrew Jackson*, vol. 2, ed., John Spencer Bassett (Washington, D.C.: Carnegie Institute, 1928), 278-279.

<sup>108</sup> Ibid.

<sup>109</sup> Stuckey, *Defining Americans*, 45.

<sup>110</sup> Since inaugural situational constraints tend to limit subjects to those of healing a factious polity and transcending immediate events – Jackson held off on any semblance of a removal plan. For more on the situational constraints and generic topics of presidential inaugurals, see Karlyn Kohrs Campbell and Kathleen Hall Jamieson, *Deeds Done in Words: Presidential Rhetoric and the Genres of Governance* (Chicago: U of Chicago P, 1990), 14-15.

<sup>111</sup> Andrew Jackson, “First Inaugural,” March 4, 1829, in *A Compilation of the Messages and Papers of the Presidents*, vol. 2, comp., James D. Richardson (Washington, D.C.: Bureau of National Literature and Art, 1937), 438.

---

<sup>112</sup> Ibid.

<sup>113</sup> Andrew Jackson, "Letter to James Gadsen," October 12, 1829, in *Correspondence of Andrew Jackson*, vol. 4, ed., John Spencer Bassett (Washington, D.C.: Carnegie Institute, 1928), 81.

<sup>114</sup> Andrew Jackson, "First Annual Message," December 7, 1829, in *A Compilation of the Messages and Papers of the Presidents*, vol. 2, comp., James D. Richardson (Washington, D.C.: Bureau of National Literature and Art, 1937), 457-459.

<sup>115</sup> See Brands, *Andrew Jackson*, 435; and Satz, *American Indian Policy*, 9-12

<sup>116</sup> Andrew Jackson, "First Annual Message," December 7, 1829, in *A Compilation of the Messages and Papers of the Presidents*, vol. 2, comp., James D. Richardson (Washington, D.C.: Bureau of National Literature and Art, 1937), 457-459.

<sup>117</sup> "Report of the Joint Committee in the Legislature of Georgia on Cherokee Lands," *Cherokee Phoenix* 1:3 (March 6, 1828), 1: col.4B.

<sup>118</sup> Ibid.

<sup>119</sup> Satz, *American Indian Policy*, 18.

<sup>120</sup> Jackson, "First Annual Message," 459.

<sup>121</sup> Marquis James, *The Life of Andrew Jackson: The Border Captain and Portrait of a President* (New York: Garden City Publishing, 1940), 549.

<sup>122</sup> "The Constitution of the United States," Art. 1, sec.8 and Art I, sec 10 in *A Documentary History of the United States*, ed., Richard Heffner (New York: Signet, 2002), 22-23.

<sup>123</sup> Trade and Intercourse Act of 1802, *U.S. Statutes at Large*, 2:145.

<sup>124</sup> Louis P. Masur, *1831: Year of Eclipse* (New York: Hill and Wang, 2001), 149.

---

<sup>125</sup> Concerning issues related to the state, the Jacksonian era witnessed notable Southern antagonisms toward the renewal of the U.S. Bank and over the Nullification issue. Jackson worked within this political and sectional milieu as he considered Indian removal and reasoned for its implementation. For more on Jacksonian contexts, see Edward Pessen, *Jacksonian America*.

<sup>126</sup> Though the Indian Removal Act provided the U.S. government the identity of a controlling figure in Native affairs, the bill simultaneously posited that American Indians would have to sign removal treaties. Some have argued that this type of concordance – while appearing outwardly emancipatory – actually reified governmental control by forcing the hands of Natives. Following the signing of a treaty, indigenous groups were said to have had a role in their own removal. Absent signing, however, the government made it clear that American Indians would suffer the fates of either state oppression or eventual extermination in the midst of the burgeoning white populations. For more on the process of the post-1830 removal process, see Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley: U of California P, 1994). Chapter seven is particularly useful for explaining how removal treaties were mere “ceremony” for American Indians; the U.S. government planned to remove them regardless of their conciliation (Prucha, *American Indian Treaties*, 168,

<sup>127</sup> Andrew Jackson, “Letter to John Pitchlynn, August 5, 1830,” in *Correspondence of Andrew Jackson*, vol. 4., ed., John Spencer Bassett (Washington, D.C.: Carnegie Institution, 1929), 169.

<sup>128</sup> *Ibid.*

---

<sup>129</sup> Walter H. Conser, "John Ross and the Cherokee Resistance Campaign, 1833-1838," *Journal of Southern History* 44:2 (1978): 191.

<sup>130</sup> James Monroe, "Message to Congress," January 27, 1825 in *A Compilation of the Messages and Papers of the Presidents*, vol. 2, comp., James D. Richardson (Washington, D.C.: Bureau of National Literature and Art, 1937), 281.

<sup>131</sup> Indian Affairs within the executive branch fell to the Department of War. Thus, when Monroe desired to send a bill to Congress, the draft generated from Secretary of War Calhoun's office. (Prucha, *Great Father* [unabridged], 188.)

<sup>132</sup> See Senate and House *Journals*, 107 and 112 (This first Senate bill for removal was labeled S.45).

<sup>133</sup> John Cocke, "Letter to James Barbour," January 11, 1826, in *Office of Indian Affairs*, bin M234, reel 1.

<sup>134</sup> This was the rationale John Quincy Adams noted in his journal. See *Memoirs of John Quincy Adams, Comprising Portions of His Diary from 1795 to 1848*, vol. 7, ed. Charles Francis Adams (Philadelphia: JB Lippincott and Co, 1877), 113.

<sup>135</sup> See above for a discussion of the Georgia removal law.

<sup>136</sup> John Quincy Adams, "Annual Message," December 2, 1828, in *State of the Union Messages of the Presidents*, vol. 1, ed., Fred Israel (New York: Chelsea House, 1982), 287.

<sup>137</sup> Quoted in Albert K. Weinberg, *Manifest Destiny: A Study of Nationalistic Expansionism in American History* (Baltimore: Johns Hopkins U P, 1935), 83.

<sup>138</sup> *House Report* no. 237, 21:1, serial 200, p. 6-7



---

<sup>139</sup> I am indebted to the chronologies developed by Prucha, *Great Father* [unabridged], Remini, *Andrew Jackson and His Indian Wars*, and Satz, *American Indian Policy* concerning the chronology of Congressional debates on the Indian Removal Act. Satz's work, in particular, is worthy for its narrative chronology of the events of the twenty-first Congress.

<sup>140</sup> Peter Nabokov, *Native American Testimony: A Chronicle of Indian-White Relations from Prophecy to the Present, 1492-2000* (New York: Penguin, 1999), 151.

<sup>141</sup> Dippie, *The Vanishing American*,

<sup>142</sup> Forsyth's Remarks, April 15, 1830, *Gales & Seaton's Register of Debates in Congress*, Senate (April 14, 15, 1830), 326.

<sup>143</sup> Forsyth's remarks, 327

<sup>144</sup> Ibid.

<sup>145</sup> Satz, *American Indian Policy*, 24

<sup>146</sup> Forsyth's remarks, 328-329.

<sup>147</sup> Ibid.

<sup>148</sup> Forsyth's comments, 333

<sup>149</sup> Forsyth's comments, 337.

<sup>150</sup> Forsyth's comments, 329, italics mine.

<sup>151</sup> Adams's Remarks, April 20, 1830, *Gales & Seaton's Register of Debates in Congress*, Senate (April 20, 1830), 359

<sup>152</sup> Francis Paul Prucha, *Documents of United States Indian Policy*, 2d (Lincoln: U of Nebraska P, 1990), 39.

<sup>153</sup> Adams's Remarks, 364.

---

<sup>154</sup> Ibid.

<sup>155</sup> This notion was fortified by the U.S. Constitution which, as mentioned previously, treated American Indian nations as peripheral trade partners and not citizens.

<sup>156</sup> Adams's Remarks, 359.

<sup>157</sup> Frelinghuysen's Remarks, April 9, 1830, *Gales & Seaton's Register of Debates in Congress*, Senate (April 9, 1830), 312.

<sup>158</sup> Frelinghuysen's Remarks, 312.

<sup>159</sup> Frelinghuysen's Remarks, 313.

<sup>160</sup> Frelinghuysen's Remarks, 381.

<sup>161</sup> Dippie, *Vanishing American*, 65.

<sup>162</sup> According to Bercovitch, the jeremiad is a rhetorical form that points out the imperfections of society and the resultant doom that will result. Jeremiads "admonish society for having not lived up to an ancestral standard." Rhetors tend to offer a solution to salve the imperfection, or as Bercovitch notes, rhetors provide a measure of hope based on perfecting the social ill that troubles society (Sacvan Bercovitch, *The American Jeremiad* [Madison: U of Wisconsin P, 1978], 11. For more on the intersection of the jeremiad and U.S. governmental discourse, see Kurt W. Ritter, "American Political Rhetoric and the Jeremiad Tradition: Presidential Nomination Acceptance Addresses, 1960–1976," *Central States Speech Journal* 31 (1980): 153–171.

<sup>163</sup> Related to the jeremiad, moral inheritance charges society with fulfilling the promises and values set up, and fought for, by its ancestry. See especially "The Moral Inheritance of a President" in Michael W. Casey and Douglas A. Foster, *The Stone-*

---

*Campbell Movement: An International Religious Tradition* (Knoxville: U of Tennessee P, 2001).

<sup>164</sup> Frelinghuysen's Remarks, 381.

<sup>165</sup> Frelinghuysen's Remarks, 320.

<sup>166</sup> Sprague's Remarks, April 17, 1830, *Gales & Seaton's Register of Debates in Congress*, Senate (April 17, 1830), 356.

<sup>167</sup> Ibid.

<sup>168</sup> Satz, *American Indian Policy*, 26.

<sup>169</sup> Ibid.

<sup>170</sup> Satz, *American Indian Policy*, 30.

<sup>171</sup> Expediency arguments rely on the need to move quickly to foment change (See Thomas Sloane, *Encyclopedia of Rhetoric* [Oxford: Oxford U P, 2001], 801). Dissociation "disengages or differentiates" a person or group from a particular idea (See Barbara Warnick and Edward S. Inch, *Critical Thinking and Communication*, 2d. [New York: MacMillan, 1994], 125).

<sup>172</sup> Laurence Schmeckebier, *The Office of Indian Affairs: Its History, Activities and Organization* (Baltimore: Johns Hopkins, 1927), 231.

<sup>173</sup> Satz, *American Indian Policy*, 30.

<sup>174</sup> Foster's Remarks, May 17, 1830, *Gales & Seaton's Register of Debates in Congress*, House (May 17, 1830), 1030.

<sup>175</sup> Lumpkin's Remarks, May 17, 1830, *Gales & Seaton's Register of Debates in Congress*, House (May 17, 1830), 1016.

<sup>176</sup> Lumpkin's Remarks, 1022.

---

<sup>177</sup> See a discussion Georgia’s “removal law” both above and in the analysis that follow in this chapter’s final section.

<sup>178</sup> Lumpkin’s Remarks, 1022.

<sup>179</sup> Lumpkin’s Remarks, 1016.

<sup>180</sup> Foster’s Remarks, 1035.

<sup>181</sup> Anti-removal members raised Jackson as a “flag individual” of removal’s ills.

A flag individual is one who is “especially susceptible to the charges” levied against a policy, institution or idea.” The flag individual becomes a key villain around whom a group can focus its attacks (John Bowers, Donovan Ochs and Richard Jensen, *The Rhetoric of Agitation and Control* [Prospect Heights, IL: Waveland, 1994], 34-35.)

<sup>182</sup> Ward, *Andrew Jackson*, 91.

<sup>183</sup> Satz, *American Indian Policy*, 25.

<sup>184</sup> Satz, *American Indian Policy*, 27-28.

<sup>185</sup> Ibid.

<sup>186</sup> Jackson’s reputation, in this regard, was not lost on the National Republicans.

It was well known that Jackson harbored a disregard for authority and legal processes. In 1819, for example, he attempted to drive the Spanish and Seminole Nation from West Florida despite commands from President Monroe that he back down (Remini, *Andrew Jackson and His Indian Wars*, 137). Jackson ignored these orders and attacked – dangerously complicating the Adams-Onis negotiations for Florida – and was later nearly censured by Congress. The Representative Johnson of Virginia scolded Jackson in January of 1819: “[you] had no right, no authority, to decide the question” of attacking a sovereign nation (*Great Debates in American History*, vol. 8, ed., Marion Mills Miller

---

[New York: Current Literature Publishing Company, 1913], 244). Jackson's character could well have factored into the anti-removal representatives' decision to raze him.

<sup>187</sup> Storr's Remarks, May 15, 1830, *Gales & Seaton's Register of Debates in Congress*, House (May 15, 1830), 998.

<sup>188</sup> Storr's Remarks, 994.

<sup>189</sup> Bates' Remarks, May 19, 1830, *Gales & Seaton's Register of Debates in Congress*, House (May 19, 1830), 1050.

<sup>190</sup> *Ibid*, emphasis mine.

<sup>191</sup> *United States Statutes at Large*, 21<sup>st</sup> Congress, Sess. 1, Ch. 148, 1830.

<sup>192</sup> *Ibid*.

<sup>193</sup> *Ibid*.

<sup>194</sup> *Ibid*.

<sup>195</sup> *Ibid*.

<sup>196</sup> Dippie, *Vanishing American*, 68-71.

<sup>197</sup> Patricia Wald, "Terms of Assimilation: Legislating Subjectivity in the Emerging Nation," *Cultures of United States Imperialism*, eds. Kaplan and Pease (Durham: Duke UP, 2000), 59.

<sup>198</sup> Marshall, as Chief Justice during the Indian removal years, wrote the majority opinions in *Johnson*, *Cherokee Nation*, and *Worcester*. It is for this reason – combined with his utmost hermetic grip over the Court at the time – that Marshall's rhetoric is the focus of the present essay. See R. Kent Newmeyer, "Law and Character: John Marshall as an American Original – Some Thoughts on Personality and Judicial Statesmanship,"

---

71 *U. Colo. L.Rev.* 1365 (2000); and Samuel Olken, "Chief Justice John Marshall and the Course of American Constitutional History," 33 *J. Marshall L.Rev.* 743 (Summer 2000).

<sup>199</sup> Wald, "Terms of Assimilation," 59.

<sup>200</sup> Phillip Frickey, "Marshalling Past and Present: Colonialism, Constitutionalism, and Interpretation in Federal Indian Law," 107 *Harv. L.Rev.* 381 (December 1993). See also Kent Newmeyer, "Law and Character"; and Olken, "Chief Justice John Marshall."

<sup>201</sup> A cipher is a conduit, channel, or "type of empty [cultural] container" that the powerful uses to fill with whatever values, images and meaning it wishes" in order to achieve a desired end. A cipher acts as a commodified vessel that assists a dominant culture in achieving its goals [see Jason Edward Black, *Sacagawea as Commodity, Currency and Cipher: Consequences of the U.S. Mint's Gold Dollar for American Indian Women*," *International Journal of Media and Cultural Politics* 1:2 (2005): 227-228]. For instance, the Supreme Court "channeled" its desire to overshadow states' rights through the issue of American Indian sovereignty in *Cherokee Nation v. Georgia*.

<sup>202</sup> See Rogin, *Fathers and Children*, 125.

<sup>203</sup> Frickey, "Marshalling Past and Present," 107.

<sup>204</sup> Andrew Jackson, "Letter to James Gadsen," October 12, 1829, in *Correspondence of Andrew Jackson*, vol. 4, ed., John Spencer Bassett (Washington, D.C.: Carnegie Institute, 1928), 81.

<sup>205</sup> Andrew Jackson, "Annual Message," December 7, 1835, in *A Compilation of the Messages and Papers of the Presidents*, vol. 3, comp., James D. Richardson (Washington, D.C.: Bureau of National Literature and Art, 1937), 172-173.

---

<sup>206</sup> See Gloria Jahoda, *The Trail of Tears: The Story of the American Indian Removal, 1813-1855* (New York: Wings Books, 1995), 48-49.

<sup>207</sup> Andrew Jackson, "Talk to Cherokee," March 1835, in Remini, *Indian Wars*, 266.

<sup>208</sup> The act stated that "no license to trade with the Indians shall be granted to any persons" except the U.S. government (Trade and Intercourse Act of June 30, 1834, *United States Statutes at Large* 4:729-730). Part of the "trade" discussed therein involved removal. With the renewal of this act, the U.S. government not only elevated its paternalistic hold over American Indians, but did so to the detriment of those individual states wishing to take part in localized Indian removal.

<sup>209</sup> Norman Finkelstein, "History's Verdict: The Cherokee Case," *Journal of Palestine Studies* 24 (1995): 34.

<sup>210</sup> 30 U.S. 1 (1831), *Cherokee Nation v. State of Georgia*.

<sup>211</sup> Cheyfitz, "Doctrines of Democracy," 13.

<sup>212</sup> Jackson disdained the Supreme Court – and particularly Chief Justice Marshall – and considered it a "fortress of conservatism." He was often fond of "colliding with the court" over issues of presidential authority (Arthur M. Schlesinger, Jr., *The Age of Jackson* [New York: Book Find Club, 1945], 322-323).

<sup>213</sup> Andrew Jackson, "Letter to Colonel Anthony Butler, March 6, 1832," *Correspondence of Andrew Jackson*, vol. 4, ed., John Spencer Bassett (Washington, D.C.: Carnegie Institution of Washington, 1929), 415.

<sup>214</sup> John Marshall, "To Joseph Story, May 1, 1828," *Papers of John Marshall*, vol. 11, ed., Charles F. Hobson (Chapel Hill: U of North Carolina P, 2002), 94.

---

<sup>215</sup> Olken, “Chief Justice John Marshall,” 745.

<sup>216</sup> See Johnson and Hamilton, “Sovereignty and the Native American Nation”; and Olken, “Chief Justice John Marshall.”

<sup>217</sup> An argument by authority reasons that statements from people appearing knowledgeable or precedent “can be taken as evidence sufficient to justify a claim” (Warnick and Inch, *Critical Thinking*, 124).

<sup>218</sup> Olken, “Chief Justice John Marshall,” 745.

<sup>219</sup> The legal question at stake in *Johnson v. McIntosh* was whether American Indians held land rights and could subsequently sell land, or whether the United States’s encroachment into and annexation of the land superceded any former Native title. The Court “found that such a sale [of land by Natives] was not legal, precisely because, in the opinion of the Court, the United States held absolute title to Indian lands” (“Cheyfitz, Doctrines of Discovery,” 3). The primary legal consequence of *Johnson* was the transfer of Indian land ownership from tribal authority to the United States. The Court admitted Natives were “occupants” of land, but with the caveat that “their rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil at their own will, to whomsoever they pleased, was denied “by the fundamental principle of discovery” (Cheyfitz, “Doctrines of Discover,” 1). Marshall’s rhetoric pointed to a “paternalism” that blocked American Indian empowerment (Johnson and Hamilton, “Sovereignty and the Native American Nation,” 1253). Marshall’s insistence on the doctrine of discovery as law solidified the “European narrative of conquest of America” (Cheyfitz, “Doctrines of Democracy,” 5).



---

<sup>220</sup> Joy Porter, “Native Americans: The Assertion of Sovereignty and the Negotiation of Citizenship and Identities,” in *Federalism, Citizenship and Collective Identities in U.S. History*, eds., Van Minnen and Hilton (Amsterdam: VU U P, 2001), 91. *Johnson v. McIntosh* addressed American Indian identity only as a tangent to a land dispute between two European American settlers.

<sup>221</sup> “Report of the Joint Committee in the Legislature of Georgia on Cherokee Lands,” *Cherokee Phoenix*, 1:3 (March 6, 1828), 1, col. 4b. See also n. 74 and n. 75 above.

<sup>222</sup> 30 U.S. 1 (1831), *Cherokee Nation v. State of Georgia*.

<sup>223</sup> 30 U.S. 1 (1831), *Cherokee Nation v. State of Georgia*.

<sup>224</sup> “The Constitution of the United States,” Art. IV, sec.3 in *A Documentary History of the United States*, ed., Richard Heffner (New York: Signet, 2002), 28.

<sup>225</sup> Chief Justice Marshall wrote the actual opinion for the Court.

<sup>226</sup> 30 U.S. 1 (1831), *Cherokee Nation v. State of Georgia*.

<sup>227</sup> 30 U.S. 1 (1831), *Cherokee Nation v. State of Georgia*.

<sup>228</sup> *Ibid.*

<sup>229</sup> 30 U.S. 1 (1831), *Cherokee Nation v. State of Georgia*.

<sup>230</sup> James Monroe, “Monroe Doctrine,” *A Documentary History of the United States*, 7d, ed., Richard D. Heffner (New York: Penguin, 2002), 96-98.

<sup>231</sup> Prucha, *Indians in American Society*, 14-15.

<sup>232</sup> 30 U.S. 1 (1831), *Cherokee Nation v. State of Georgia*.

<sup>233</sup> *Ibid.*

---

<sup>234</sup> White quoted in Jody Freeman, “Constitutive Rhetoric: Law as a Literary Activity,” *Harvard Woman’s Law Journal* 14 (1991): 307.

<sup>235</sup> See Kent Ono and Derek Buescher, “Deciphering Pocahontas: Unpackaging the Commodification of an American Indian Woman,” *Critical Studies in Media Communication* 18 (2001): 26.

<sup>236</sup> Wilkins, “John Quincy Adams,” 93.

<sup>237</sup> Wilkins also contends that this diluted status has had a “lasting effect on tribes in their quest for legal redress” and sovereignty (Ibid).

<sup>238</sup> 30 U.S. 1 (1831), *Cherokee Nation v. State of Georgia*.

<sup>239</sup> Wilkins, *American Indian Sovereignty and the U.S. Supreme Court*, 44-45.

<sup>240</sup> Olken, “Chief Justice John Marshall,” 746.

<sup>241</sup> 31 U.S. 515 (1832), *Worcester v. State of Georgia*.

<sup>242</sup> Johnson and Hamilton, “Sovereignty and the Native American Nation,” 1253.

<sup>243</sup> Prucha, *Great Father* [abridged], 31-40.

<sup>244</sup> Wilkins, “John Quincy Adams,” 94.

<sup>245</sup> Wilkins, “John Quincy Adams,” 94.

<sup>246</sup> Remini, *Andrew Jackson and His Indian Wars*, 257.

<sup>247</sup> 31 U.S. 515 (1832), *Worcester v. State of Georgia*.

<sup>248</sup> Ibid.

<sup>249</sup> Ibid.

<sup>250</sup> Bosmajian, “Defining the American Indian,” 92.

<sup>251</sup> Prucha, *Great Father* [abridged], 40.

<sup>252</sup> Bahktin, *The Dialogic Imagination*, 344.

---

## CHAPTER THREE

### NATIVE RESISTANCE AND CHALLENGES TO IDENTITIES:

#### THE INDIAN REMOVAL ACT

Though the Indian Removal Act clarified governmental and Native identities for U.S. leaders, it did less to satisfy American Indians. Native disagreements with the Act heightened the intensity of American Indian reactions to U.S. expansion and territorialism, but it was not the first time that Natives had rebuffed removal. As the administrations of Washington, Adams and Jefferson crafted treaties for “protection and friendship” – beginning with the Delaware Treaty in 1778 – they also called for small land cessions.<sup>1</sup> And, while American Indian nations often conceded this land for the preservation of peace, there exist in the historical record plentiful signs of Native protest. In 1790, for instance, Cornplanter (Seneca) appealed to U.S. officials in Philadelphia to restrict the carving-up of tribal lands. He pleaded, “consider me and my people, and the many injuries we have sustained by the repeated robberies ... and depredations committed by the whites against us.”<sup>2</sup> Ostensibly, the chief worried that future treaties would contain similar provisions of Native removal. He had experienced similar removal dealings as had Little Turtle (Miami) who exhorted the Treaty of Greenville (Ohio) council in 1795: “you take too much of their [Miami, Weas, Kickapoos and Pottawatamies] lands away and confine the hunting of our young men within limits too contracted.”<sup>3</sup> Similarly, a year before, Joseph Brant (Mohawk)<sup>4</sup> all but gave up on trusting the U.S. government’s promises to curtail removal. He said at a council in Buffalo, New York: “our patience ... is exhausted, and we are discouraged from persevering [and moving] any longer.”<sup>5</sup>

The U.S. government continued the “voluntary removal” of American Indians between the Louisiana Purchase in 1803 to secure more land for settlers and in the aftermath of the War of 1812 to protect frontier borders.<sup>6</sup> Following suit, American Indians tendered their worries about increased removals. In 1817, a group of Eastern Cherokees told Andrew Jackson – then an Indian agent – that “[o]ur choice is to remain on our lands and follow the pursuits of agriculture and Civilization as all the presidents, our Fathers, have recommended and advised us to do.”<sup>7</sup> The respondents, here, employed the government’s own arguments (to cultivate tribal lands in the east) and constructions of paternal language to combat voluntary removal.

Other early Native responses explicitly called into question U.S. plans for removal. When Indian agents under the Monroe administration attempted to negotiate the next in a series of many removal treaties with the Konze Nation in 1825, Allegawahu (Konze) told them: “you treat my people like a flock of turkeys. You come into our dwelling places and scare us out. We fly over and alight on another stream, but no sooner ... you come along and drive us farther and farther.”<sup>8</sup> Allegawahu recognized how the U.S. government constructed Natives as animalistic, expendable and removable. Most vitally, though, to the government’s typical insistence that the most current treaty would represent the final request for removal (“the Indians may have full confidence in the justice of the United States, respecting their interests” to land), Allegawahu exposed the hypocrisy of such promises.<sup>9</sup> Popular historical impressions that American Indians exemplified the mythos of the “silent Indian” crumble here when considering such responses to removal.<sup>10</sup>

Examining American Indian voice – and recognizing its rhetorical relevance – is vital to understanding historical moments such as the U.S. government’s nineteenth century removal policy. As Clemmons points out, Native perspectives “must be incorporated into the historical narrative before a more nuanced and complete story of Indian-white relations in the antebellum era can emerge.”<sup>11</sup> What is more, however, American Indian voice in intercultural exchanges with the United States should not be tokenized as merely *present*. Native voice moves beyond incidence and toward *agency*, or the socially determined capability “to act and make a difference,” and to co-construct identities.<sup>12</sup> As Lake explains, we discover that American Indian discourse is also vital for “the purposes of gathering the like-minded” and for serving “consummatory purposes prescribed by traditional Indian ... precepts.”<sup>13</sup> Native protests and resistance ultimately necessitated that the U.S. government persistently reconfigure the means and justifications for removal. To such ends, Native discourse both reflected and contributed to the larger debate about removal that took place within the executive, legislative, and judicial branches. Native resistance likewise complicated the implementation of the Indian Removal Act, which compelled U.S. leaders to cajole, lie, and ultimately force removal on Native nations.

This chapter analyzes American Indian discourse surrounding the U.S. government’s removal policy by contextualizing Native rhetoric in the crucible of such Jacksonian ideologies as expansion, citizenship, territoriality, paternalism and sectionalism. The chapter unfolds, first, by considering discourses of four of the “Five Tribes of the Southeast” (Choctaw, Creek, Chickasaw, and Seminoles) for the ways that these nations confronted the U.S. removal policy and attempted to retain independence

outside the scope of U.S. interference and citizenship. These four were the first affected by the Indian Removal Act and, as Satz asserts, were the “test cases” for the policy.<sup>14</sup> The Choctaw, Creek, Chickasaw and Seminole nations resisted removal by reshaping the ways that Jacksonian ideologies played into the U.S. government’s decision to undertake removal. Of note, these Native nations punctuated how their territorial rights were tied to a morally inheritant connection to their homelands. In the process, they bolstered their identities as independent, worthy, responsible, stable, just and godly. They also contributed inventional strategies to anti-removal opponents, signifying that the U.S. government had fallen short of, and would continue faltering in, its paternal promises.

Next, the chapter analyzes the Cherokee Nation’s anti-removal rhetoric for its use of republican and assimilative rhetoric and appropriations of the sectional conflict between the federal government and individual states in response to the removal policy. The Cherokee Nation quickly learned from the Choctaw, Creek, Chickasaw and Seminole examples that challenging U.S. conceptions of expansion, citizenship and territoriality proved difficult. Instead, the Cherokee leadership sought a type of discursive “bricolaging” that reconstituted republican principles and, likewise, made the most of America’s sectional politics.<sup>15</sup> The Cherokee Nation demonstrated its identities as sovereign, politically savvy and morally inheritant of their lands, while also combating removal by hearkening to the Cherokee’s republican and assimilative character. These qualities, they averred, demonstrated their fitness as sovereign groups outside the purview of U.S. citizenship. Moreover, the Cherokee nation rebutted the government’s monolithic construction of American Indian identity by differentiating Cherokee citizens from other Native nations by highlighting Cherokee amalgamation with the United

States. These republican and assimilative inventional tactics – found in both Cherokee petitions and memorials to Congress and Chief John Ross’s rhetoric – made their way into anti-removal positions in the Senate and House. The Cherokee Nation’s assimilative efforts appealed to the National Republicans because both opposed states’ rights and Jacksonian Democrats.

Finally, the rhetoric of American Indians in the northwest and northern territories will be examined for the fashion in which they worked through paternalism and familial constructions to petition the U.S. government. These Native nations possessed the gift of retrospect; that is, they could see how the Five Civilized Tribes failed in their resistance to removal and, thus, sought a different path. Instead, the north and northwestern nations worked from pathos appeals – such as memories to amicable U.S.-Native relationships, deferent surrenders and their morally inheritant bonds to their homelands – to rejoin the Indian Removal Act. And, they demanded independence from the U.S. government’s influences. In turn, they bolstered their identities within the familial relationship as friendly and morally certain and, oppositely, constituted the government’s paternal identity as untrustworthy, sinful and unjust. Furthermore, northern and northwestern nations were known to band together periodically in a type of pan-Indianism – or unified fronts “across individual Native nations”<sup>16</sup> – that appropriated the government’s construction of American Indians as monolithic to empower Native communities with unified identities in their resistance to removal.<sup>17</sup>

Overall, this chapter argues that American Indians worked through the government’s discursive frameworks as they sought to reconstitute Native and governmental identities. Simultaneously, they challenged the removal policy of the

United States. The government's discourse left an entrée for American Indian resistance by addressing Native identities. And, part of this rupture involved the rift between pro- and anti- removal advocates in Congress and the initial contestation over the places of American Indians in the U.S. nation and the government's relationship to indigenous communities. In 1796 George Washington warned the battling Federalist and Republican factions that internal divisions would lead to difficulties. He argued in his farewell address that the "unity of government ... is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize." Faction, he continued, endangered the United States by weakening its unification and preventing the nation from "consistent and wholesome plans digested by common counsels and modified by mutual interests."<sup>18</sup> Prior to the solidification of the "Indian question," American Indians worked through this factionalism and lack of clarity regarding identities to challenge these identities and, thus, to combat the Indian Removal Act.

Specifically, the Five Civilized Tribes, Cherokee Nation and northern and northwestern nations sought autonomy as separate entities – outside the scope of U.S. citizenship. To accomplish this, they reconstituted their identities as independent, worthy of territory, just, godly, responsible, stable, assimilative, friendly, certain and unified. American Indians also elucidated U.S. governmental identities, at times, as untrustworthy, sinful, ungrateful and unfair, violating the very notions of representational government upon which the U.S. government was founded. American Indians disagreed with the hybrid identities clarified by the Indian Removal Act among U.S. leaders, and thus addressed the U.S. government's identities by transforming the government's own



inventional strategies into fodder for resistance. Native identities were strengthened by responding to, and re-conceptualizing, the ways that the U.S. government: configured excluded American Indians from the U.S. citizenry, used Native identity as a commodity to elevate federal power, employed paternalistic language to diminish American Indian identity and configured territoriality.<sup>19</sup> And, Native discourse contributed to the rhetoric of anti-removal advocates in Congress by offering National Republicans additional identity constructions to employ in the debate.

Regarding territoriality, American Indians framed their rights to homelands through moral inheritance. Such an ancestral connection to territory stood in stark contrast to the government's conception of land as a conquest to be won through the doctrine of discovery. Native insistence on their land rights – a key conception of their spiritual and civic identities – helped them retain some semblance of possession of U.S. territories. After all, reservations given to American Indians by the Indian Removal Act were to be occupied and used by Native communities. Moral inheritance, too, functioned as a foray into their demands for a sovereignty outside the scope of U.S. citizenship. Though they ultimately lost title to their homelands in the East, moral inheritance allowed American Indians a justification of territorial possession in the West. Moral inheritance was woven through Natives' self-identities as rightful and deserving owners of the land. Concurrently, American Indians characterized the U.S. government as a perpetual thief of Native homelands.

Native resistance, thus, complicated the implementation of the Indian Removal Act. Jackson anticipated in 1830 that removal would reach “a happy consummation” within one year of the act passing Congress.<sup>20</sup> Even though the Native question had been

resolved by the U.S. government, he was mistaken – at least in terms of the Act’s implementation – as American Indian responses slowed down the removal process. The conceptualization of removal did not translate easily into practice as American Indians opposed the Native and governmental identities clarified during the removal debates and with the act itself.

An example of hybrid discourse, American Indian rhetoric appropriated the United States’ identity constructions of American Indians and the U.S. government as entrées to communicate *back* to the executive, legislature and judiciary, creating a more empowered voice.<sup>21</sup> Native discourse also moved into the removal debate to impact negotiations prior to the passage of the Indian Removal Act. As Senier contends, American Indian voice reveals Native identities as “bulwarks against and conceivable responses to nationalizing Euro-American traditions.” American Indians, here, envisaged their “resistance not exactly as oppositional, but as dynamic and mobile,” revealing the transactional dynamics of U.S.-Native discourses.<sup>22</sup> Native resistance – and the verity that removal took nearly ten years to complete because of indigenous rebuttals – demonstrated the rhetorical impact of American Indians. In the end, the clarification of identities would not be settled for the U.S. government until American Indians were finally removed to reservations. While Native communities continued refuting the removal policy in the East, the cemented place of American Indians in the U.S. nation remained contested even as the ideological uncertainties that were a part of the removal debate among governmental officials was addressed with the Act’s passage. And, U.S. governmental and Native identities similarly remained unresolved until removal reached a consummation in 1838.

## CHOCTAW, CREEK, CHICKASAW, & SEMINOLE RESISTANCE

The Indian Removal Act commenced through a series of treaties with American Indian nations. And, the first targets of the removal program were the “Five Tribes” of the southeast: the Choctaw, Creek, Chickasaw, Seminole and Cherokee nations. These nations were targeted because their lands in North Carolina, Georgia, Alabama, Florida, Mississippi, Arkansas and Tennessee were the most coveted for American settlers who already lived in these territories and hoped to increase their land base. The Indian Removal Act did not, theoretically, force removal on the “Five Tribes.” Rather, as the bill’s enactive clause explained, the President of the United States – at the controls of U.S.-Native relations – could select western lands “to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange lands where they now reside, and remove there.”<sup>23</sup>

According to the language, here, American Indian nations could opt to either remove or remain on their lands in the East. Satz argues that Jacksonians wanted to “promote removal without doing anything that would alienate public support by appearing blatantly immoral.”<sup>24</sup> This was a particularly salient political position given the contentiousness of the Congressional removal debates. The Jackson administration and pro-removal advocates in the legislature could not unilaterally compel Natives to remove, lest the policy appear too imperial.<sup>25</sup> Indeed, in Jackson’s Second Annual Message (1830), he intimated that Natives had a right to choose without provocations from the U.S. government. “We have as little right to control them,” Old Hickory said, “as we have to prescribe laws for other nations.”<sup>26</sup> Of course, he also introduced in his address an irony of this self-selection: “we will unite in attempting to open the eyes of

those children of the forest to their true condition ... by a speedy removal.”<sup>27</sup> To Jacksonians’ spurious contention that removal would unfold free from inveigling, one needs only to view Secretary of War John Eaton’s 1830 instructions to his Indian agents on how to entreat for removal following the bill’s ratification: “The chiefs, however, may be bribed – and then the way to the West will be open to the Indians ... appeal to the chiefs ... [away from united crowds and] apart at their own houses ... rouse them ... obtai[n] their acquiescence.”<sup>28</sup> Eaton’s instructions revealed how American Indians did not necessarily accept the Indian Removal Act and the identity certainties it codified. Thus, the government faced doubt about how to administrate removal. Many American Indians questioned the integrity of the Removal Act and its seemingly inconsistent enforcement, attesting to the agency of American Indians in resisting the policy.<sup>29</sup>

The U.S. government’s removal plans – along with the ideologies of expansion, citizenship, territoriality, paternalism and sectionalism – formed the core of American Indian protests to removal. As Prucha argues, removal treaties were negotiated “under varying levels of duress between 1830 and 1835.”<sup>30</sup> Still, that the Indian Removal Act allowed for Native agency in deciding on removal and given Jackson’s claim that the United States could not control Natives akin to “other nations,” provided the breach for American Indians to challenge U.S. removal plans and demonstrated the political power that they wielded in the larger debate.<sup>31</sup> The opportunity to engage in treaties, *prima facie*, attributed an important sense of agency to indigenous communities, and they seized this break to solidify their separate autonomy from the government. After all, treaties were formal agreements “between two or more fully sovereign and recognized states operating in an international forum.”<sup>32</sup> The government’s lack of clarity on American

Indian identities also fueled Native protests. If the government was uncertain about how the U.S. government should consider and treat Native communities, then American Indians had an investiture through which to rebut removal. The Choctaw, Creek, Chickasaw and Seminole nations worked through the government's ideological constructs and internal contentiousness to constitute themselves as independent, worthy, just and godly. Concurrently, governmental identities were characterized as iniquitous and criminal. Furthermore, the enactment of moral inheritance by American Indians rationalized their connections to homelands, demonstrating their agency rooted in ancestral and historical ties to their territories.

*"A Crucial Test Case": Choctaw Rebuttals to Removal*<sup>33</sup>

The Choctaw Nation became the first to begin the removal process. Furthermore, the nation provided the first instance of post-Removal Act resistance to Native displacement. In September of 1830, Secretary of War John Eaton traveled to Mississippi to entreat with the Choctaws for their removal to a reservation in present-day Oklahoma. The Choctaws were chosen, writes De Rosier, because the Seminoles were too disparately located in Florida to "pin down," the Cherokee were in the process of challenging the Removal Act in the Supreme Court, and the Creeks and Chickasaws were in the midst of preparing to confront state legislatures.<sup>34</sup> Speaking to leaders Peter Pitchlynn (Choctaw), Colonel Webb (Choctaw), George Harkins (Choctaw) and others, Eaton suggested that the Choctaw "keep at peace and be happy by removing, otherwise you will soon become wretched and miserable indeed."<sup>35</sup> To ensure the benevolent result of removal – preserving the Choctaw's fate from "misery" – Eaton distributed gifts to the Choctaw leaders and people, warned that Mississippi could exert its will without federal

protection should the Choctaw not emigrate, and bribed leaders “with inducements including the promise of [choice] land grants.”<sup>36</sup>

Following such pledges of rewards and grave prophecies, the Choctaw Nation signed the Treaty of Dancing Rabbit Creek in Noxubee County, Mississippi on September 27 and 28, 1830. The treaty codified that the Choctaw would “hereby cede to the United States, the entire country they [Choctaw] own and possess in the east ... [so that] the Government [could] extend to them the facilities and comforts” it was not able to offer the nation east of the Mississippi River.<sup>37</sup> The connection between benevolent care towards American Indians and governmental expansion was stressed in this passage and throughout Dancing Rabbit Creek more generally. Like Jacksonian arguments for removal, the Choctaw treaty predicated expansion on some veneer or “extension” of protection and reassurance.<sup>38</sup>

Though the Choctaw Nation eventually signed a removal treaty, numerous members of the Choctaw community protested the United States’ efforts to displace them from their Mississippi homeland. Choctaw discourse – both during the removal debate and after – refashioned the identities confirmed by the U.S. government’s removal policy through the enactment of memories to past Native sovereignty and by hybridizing the government’s paternally constructed relationship. In this way, the Choctaw Nation was able to demonstrate its independence and worthiness of territory.

A primary rhetorical strategy of Choctaw resistance involved asserting their independence through the building of memories to a shared past between the U.S. government and American Indians.<sup>39</sup> These memories often involved the championing of “American Creeds.”<sup>40</sup> In this vein, Choctaw rhetors reshaped the pillars of American

political culture – figures such as Washington and Jefferson, and foundational texts like the Declaration of Independence and the Constitution – to secure a sovereign identity. Similar to the ways removal proponents hearkened to these collective histories to justify removal (especially with regard to the doctrine of discovery) Choctaws reconfigured these memories to emphasize their rights to retain tribal homelands. Ostensibly, Choctaw rhetors crafted homologous, or structurally and substantively similar, examples of the past to empower themselves against removal.

A quintessential example of Choctaw independence woven through memory arose in a newspaper editorial written by Ames (Choctaw). Arguing that the Choctaw Nation had a right to choose against emigration, he reasoned that before Mississippi and the United States came into existence, “the Choctaws existed here, an independent nation, governing themselves.” He continued, “the United States never attempted to impose laws upon them, but implicitly acknowledged their inability to do it by treating them as an independent nation.”<sup>41</sup> Claiming temporal primacy, Ames directly challenged the doctrine of discovery upon which removal discourse relied.<sup>42</sup> Therefore, Native conceptions of their rights to territories worked through moral inheritance to the land, versus discovery and conquest. And, Ames demonstrated how historical connections to territory became a foray into sovereignty apart from the U.S. government.

This type of predominance related to Choctaw identity also resonated with Senator Peleg Sprague in his anti-removal speeches during the Indian Removal Act debate. He mentioned then that American Indians were owed some semblance of rights to land because they “had existed since time immemorial” on them.<sup>43</sup> The likelihood that congressional leaders at least had access to Native anti-removal arguments is enhanced

by the notion that the *Cherokee Phoenix* (a Native-based newspaper) was distributed to Congressmen and reprinted in major metropolitan newspapers during the 1830s.<sup>44</sup>

Concurrently, Ames also employed the Constitution to demonstrate Choctaw sovereignty. While Jacksonians contended the Constitution provided for interference into Native affairs – Congress was emboldened “to regulate commerce with foreign nations ... and with the Indian tribes” – Ames insinuated that American Indians being paired with “foreign nations” nodded toward Native sovereignty.<sup>45</sup> To this effect, Ames remarked that “the right to admission [to sovereignty for Native communities] is secured by the Constitution, and Congress cannot impose conditions ... for the right of admission was absolute, and could not be restricted or clogged by any law of Congress.”<sup>46</sup>

Having established the Choctaw Nation as historically “independent” from the United States, Ames next argued that American Indians, in general, were not exactly fully included in the U.S. nation. Even if the Choctaw were not protected as sovereign under the Constitution, Ames wrote, the U.S. government could not force them because American Indians were not truly part of the U.S. citizenry. After all, he argued, “Were the Indians ever considered, or treated as a part of citizens? ... Had they [Indians] ever had any voice in establishing any State Government, or forming the General Government? Never!”<sup>47</sup> Ames appropriated a memory of the Constitution and early U.S.-Native relations, in part, to call into question the U.S. government’s identities as dominant. That the United States proposed to remove the Choctaw Nation for protection appeared, to Ames, a misleading hypocrisy. Representative Isaac Bates, during the House removal debate, borrowed this argument, noting that Native protection was a “farce”; instead, governmental protection was a “mockery” and a “contrivance” for



Jacksonians to acquire more land.<sup>48</sup> To the U.S. government's self-professed identity as benevolent, Ames retorted: "I confidently assert then [when] the United States [said it] has the power to protect the Indians, and their present possessions, or the promise of future protection ... it is illusory and vain."<sup>49</sup>

During the removal debates, Pushmataha (Choctaw) and Puckshunnubbee (Choctaw) crafted a memory of the "friendly" Jefferson administration to juxtapose the territoriality of the U.S. government and to hearken to Native independence. The rhetors, here, challenged early governmental concepts of Native sovereignty to the land based on Jacksonian expansion:

It is said we have no claim to the land here ... How different is this from the language of the illustrious Jefferson, -- 'go home,' said this great and good man to our fathers, 'build your houses, clear your fields, and cultivate the earth.' Said he, 'as you live in peace with me and mine ... you shall live upon your lands undisturbed.'<sup>50</sup>

Pushmataha and Puckshunnubbee employed the memory of Jefferson as an authoritative argument to remain on their homelands. As early as 1803, Jefferson asked American Indian nations to remain in the East in order to "improve."<sup>51</sup> The Choctaw Nation had taken his advice. Thus, Pushmataha and Puckshunnubbee averred, "If ever the Choctaw character is renovated, here is the place to do it – if we are ever to experience the blessings of civilization, here is the place."<sup>52</sup> In addition, the tandem demonstrated a hybridity with the U.S. government's argument that western lands were coveted by using what Deloria calls "Indian humor."<sup>53</sup> "If the country was so desirable," they riddled,

“what keeps the white men from settling there?”<sup>54</sup> Here, they demonstrated hybridity by turning the government’s arguments of territoriality against the United States.

George Harkins (Choctaw) similarly made an appeal against removal by refashioning U.S. governmental and Native identities – the latter as admirable. He began by reflecting on how the Choctaw Nation attempted to fulfill its “duties” to the United States and, hence, was worthy of land. He said, “[t]aking as an example from the American government, and knowing the happiness which its citizens enjoy, under the influence of mild republican institutions, it was the intention of our countrymen to form a government assimilated to that of our white brethren.”<sup>55</sup> Employing the fraternal language of the U.S. government, Harkins had to admit that such assimilation was all for naught: “The man who said that we would plant a stake and draw a line around us, that never should be passed, was the first ... to draw [sic] up the stake and wipe out all traces of the line.”<sup>56</sup> Pessen remarks that Jacksonians understood such incongruity, for they “were fully aware that their doctrine [discovery] ... was all the more specious because its assumption of Indian savagery was untrue.” Jacksonians knew that members of the Five Civilized Tribes, of which the Choctaw Nation was part, had moved beyond this “savagery” when they had begun small attempts at assimilation – the Cherokee being the most successful at the assimilative task.<sup>57</sup> And, removal opponents like Bates were quick to point out the assimilative efforts of the Five Civilized Tribes.<sup>58</sup>

The concept of whites possessing “the right to take lands of ‘inferiors’” no longer jibed with American Indians because the Indian Removal Act had punished Native’s worthy efforts of assimilation. Of this idea, Harkins lamented, “we hope in the name of justice, that another outrage may never be committed against us and that we may in the

future be cared for as children, and not driven about as beasts, which are benefited by a change in pasture.”<sup>59</sup> Notice the way that Harkins borrowed the language of paternalism and animalism and used it against the United States through a revised history of events. He traipsed the line of pro-removal confusion over savage and childish identities. In the process, the hybrid relationship of the government as controlling and American Indians as subjugated was called into question. The U.S. government was shown to have committed injustices; the government had violated its own dominantly imposed boundaries and had treated its so-called wards as objects.<sup>60</sup> Here, Harkins resituated the hybrid connection cemented through the Indian Removal Act. Such insecurities over the government’s actions in the removal debate reverberated throughout the debate in the U.S. Congress in particular.

Though Harkins’ and others’ rhetoric came some eighteen months following the Treaty of Dancing Rabbit Creek it is vital for the way it constituted identities and contributed to the anti-removal position. Not only are such “voices of the excluded” important “to understanding controversy,” but they are also, *prima facie*, constructive.<sup>61</sup> American Indian voices in these instances demonstrate Bhabha’s concept that cultures “emerge within a range of discourses as a double movement.” For instance, American Indian anti-removal discourse succeeded in refashioning the way that American culture and the U.S. government “read” the history and politics of identities surrounding the Indian Removal Act.<sup>62</sup> If this were not the case, why then would Representative William Storrs, referring to a Choctaw memorial he had received, use the memorial to call into question the U.S. government’s benevolent identity in relating with American Indians?<sup>63</sup>

Rhetoric in this vein also did the same for how Native communities viewed the course of removal events.

Choctaw discourse also constituted Native identities as worthy of consideration by hybridizing familial language and appropriating of the government's constructions of identities. Working through the paternal relationship crystallized in the removal bill, Choctaw rhetors turned the tables on the removal policy by appealing to the very language of paternalism and protection – as well as the constructions of U.S. supremacy and American Indian inferiority – codified by the removal policy. For instance, at the Dancing Rabbit Creek counsel in 1830, Colonel Webb (Choctaw) redirected the United States' justification for removal, based on a weakened Native identity, toward a reason for the Choctaw to seek help. "Brother, when you were young, we were strong; we fought by your side ... You have grown large and my people have become small," Webb said, confirming U.S. might and exceptionalism. "Brother, my voice is weak; you can scarcely hear me ... it is the wail of an infant. I have lost it in mourning over the misfortunes of my people."<sup>64</sup> Because the perception that the U.S. government was strong and Native identities were feeble, Webb intimated that the United States should take special care to uplift the Choctaw by leaving them alone. This was Senator Theodore Frelinghuysen's contention all along: that if the government's identity was to include "benevolence" that it should act compassionately.<sup>65</sup> This matter was especially resonant as Webb reminded the U.S. government that the Choctaw Nation had helped the government in the past and "taken you in while you were small ... and broken."<sup>66</sup>

The hybridizing of paternal language also found an outlet in Pushmataha's (Choctaw) discourse against removal. Asking a council for protection against both the

state of Mississippi (which wanted to annex Choctaw land with or without the permission of the federal government) and pro-removal officials (who turned a blind eye towards Mississippi's incursions), Pushmataha asserted:

When we had land to spare, we gave it with very little talk ... as children ought to do to a father. We hope our father will not be displeased; he has made us happy from our infancy; we hope the same protection will be found in the arms of our father as formerly. When a child awakens in the night, he feels for the arm of his father to shield him from danger.<sup>67</sup>

Like Webb, Pushmataha contended that the United States "father" had always received what it wanted from its "children." He also illustrated the passing down of land from one family member to another – a key component of moral inheritance. As a result of this paternal relationship that seemingly benefited United States land demands and aided Choctaw protection, the chief used the very language of the U.S. government to ask, yet again, for more protection. Pushmataha, also, intimated that the Choctaw Nation had no more land to spare, and that they gave what they had without confrontation. To use the chief's metaphor, when in the dark – that is, locked out of removal decisions between the state and pro-removal federal officials – the Choctaw Nation expected to find the U.S. government's protection. Again, this line of argument was reflected in the removal debate, especially as senators and representatives relied on Native accounts to make their points against the Jacksonians.<sup>68</sup> After all, the federal government relied so heavily on paternal machinations to craft their own identities; the identities were bound to be questioned.<sup>69</sup>

Some have viewed Pushmataha's conciliation as evidence that he agreed with removal.<sup>70</sup> And, admittedly, he did fight with the United States against the British during the War of 1812 and was amenable to U.S. policy at times. Still, though, his rhetoric here could be viewed as a hybrid, whereby he employed the structure, metaphors and identity constructions of the U.S. government to forge a request for retention of the Choctaw's homeland. Hoxie argues that American Indians' use of hybridity does not presuppose accommodation on the part of Native communities. Instead, "these were people who had been exposed" in some way "to the teachings of civilization" or American principles. They, obviously and therefore, could strategize within the parameters of western language and "pic[k] out its flaws."<sup>71</sup> This strategy carried over into the removal milieu of the Creek and Chickasaw nations.

*"The Middle Nations": Creek and Chickasaw Defiance*

The U.S. government next moved to negotiate removal treaties with the Creek Nation in Alabama and the Chickasaw Nation in northern Mississippi during the course of 1832. In the case of the Creeks, several attempts at entreating had proven exhaustive and futile to U.S. Indian agents.<sup>72</sup> The federal government then proceeded to allow whites in Alabama to encroach illegally on Creek lands. When the Creek Nation petitioned the U.S. government for help in quelling Alabama's territorial violations, the government strategically reiterated its argument that only removal could protect American Indians from state influence.<sup>73</sup> The excusal of white encroachers, and the subsequent arguments for removal salvaging the state-Native conflict, proved cyclical. In this way, Indian agent John Coffee chided a Creek council in September of 1830: "To these laws [Alabama's], where you are, you must submit; there is no preventative – no

other alternative. Your great father cannot, nor can congress [sic] prevent it ... Your great father's earnest desire is, that you may be perpetuated and preserved as a nation ... in your consent to remove to a country beyond the Mississippi."<sup>74</sup> Couched in a rhetoric of benevolence, Coffee hinged indigenous "perpetuat[ion] and preserve[ation]" on allowing whites to expand into Native territory.

What is more disturbing about the Creek removal is the fashion in which tribal leaders were actually tricked into signing a treaty. As Satz contends, the Treaty with the Creeks (March 24, 1832) "was not a removal treaty."<sup>75</sup> Instead, the treaty promised the Creek Nation that its land would be re-districted, and that "at the end of five years, all the Creeks ... shall receive patents thereof in fee simple, from the United States." In fact, the treaty boldly and unequivocally outlined how "it shall not be construed so as to compel any Creek Indian to emigrate, but they shall be free to go or stay, as they please."<sup>76</sup> This demonstrated how the logic of removal did not translate easily into lived policy. Instead, the U.S. government was forced to resort to lies and force to implement removal, thus alluding to American Indians' resistive agency. Still, however, the Creek Nation was compelled to emigrate as the U.S. government passively allowed even further white incursions.<sup>77</sup>

The Chickasaw Nation suffered a similar deception. Like their Creek neighbors, they, too, were flayed open to white encroachment as the U.S. government looked askance. As Washburn argues, "the threat of state jurisdiction" and violence "was the club used to intimidate the Chickasaws."<sup>78</sup> The combination of breaches from northern Mississippians and the failure of the U.S. government to make good on its promises of protection finally forced the Chickasaw Nation to relent.<sup>79</sup> The opening clause in, what

came to be known as, the Pontitock Creek Treaty (October 20, 1832) stated that “The Chickasaw Nation find themselves oppressed in their present situation; by being made subject to the laws of the States in which they reside ... Rather than submit to this great evil, they prefer to seek a home in the west.” And, the United States would grant them this “home” and uplift the Chickasaw Nation from federal “oppression.”<sup>80</sup> Of course, these tinges of benevolence were quickly followed with the decree: “the Chickasaw nation do hereby cede to the United States, all the land which they own in the east.”<sup>81</sup>

As with the Choctaw Nation, the Creek and Chickasaw communities attempted to refute the arguments for removal despite the dangers outlined by the federal government. Perhaps viewing the Choctaw people’s appeals against removal as unproductive, the Creek and Chickasaw nations crafted a rhetoric that differed from the paternal language of Choctaw rhetors. Specifically, the following analysis attends to how these nations employed moral inheritance, providential authority and ironies of expansion as they crafted hybridized rhetoric to confront the U.S. government’s removal objectives and to resituate the identities of the symbiotic U.S.-Native relationship, more generally. In so doing, they spotlighted their identities as responsible, stable, godly and credible as perpetual owners of their land. U.S. governmental identities of benevolence were also restructured as oppressive.

One way that these nations resisted the U.S. government’s removal discourse was through a moral inheritance that alluded to Native responsibility. A type of memory, moral inheritance ensures that the efforts and struggles of one’s ancestors are sanctified through a community’s conscientious actions. Moral inheritance pledges to take up the mantle of a culture’s forebears so that those “who came before did not suffer, die or resist



in vain.”<sup>82</sup> Just as pro-removal advocates hearkened to their ancestors as a way to fulfill their manifest destiny or “errand into the wilderness,” so too did Creek and Chickasaw rhetors rely on reminiscences of their predecessors in order to resist removal.<sup>83</sup>

In protesting the Treaty of Ponticock Creek, for instance, Levi Colbert (Chickasaw) couched his rhetoric in the Chickasaw’s responsible identity and territorial link to its ancestry. He said, “we never thought of exchanging our land for any other, as we think that we would not find a country that would suit us as well as this we now occupy, it being the land of our forefathers.”<sup>84</sup> This hybrid discourse related closely to the rhetoric of legislators like Senator Peleg Sprague, who argued that Congress should act “correctly” in order to preserve the honor of the U.S. government’s roots and to pay tribute to the United States’ national creeds built through foundational documents and by “founding fathers.”<sup>85</sup> Colbert continued – perhaps speaking in the tongue of U.S. rebellion against the British Crown – “... we cannot consent to be under your Government. If we should consent [to removal] we should be likened unto young corn growing and met with draught that would kill it” should we not remain with “our father’s graves.”<sup>86</sup> Clearly, the Chickasaw ancestors, here, sustained the tenor behind the “young corn” vehicle – the Chickasaw Nation itself. Without “roots” – its ancestors’ “graves” – intact the nation was sure to be killed, said Colbert. U.S. governmental identities were constructed alongside the reliance of Chickasaw national identity on its physical and spiritual territory. Ostensibly, should the U.S. government succeed in removing the Chickasaw people, then it would effectively terminate Colbert’s people through a type of spiritual “drought,” representing the deprivation of territorial homeland.

When the Creek Nation received word that a Jackson representative would meet them to negotiate the Treaty with the Creeks of 1832, Posey (Creek) resisted the territoriality of the removal policy with arguments about Creek identities rooted in just connections to the land. Posey delivered a poem to Jackson's representative expressing imminent woe should his community be forced from its ancestral territory. He opined: "Oh, to wander where/The grey moss clings/And the south wind sings/Forever low, enchantingly/Of islands girdled by the sea/... I'll journey back to them/Someday."<sup>87</sup> Posey predicated Creek roots on its association to the land; he hoped to "journey back" to his fathers' graves. Posey rebutted removal rhetoric, which tended to weaken Native sovereignty by calling it "tenancy" and disconnecting it from Native ancestry. Another poet echoed Posey's sentiments. S/he wrote that "here in infancy we played/Here our happy wigwams made/Here our fathers' bones are laid/Must we leave them all?"<sup>88</sup> Again, territory was confirmed as a central component of Native culture and identity through this rhetoric of moral inheritance.

Tuske-Ne-Hau (Creek), Hopithle-Ho-Lo (Creek) and others connected their ancestral territory to the future of the Creek Nation and constructed their identities as responsible for, and generative of, their own posterity. Reminiscent of the Constitution's Preamble ("to secure the blessings of liberty to ourselves and our posterity")<sup>89</sup> these protestors explained to citizens of Alabama and Georgia that the United States "acknowledged, recognized, and guaranteed to the Creek nation *forever*, all the land that we now hold ... we never can think of moving from it. Our children are near and dear to us; we must cherish and support them ... we wish our children to live in peace" with our fathers and after we, ourselves fill graves, and "are dead and gone." The notion of

connecting ancestors to posterity in an atemporal way<sup>90</sup> was also articulated by an anonymous Creek community member in 1833, who wrote, “Bress God, di berry fine country. Fadder, mudder, live here and chil’n – we no want to go nowhere else ‘t all.”<sup>91</sup>

The passages above remind readers today that territory for nineteenth century American Indians was connected ontologically to Native culture and identity.<sup>92</sup> The U.S. government’s connection to land tended to relate commercial or subsistent use of the land to citizenship based in productivity.<sup>93</sup> According to Strickland, after all, Native people consistently argued against removal from homelands on the grounds that they “should not relinquish the land of their ancestors” or the source of their spiritual worth.”<sup>94</sup> To critics of American expansion, the so-called “settlement” of the continent’s southeastern territory, in particular, was terribly flawed. Robbins argues, for instance, that the idea of the doctrine of discovery “refused to acknowledge the presence of others who already inhabited the regions.”<sup>95</sup> Needless to mention, there existed during the Jacksonian era a substantial disconnect between governmental and Native perspectives of territory.<sup>96</sup>

Creek and Chickasaw communities also spotlighted their godly identities by relying on divine authority to protect their homelands. Recall that the United States bivouacked its “assumptions of racial and cultural superiority as well as an insatiable desire for land, expansion and empire” with providential permission and support of its “errand” into the wilderness.<sup>97</sup> The U.S. government viewed American Indians and their territories through the lens of *terra nullis*, the notion that Native land was “an uninhabited or unimproved wasteland” that a god wanted domesticated by Europeans, versus “merely inhabited by aboriginal peoples.”<sup>98</sup> Creek and Chickasaws operationalized the “Great Spirit” argument by authority in order to demonstrate to the U.S. government how

providence could likewise stand by American Indians. This hybrid rhetoric retains vivacity, especially when we consider that, first, the United States honored the Christian tradition and might have found difficulty refuting Native claims to a god and, second, that the conversion of American Indians to Christianity relied on “proving to Indians” that the Christian god could save them.<sup>99</sup> This was demonstrated by the anti-removal advocate’s continual assertions that the government’s paternal character required that it consider American Indians part of god’s people. Even removal proponent Wilson Lumpkin assumed Native communities to be part of a “divine structure” – albeit beneath the auspices of a “supreme” governmental persona.<sup>100</sup>

To safeguard their property, a council of the Chickasaw Nation protested removal by creating identification between itself and the U.S. government regarding godliness. Mingo (Chickasaw), M’Gilvery (Chickasaw) and Stimoluet (Chickasaw) pleaded, “[w]e hope to be let alone where we are, and that your people will be made to treat us like men and Christians, and not like dogs.”<sup>101</sup> Here, the council reconstructed its identity not as savage or animalistic – taking advantage of the factional split in Congress over Native identities of savage/childlike – but rather as closer to the godly precepts of the United States. They implored the government to consider fulfilling its religious philosophy of the “golden rule.” Arguably, since the U.S. government did, in fact, accomplish its removal of the Chickasaw Nation, the government could be critiqued as having violated its own precepts. Speaking of such hypocrisy, a Chickasaw poet hybridized Christian warnings about sin, and directed to the United States a query as to the justness of its behavior. S/he wrote, “White men tell us God is high/Pure and just in yonder sky/Will not, then, his searching eye/See the Indian’s wrong?”<sup>102</sup> Here, the poet transposed the

typical label of Native “savagery” with U.S. governmental identity. If the U.S. government failed to consider the wrongs (sins) it committed against the Chickasaw, perhaps *it* was the savage partner in the U.S.-Native relationship. (Were not American Indians accused of violating the “civilization of Christianity” considered savage by the U.S. government?)<sup>103</sup> To this question, Shullushoma (Chickasaw) reminded the United States that, “[t]here is some of our white brethren as much savage as the Indian.”<sup>104</sup> And, Representative Bates concurred in his rebuttal of removal in the House debate that Jacksonians were “heathenish.”<sup>105</sup>

In an 1830 memorial to Congress, Yoholo (Creek), Tuckaubatchie Hajo (Creek), Tustenuggee (Creek), Smut Eye (Creek) and others united natural rights and property to a reliance on godly identity in order to justify the Creek Nation’s right to its homeland.

The group claimed that:

[a]s far back as their tradition is disposed to tell, long before they saw the ancestors of this Great Council fire ... we were a free people, in the undisturbed enjoyment of those rights held sacred among men, derived from the Great Master of Breath, who created mankind equal and in possession of an unmolested enjoyment of life, and the blessings of self-government.<sup>106</sup>

Here, the Creek argument to remain on its Alabama territory divested not in European contact and “doctrines of discovery” but in a god for “all time immemorial.”<sup>107</sup>

Moreover, the “Great Master of Breath” endowed them with the natural rights of equality, freedom, the “enjoyment of life,” and the “blessings of self government.”

Frelinghuysen agreed during the Senate debates, asserting that Native natural rights should provide “common bounties of a benignant Providence.”<sup>108</sup> That the Creek Nation

rooted its sovereignty in Frelinghuysen's "benignant Providence" and natural rights to property seemed homologously similar to the Declaration of Independence. Consider the Declaration's famous line – "All men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness" – alongside the passage above.<sup>109</sup> Overall, the Creek Nation tended to hybridize its discourse through authoritative appeals to a divinity.

Finally, Creek and Chickasaw nations resisted the Indian Removal Act by pointing out the ironies of American expansion and, thereby, illustrating the sagacity of indigenous identities. In his Annual Report of 1832, Commissioner of Indian Affairs Elbert Herring claimed that the Creek and Chickasaw treaties would "greatly tend to the improvement of their [Natives'] condition, and, at the same time, be productive of much benefit to the State of Alabama within whose confines their wide and extended possessions are situated."<sup>110</sup> The latter clause in Herring's report caught the attention of removal dissenters in Congress and the Creek and Chickasaw nations. To the latter groups, the idea of states garnering benefits at the expense of American Indian territory was farcical.

As Speckled Snake (Creek) skeptically put it, the east would soon catch up with the west and the U.S. government's identity as honest would then be inverted. Speaking to a group of Creek and Chickasaw communities and U.S. officials in 1830, he exhorted:

When the white man had warmed himself before the Indian's fire ... he became very large ... He said, 'You must a little farther, lest I should, by accident, tread on you' ... I have heard a great many talks ... and they all begin and end the same

... 'Get a little farther ... [the new land] shall be yours forever' Now he says,  
'The land you live on is not yours; go beyond the Mississippi.'<sup>111</sup>

Speckled Snake pointed out how every removal treaty negotiated between the Creek Nation and the United States had not been the last, despite territorial "in perpetuity" clauses typically contained in such treaties.<sup>112</sup> One of the ways to resist removal, then, was to question the reliability and honesty of the policy. The question of whether the U.S. government would "come there also" and expand was not trivial. Frighteningly for removed American Indians, their skepticism about Native sovereignty in the West proved visionary. As Satz contends, Native territory became associated with the American frontier, especially as "the United States entered upon an unprecedented era of western expansion" in the late nineteenth century.<sup>113</sup>

*"No Intention to Remove:" Seminole Resistance*<sup>114</sup>

The Seminole Nation, at first, resisted removal through discursive means, but in desperation turned toward physical confrontation following 1833. As Wright summarizes, the Seminole people "were the only southeastern Indians who in any significant way violently resisted removal."<sup>115</sup> The path to violent resistance, however, did not inhere in the Seminole community itself. Rather, much like the Chickasaw and Creek nations, the Seminole people fell victim to a falsified removal treaty that the U.S. government refused to recognize as invalid.<sup>116</sup>

In 1832, Secretary of War Lewis Cass visited Seminole territories in northwest Florida and noted the nation's despondency. "These miserable people are now reduced to the utmost necessities of life," he wrote to Jackson. "[I]ndeed they have been in penury and wretchedness for years and many have perished from starvation."<sup>117</sup> In typical

fashion, Cass sent Indian agents to offer food and clothing as a way to motivate the Seminole Nation's consent to a removal treaty. The benevolent tactic worked – “the promise of food and clothing in the treaty eased the negotiations” – and on May 9, 1832, a group of Seminole leaders signed the Treaty of Payne's Landing.<sup>118</sup> The treaty undoubtedly was signed, but only with the provision that before taking effect that a Seminole envoy would be able to assess the community's tract west of the Mississippi. At the same time, the treaty promised independent reservations for the nation, but a last minute article was added that demanded the Seminole Nation “agree to emigrate to the country assigned to the Creeks.”<sup>119</sup> Though the Seminole community, in the main, generated from Creek roots, they were not inclined to share territorial space.<sup>120</sup>

Returning from their prospective reservation, most of the Seminole leadership denied the Treaty of Payne's Landing. Still, a minority portion of the leadership had approved of the treaty.<sup>121</sup> These individuals confirmed the treaty in a renewal document called the Treaty of Fort Gibson on March 28, 1833.<sup>122</sup> This refreshed treaty demanded that the Seminole Nation remove by March 28, 1836; the Treaty of Fort Gibson promised that the U.S. government would “designate and assign to the Seminole tribe of Indians, for their separate future residence, forever, a tract of country...”<sup>123</sup>

As the time drew nigh, Seminole removal opponents argued that an outlying minority had secured the treaty of 1833, not those representing the Seminole people. The Seminoles, it seemed, had “suffered from the government's policy of selecting the group supposedly representative of a tribe.”<sup>124</sup> They also worried about collusion with the Creek Nation in the West, as the Treaty at Fort Gibson, despite granting “separate future residence,” would blend the nations onto one reservation.<sup>125</sup> When the Jackson



administration repudiated Seminole requests to reconsider the treaty, Chief Micanopy (Seminole) staged a number of raids on U.S. military forts beginning in 1835. In one instance, Micanopy and his warriors ambushed Indian agents at Fort King, near present-day Tampa, Florida. Overall, the Seminole Nation demonstrated a resistance that “kept the United States army occupied for seven years and that was never completely overcome.”<sup>126</sup> Here, the Seminole Nation illustrated how American Indian resistance could, physically, hinder the implementation of removal. This seven year conflict was dubbed the Second Seminole War.<sup>127</sup>

In exploring the Seminole Nation’s resistance to removal, of note are the ways in which Seminole rhetors hybridized and reconstituted the U.S. government’s language of savagery. Seminole leaders worked through the lack of clarity of savage/childish Native identities to refract savagery back to the federal government. They parleyed this rhetorical strategy to resist the hierarchical relationship that removal discourse instantiated between indigenous communities and the U.S. government.<sup>128</sup> At the same time, the Seminole Nation repositioned its identity as just and stable.

Perhaps due to the bellicosity between the Seminole Nation and the U.S. government, Seminole rhetors tended to craft harsh invectives against the removal policy. In the same fashion that the United States constituted American Indians as “savage,” so too did Seminole respondents resituate the label of “savage” to reflect U.S. identities.<sup>129</sup> No Seminole rhetor demonstrated this hybrid strategy – that anti-removal advocates like Bates also employed – more than Coacoochee who spoke to a group of U.S. Indian agents to rebuke Jackson’s policy. Combating the false promises involved in the treaties of Payne’s Landing and Fort Gibson, Coacoochee constructed the government as evil and

wild: “still he [U.S. government] gave me his hand in friendship; we took it ... he had a snake in the other; his tongue was forked; he lied and stung us.”<sup>130</sup> In his estimation, the government represented the serpent in a veritable Garden of Eden myth. An untrustworthy character, the United States – said Coacoochee – extended friendship, perhaps even familialism (“he said [U.S. government] he was my father; he said he was my friend”) on the one hand and “stung” on the other.<sup>131</sup> The “forked tongue” with which U.S. Indian agents negotiated the treaties confirmed for the Seminole Nation the dishonesty extant in the government’s promises.

Coacoochee continued his hybridized invective by further constituting U.S. identities as savage. “If your hearts are bad let me see them now,” he demanded of the Indian agents. “[L]et me know they are dark with bad blood; but do not like a dog, bite me as soon as I turn my back.”<sup>132</sup> The war chief insisted that the U.S. government make known its motives. Instead of lying – for instance about garnering a Seminole majority in the Payne’s Landing and Fort Gibson treaties – Coacoochee exhorted the government to face up to the Seminole Nation. As it remained, though, the U.S. government appeared to wait until the Seminole Nation was not looking to “bite,” or renege, on its promises.

In contrast to molding savagery into an embodiment of U.S. identities, Coacoochee constituted the Seminole community as stable and just. He seemingly did this to challenge the ways that removal rhetoric cemented the identities of American Indians as weakened and in need of preservation. He argued, “[m]y word ... is true to the heart,” he reported. “[We] are not boys” and we can “die like a man” knowing we have “strong hearts and heads.”<sup>133</sup> Osceola also exercised this type of hybridized “back talk.”<sup>134</sup> He said in 1834 to General Wiley Thompson, an Indian agent, “I have done

nothing to be ashamed of; it is for those [who passed the removal policy] to shame.”<sup>135</sup>

The unjust government should feel, he intimated, embarrassed by its actions to break its many promises. Again, Osceola’s rebuke of governmental identities as dominant and fair worked to call into question what the removal act clarified in terms of the U.S.-Native relationship. In the “Song of the Removal to Oklahoma,” a Seminole poet echoed Osceola’s sentiments: “They are taking us beyond Miami/They are taking us to the end of our tribe.”<sup>136</sup> Here, the unscrupulous U.S. government was constituted as detrimental to the Seminole Nation in its removal efforts by prompting the Seminole Nation’s demise.

Jumper (Seminole), one of Osceola’s primary lieutenants, appropriated the U.S. government’s propensity to naturalize American Indians to reconstruct the evils of the government’s identity vis-à-vis the removal policy. Equating Native identity to “trees of the forest” (a common trope in Jacksonian discourse)<sup>137</sup> Jumper said:

If you then spoil the tree of its bark, will it not die? There is nothing to carry the nourishing sap to support the branches. And if you lop off the branches, will they not die also? Such then is the case with my people. Take them from their forests and woods, where from childhood they have wandered, will they not pine and die also? ... If by force you separate them ... on a distant and ... will they not long to be again with their friends and fathers?<sup>138</sup>

In this passage, Jumper again created the impression that the U.S. government sought to carry out murderous plans. Analogizing the Seminole to a broken tree – disconnected and core-less – Jumper enacted a hybrid rhetoric whereby the attitudes and metaphors of the United States were employed to clarify just how lethal removal was for the Seminole Nation. Land for American Indians was directly linked to existence – loss of territory

equaled a loss of life. This loss of land was consequently connected to ancestry and history, which underscored the construct of moral inheritance.

Perhaps borrowing from, or even informing, the rhetoric of pro-removal advocates like Senators John Forsythe and Robert Adams, Jumper co-opted natural metaphors for anti-removal purposes. If the U.S. government continued to label American Indians as natural and fettered, then appropriating its language for resistance was a sanguine anti-removal tactic. In this way, the Seminole Nation pulled at the Congress' fractious knot by hearkening to natural/savage metaphors versus the eventually solidified childlike identity attributed to American Indians.

#### REPUBLICAN AND SECTIONAL APPEALS IN CHEROKEE RESISTANCE<sup>139</sup>

The Cherokee Nation represents a unique case study in American Indian resistance to removal.<sup>140</sup> Since the close of the American Revolutionary War, the Cherokee community followed the United States in its republican political forms. To the charge that American Indians should “introduce among themselves the habits and arts of civilization” in order to “provide against the further decline and final extinction of the Indian tribes,” the Cherokee Nation replied with aplomb.<sup>141</sup> They, in fact, undertook a number of republican projects in crafting their government.<sup>142</sup> In addition, the Cherokee Nation assumed the practices of western dress, marriage, Christianity and agriculture as a part of their culture<sup>143</sup> These actions placed the Cherokee Nation in a curious position between the Indian Removal Act's insistence that Natives had not advanced and the Cherokee community's efforts in fulfilling the U.S. government's requests for “civilization.” All in all, their accommodationism came to underscore their insistence on a separate autonomy outside the aegis of U.S. citizenship.

For these reasons, the U.S. government's justification for removal based on a failure of American Indians to assimilate to the political, social, religious and economic practices of the United States fell to Cherokee scrutiny as specious. In 1835, in the midst of removal negotiations with the Cherokee Nation, Jackson declared in typical style: "I am sincerely desirous to promote your welfare. Listen to me therefore while I tell you that you cannot remain where you now ... [you cannot] flourish in the midst of a civilized community."<sup>144</sup> Cherokee leaders like John Ross (Cherokee), Elias Boudinot (Cherokee), John Ridge (Cherokee), and William Hicks (Cherokee) were understandably confused. Ross and Hicks, in an oft-repeated line of rebuttal, pointed out the inconsistency in U.S. removal aims: "The truth is they have seen and see daily, the rapid advances of the Indians in the arts of civilization, as well as in morals and religion ... Among the Cherokees, where the most efficient efforts have been made, the improvements are truly surprising ... What is the result of all the efforts ... to remove?"<sup>145</sup> Freylinghuysen read this statement into the Congressional record in 1830 in asserting that it was possible to "civilize the Indians" while allowing them to exist on their eastern homelands.<sup>146</sup> The tensions involved in the U.S. government's choice to either include Cherokee people as civilized wards or segregate them from the U.S. nation added to the dilemma of the Cherokee Nation's removal.<sup>147</sup>

Moreover, the discrepancies of the U.S. government's removal plans were further complicated by other political contexts involving U.S.-Cherokee relations. The federal government and Georgia wrangled incessantly over the responsibility of removing the Cherokee Nation. On the one hand, Georgia claimed this duty, especially because gold had been discovered in the northern hills, and because it considered the Cherokee "too

ignorant and depraved” to remain a part of the Georgia’s citizenry.<sup>148</sup> Georgia considered federal plans of removal too bureaucratic, cumbersome and slow. The state sought, instead, to usurp the Indian Removal Act by expediently widening its “authority and laws over her whole territory” and single-handedly removing the Cherokee.<sup>149</sup> The U.S. government, meanwhile, attempted to embolden its influence over both American Indian nations and individual states. For instance, Native territories were – to the Marshall Court – “so completely under the sovereignty and dominion of the United States that any attempt to acquire their lands ... would be considered an invasion of our territory.”<sup>150</sup> Chief Justice Marshall’s holding, here, exemplified his position of centering American Indian removal at the federal level. Ostensibly, the Cherokee Nation had to challenge state and United States’ removal while concurrently proving themselves worthy as civilized members of both of these local and federal bodies.<sup>151</sup>

As with the other “Five Tribes,” federal Indian agents asked the Cherokee Nation to remove following the ratification of the Indian Removal Act. And, similarly, the Cherokee resisted as long as possible. The nation was particularly inclined to argue that “the United States and its predecessors had already recognized the autonomy of the Cherokee Nation” by entering into past treaties and by approving of its national council and constitution.<sup>152</sup> Cherokee removal negotiations were withheld until the Marshall Court adjudicated the *Cherokee Nation* and *Worcester* cases. The high court declared in 1832 that the Cherokee Nation’s sovereignty “vested in the government of the United States” and that decisions about the community’s removal were “committed exclusively to the Government of the United States.”<sup>153</sup> Thereafter, the Cherokee Nation became

legally “removable.”<sup>154</sup> The nation was given “independent” status, but only when it came to fighting back the tide of state-led removal.<sup>155</sup> It still faced federal removal.

Negotiations with the Cherokee Nation began in 1832, but were not concluded until 1835. In the face of physical threats from both the federal and Georgia governments, a portion of the Cherokee Nation agreed to a removal treaty. General Winfield Scott admonished the Cherokee Nation in spring 1835, “Will you then ... compel us to resort to arms? God forbid! ... the blood of the red man may be spilt ... spare me, I beseech you, the horror of witnessing the destruction of the Cherokees.”<sup>156</sup> These threats resonated with the Cherokee Nation as they witnessed increased hostilities committed by whites in Georgia.<sup>157</sup>

When the U.S. government ratified the Treaty of New Echota on December 29, 1835, the document was criticized along the lines of the Seminole Nation’s treaties of Payne’s Landing and Fort Gibson. A minority faction – a group called the Treaty Party – had signed off on the proposal to “hereby cede, relinquish and convey to the United States all the lands owned, claimed or possessed by them east of the Mississippi [R]iver.”<sup>158</sup> The U.S. government, here, enacted a hegemonic force by promising personal favors to the Treaty Party, thus, garnering their consent through wheedling.<sup>159</sup> A majority of the Cherokee people – who self-identified as the National Party – rebuked the Treaty Party’s concessions and nullified the treaty. According to Prucha, “factionalism was used by the United States in negotiating with the tribe.”<sup>160</sup> John Ross, a leader of the National Party and officially elected President of the Cherokee Nation, castigated the Jackson administration for entreating with an unrepresentative group of the Cherokee community. He said in 1835, prior to the Treaty of New Echota: “as the duly authorized

delegation of the Cherokee nation, here, we do most solemnly protest against any such arrangements being entered into with these [Treaty Party] individuals ... do not throw any of these obstacles in our way.”<sup>161</sup> Ross’s resistance helped slow the implementation of the Treaty of New Echota, demonstrating the impact of such indigenous rebuttals to removal.

The Cherokee Nation, though, took advantage of these breaches and crafted identities infused with republican and assimilative dispositions. If removal advocates argued that a “failure to assimilate” necessitated the removal policy, then crafting an identity based on amalgamation and American precepts would, surely, undercut the Indian Removal Act.<sup>162</sup> In this way, Cherokee discourse worked through U.S.-centered ideas to formulate a hybrid rhetoric of resistance to removal. John Ross was fond of replicating an appeal to U.S. republicanism as he argued, “the good faith ... of the General Government, whose precepts and profession inculcate principles of liberty and republicanism, and whose obligation are solemnly pledged to give us justice and protection.”<sup>163</sup> The enactment of assimilative and republican appeals appeared to demonstrate accommodationism on the part of the Cherokee Nation. Considering the hybridity embedded in aligning their rhetoric with the U.S. government, though, Cherokee discourse, here, can also be judged as resistive; the hybridity provided a means to pursue sovereignty detached from the government. At first glance, argues Konkle, “invoking civilization looks like a capitulation to EuroAmericans’ ideas about their inherent superiority.” However, civilization served “as a means for Native peoples to disrupt U.S. political authority and, once the historical contradictions” of the removal policy “were taken into account, reject it altogether.”<sup>164</sup> At the same time, the Cherokee



Nation differentiated its identities from the so-called “monolithic” Native communities whose identities Marshall had codified as “domestic dependent” and “unassimilated.”<sup>165</sup>

*Assimilative Discourse in Cherokee Memorials, Editorials and Speeches*

Certainly, the enactment of assimilation and republicanism indicated the Cherokee Nation’s predisposition toward hybridizing their identities with those of the federal government. That assimilation and republicanism were contained in U.S. governmental forms – such as Congressional memorials, communiqués to the executive and in newspapers – also demonstrated the hybrid resistance inhering in Cherokee anti-removal discourse. Clair argues, for example, that the *Cherokee Phoenix* (the nation’s newspaper) and Congressional memorials verified the “cultivated and acculturated condition” of the community and did so through mediums “privileged by the dominant white society.” Simultaneously, the *Cherokee Phoenix* and Congressional appeals offered the nation a rupture wherein it could “speak out on issues concerning the injustices directed against them.”<sup>166</sup>

The bulk of Cherokee anti-removal discourse centered appeals on the Cherokee nation’s assimilative identity. A Cherokee council in 1829 wrote, for instance, that removal was “remarkable because it had been the professed object of the government ... to teach them [Cherokee] knowledge and the arts of civilized life” and now “it is quite immaterial what course of life [we] pursue, provided [we] vacate our lands.” The council pointed out the irony in the federal government’s move to punish the Cherokee Nation for assimilating. The group continued, “a million fingers will point at us and a million tongues will hiss at us, if it [the removal question] is decided in favor of oppression and injustice.”<sup>167</sup> Having already proven themselves amenable to western culture, the council

next turned their acculturation against the U.S. government to demonstrate the absurdity of removal.

Through their assimilative efforts, Cherokee councils also constituted their identities as righteous and just, while simultaneously constructing the U.S. government as inconsistent and cruel. To the fear that the people would “point” and “hiss,” Wood Pecker (Cherokee), Roman Nose (Cherokee) and others opined: “We consider it exceedingly vexatious to be perpetually teased... to part with our inheritance, just as we are beginning to occupy a respectable standing in the estimation of the Christians who know us ... Must our prospects be always blasted? We think [the U.S. government] will answer, no.”<sup>168</sup> Here, Wood Pecker, et. al. appealed to a sense of moral inheritance – a right to their territories based on ancestral and historical connections. They also called into question the U.S. government’s aim to unite Natives and whites under the aegis of civilization. The men appealed to their white neighbors with a “rhetorical question” that was self-answered in the hope of moving the American public to recognize the same “hypocrisy” the Cherokee Nation observed.<sup>169</sup>

Moreover, Cherokee rhetors typically configured their relationships with whites as amicable and moral, especially as both groups were connected through “civilization.”<sup>170</sup> For instance, a council in 1830, addressed the American public, noting “Shall we be compelled by a civilized and Christian people, with whom we have lived in perfect peace ... for whom we have willingly bled in war, to bid a final adieu to our homes, our farms?” Second, the rhetors then glossed their moral identification with a call/response to the white audience: “No ... We are sure the American people will not fail ... to sympathize with us in our trials and sufferings.”<sup>171</sup> Again, assimilation – which

in the past may have hobbled Cherokee sovereignty – in this instance was used as a resistive tactic against removal from not just ancestral territory, but also *from* assimilative living itself. Senators Sprague and Frelinghuysen brought up the Cherokee Nation’s assimilation incessantly as an argument against the Indian Removal Act.<sup>172</sup> Though the anti-removal advocates in Congress failed – and just because American Indian anti-removal rhetoric was often “exercised in futility” – the latter’s power to exert voice was not occluded. Clair notes that the Cherokee Nation “challeng[ed] social conditions” in the United States by entering the removal debate and fighting the act’s ultimate success.<sup>173</sup>

The Cherokee Nation, at times, resisted removal by separating itself from the monolithic identities of American Indians who the government said was in need of assimilation. Elias Boudinot (Cherokee) admitted the Native communities’ past primitive character in his first editorial in the 1828 inaugural issue of the *Cherokee Phoenix*. He reasoned, “There was a time . . . when darkness was sadly prevalent and ignorance abounded amongst them . . . it was thought to be a disgrace for an [Indian] to appear in the costume of the white man.”<sup>174</sup> Boudinot, though, juxtaposed the previous Native “dark” identities with contemporary civilized Cherokee identities to illustrate how far his nation had advanced.

His non-monolithic rhetoric was enhanced by the metaphor of the “costume.” The vehicle (“costume”) referred to the material accoutrements of assimilation (clothing), but most vitally to Americanized habits. The Cherokee people, Boudinot averred, built their identities around practices of republicanism, Christianity and agrarianism. At the same time, though, the “costume” could be shed, revealing a Cherokee identity

hybridized between Native traditions and acculturated Americanism. The power of his metaphor, flourished by the way he resisted outright assimilation for his Cherokee audience while concomitantly highlighting assimilative identity for his white audience. Boudinot further glossed his double-vocality<sup>175</sup> by reminding his Cherokee audience to hold its culture tightly (“aris[ing] Phoenix like from their ashes”) while in tandem asking them to bury their past savageries “deep under ground.”<sup>176</sup>

Assimilative rhetoric as a resistance to the Indian Removal Act also bolstered the Cherokee Nation’s claims to sovereignty.<sup>177</sup> The community’s rise to civilization had, in one poet’s estimation, proven that the Cherokee people should be left to govern themselves in their homeland. S/he declared, “No, never! we wear not the shackles of slaves/And our fathers’ stern spirits would start in their graves.” Oppression may have inhered in the Cherokee’s savage state, s/he intimated, but with acculturation there’s “was the land of the free, our sacred home.”<sup>178</sup> These sentiments were echoed by Cherokee Councilperson John Ridge who admonished the U.S. government in 1831: “You asked us to throw off a hunter and warrior state – we did so. You asked us to form a republican government – we did so. You asked us to cultivate the earth ... we did so. You asked us to learn how to read – we did so. You asked us to cast away our idols and worship your God – we did so.”<sup>179</sup> Here, Ridge’s discourse merged with anti-removal advocates who questioned a removal policy based on a lack of assimilation.<sup>180</sup> Because of these assimilationist habits, Ridge and Boudinot (also) demanded “in this land of liberty” that “we claim privileges of free men, and wish to have the right of disposing our lands” as we wish.”<sup>181</sup> Clearly, Ridge and Boudinot amalgamated American identity with their

Cherokee identity. Focusing on “republican government” and the “land of liberty,” both rhetors predicated Native identities on U.S. governmental notions of civic life.

B--DB (Cherokee), a farmer in northern Georgia, corroborated this hybrid identity predicated on the U.S. government’s republicanism. He asserted, “I believe liberty is as sweet to a Cherokee as it is to a white man” and I would not want to be “shackled with the ‘iron grasp’ of a despot.”<sup>182</sup> Harkening to the American Revolution and the United States’ struggle against the British Crown, B—DB reminded the federal government that his rights were analogous to any American farmer in his position. It was then “humiliating,” he said, “to think, after making exertions to raise myself above the level of the most degraded of the human race . . . it should be declared that I have made no progress.”<sup>183</sup> Instead, B—DB demanded to retain his territory in Georgia; to emigrate would taint his progress toward acculturation with “misery and degradation.”<sup>184</sup>

Not unsurprisingly, Ridge, Boudinot and B—DB’s resistive rhetoric seemed to contradict the U.S. government’s interpretation of the intersection of assimilation and sovereignty. Indian Commissioner T. Hartley Crawford reported just prior to the Treaty of New Echota that “experience has shown that, however commendable the efforts to meliorate a savage surrounded by a white population, they were not compensated to any great extent by the gratification which is the best reward of doing good.”<sup>185</sup> Boudinot responded that any failure on the part of assimilation fell to the U.S. government’s unscrupulous identity as hypocritical. The government deprived Natives of “their rights – the sacred obligations of treaties and laws have been disregarded . . . [this has happened] for no other reason than that the Cherokees have so far become civilized as to appreciate a regular form of Government.”<sup>186</sup> Once again, the Cherokee Nation’s assimilative

identity was punished by the removal policy. The problem for the United States vis-à-vis the Cherokee community, however, was that they could – as Boudinot pointed out – recognize and “appreciate” a republican form of government.

*John Ross’s Republican and Sectional Resistance*

Republican character became the frontispiece of Cherokee President John Ross, who was perhaps the most outspoken opponent of the Indian Removal Act. As leader of the National Party and a mixed-descent Cherokee, Ross straddled the literal borderlands of white American and Cherokee nationalist identities.<sup>187</sup> Concurrently, he toed the political line between selling the Cherokee Nation’s assimilation as a rhetorical tactic to dissuade the U.S. government from implementing removal and using the community’s assimilation – and distinctiveness from other Natives – as a form of resistance.<sup>188</sup>

Working from his political acuity as a constant representative of the Cherokee council to Washington, Ross positioned his discourse against removal in republican language. For instance, in his 1829 annual message, Ross argued not from Cherokee identities rooted in the soil or ancestry, but in the U.S. government itself. He explained to the Cherokee Nation<sup>189</sup> that “our treaties of relationship are based in the principles of the federal constitution, and so long as peace and good faith are maintained, no power, save that of the Cherokee Nation and the United State jointly can legally change them.”<sup>190</sup> In part, Ross spoke to the tenuous issue of Cherokee “custody” between the U.S. government and the Georgia legislature.<sup>191</sup> That is, he capitalized on the factious debates in Congress over federal power versus states’ rights to position Cherokee identity as sovereign.

Moreover, though, Ross relied on an allusion to the founding operational document of the United States to demonstrate the importance of including American Indian voice in federal Indian policy. In this way, Ross too trumped federalism over states' rights. Abrogation of the U.S.'s own recognition of treaties as two-partied would, therefore, violate the Constitution's tenets. Of this Prucha writes, "[t]reaties rested upon a concept of Indian sovereignty or quasi sovereignty ... treaties made no sense unless based on recognition of some kind of special legal status of the Indians."<sup>192</sup> Denying the Cherokee Nation's sovereignty gravely stained American republicanism. Appealing to the federal Constitution, Ross used states' rights as a wedge issue to appear favorable to the U.S. government. This tactic worked in two crucial ways. First, it functioned to expel state efforts to remove the Cherokee Nation. And, vitally, it plied the sectional conflict, thus placing the Cherokee community on the federal government's side. Combined with assimilative appeals, his republican and sectional argument sought to change the conception – codified by removal rhetoric – that Cherokee identity rated below the government in a hierarchy of ward/warden.

In the year following the Indian Removal Act, and of the *Cherokee Nation v. Georgia* decision, Ross increased his resistance through republicanism and sectionalism. The *Cherokee Nation v. Georgia* case involved Ross, and others, forwarding a proposed injunction to prevent Georgia from encroaching on their territory. Marshall held that the high court was "of the opinion that an Indian tribe or nation within the United States is not a foreign state in the sense of the constitution, and cannot maintain an action in the Courts of the United States."<sup>193</sup> Ross reconfigured Marshall's decision and rooted the Cherokee community's right to petition the Supreme Court in a republican memory of the

Washington administration. He wrote in his annual message of 1831 that “President Washington and his successors well understood the constitutional powers of the General Government ... and that the judicial power would extend to all cases of litigation that may arise under treaties ... it was determined ... to defend the rights of the [Cherokee] Nation before the Courts of the United States.”<sup>194</sup> That Ross anchored Cherokee sovereignty in American law and memory problematized the U.S. government’s position on removal by bringing to bear a possible lack of moral inheritance – not to American Indian ancestors who welcomed Europeans in the seventeenth and eighteenth centuries – but to the United States’ own forebears. Here, Ross demonstrated the force of Native resistance and how it complicated the realization of removal. For this reason, Frelinghuysen worried that the United States would “deviate” from its epochal and foundational “ideals” should removal commence.<sup>195</sup>

As the negotiations of the Treaty of New Echota neared, Ross shifted his resistance to a rhetoric of “moral suasion.”<sup>196</sup> Perhaps out of desperation or due to the Cherokee Nation’s futile attempts at forestalling displacement, the Cherokee president wove criticism throughout his anti-removal discourse. He sided the federal government in 1834 with a criminal identity. That is, Ross lamented “the liberty, the freedom, and the life of the Cherokee are placed in jeopardy because they are left at the mercy of the white robber and assassin to be taken with impunity.”<sup>197</sup> Notice how Ross enlisted the aid of key republican ideographs (“liberty,” “freedom,” “life”) to construct the identities of the U.S. government and the Cherokee Nation.<sup>198</sup> The former was a perpetrator, stealing and killing, while concomitantly trampling its own tenets. Meanwhile, the Cherokee people were victimized as part of the republican enterprise through connection to the United



States, and yet deprived of the federal government's paramount ideological principles. The deprivation of moral inheritance also inhered in this incongruence. After all, averred Ross, the U.S. government conferred these rights and privileges on the Cherokee Nation: "... 'Father' was bestowed on him [U.S. president]. Under the fostering care and patronage of this government the arts of civilization and Christianization were successfully introduced ... [and] improvement soon spread its happy influence over the whole country."<sup>199</sup> Ross, thus, reminded his U.S. governmental audience of the Cherokee people's progress, appropriated Jacksonian paternalism to bolster his rebuffing of the removal policy, and constituted the U.S. government as wholly inconsistent.<sup>200</sup> At the same time, the U.S. government was constituted as a thief stealing American Indians' moral inheritance to their homelands. For these reasons, Ross concluded "[we] will never voluntarily consent to remove west of the Mississippi."<sup>201</sup>

Finally, Ross's resistant rhetoric criticized the U.S. government for violating representative democratic doctrine by signing the Treaty of New Echota with an unrecognized Cherokee entity – the Treaty Party. Rather than confront Treaty Party leaders, who most likely chose to sign a removal document out of fear or under duress, Ross focused his reprobation on the world's exceptional example of democracy: the United States. "The will of the people was not then expressed," he told the Jackson administration, because "[t]hat meeting consisted only of a small faction." What is more, Ross wishfully suggested, "we cannot suppose that [the U.S. government] would want us to disobey the known will of our constituents" by acceding to the falsified Treaty of New Echota.<sup>202</sup> Ross's approbation alluded to how nineteenth century U.S. exceptionalism depended on the government's "status as the apotheosis of the nation-form itself and as a

model for the rest of the world” – a notion that complicated the hypocrisies of the U.S. removal policy.<sup>203</sup> Part of the representative democracy supported by the United States involved “the will of the people.” How could the U.S. government deny the same republican consideration to the hybrid Cherokee Nation? For this reason, Ross closed his letter by advising that “all is lost if the agreements of a few who arrogate themselves to power to deal with the rights and liberties and future of the Cherokee Nation” win out over truly elected representatives like those comprising the National Party.<sup>204</sup>

Though the Indian Removal Act may have reduced the inconsistencies of American Indian and governmental identities – and the “Indian question” more generally – for U.S. leaders, Native communities did not always accept this clarity. In the end, Ross’s (and the Cherokee Nation’s) discourse revealed how Native resistance complicated the implementation of the act. As a result, the U.S. government was often inspired to use spurious means – such as coercion and deceit – to achieve its removal ends.

#### PATHOS IN NORTHWESTERN AND NORTHERN NATIVE RHETORIC

Though the Indian Removal Act focused primary attention on opening the lands of the southeastern United States, the “old northwest” – areas east of the Mississippi but north of the Ohio River – were also cleared through the removal policy. Simultaneously, the remnants of American Indian nations in northern areas were also subsumed under the Jacksonian removal policy and were, in kind, asked to emigrate west. Prucha argues that, as with the “Five Tribes,” the territories of the Shawnee, Pawnee, Kickapoo, Sauk, Weas, Piankeshaw, Pottawattomie, Chippewa, Mandan, Seneca, Wyandot and Delaware peoples were similarly sought “by the expanding agricultural society of the North.”<sup>205</sup> As Indian

Commissioner William Medill noted in an annual report, northwestern and northern removal had to be sought “to leave an ample outlet for our white population to spread and to pass towards” the west and beyond “the Rocky Mountains.”<sup>206</sup> The post-Removal Act era in U.S.-Native relations in these areas was a continuation of the past seventy years. Sam Houston, one of Jackson’s confidantes, also foreshadowed in 1831 that American Indians in the northwest and north would be “pushed back as white advance [was] made” in the wake of the Indian Removal Act.<sup>207</sup> Thus, there was little question that the government’s consuming aspirations of removing the “Five Tribes” would motivate comparable action in the northwest and north.<sup>208</sup>

Small land cessions had been made with these Native nations since the negotiation of the Fort Stanwix Treaty in October of 1784, which ushered in territorial trade in the north, and since the Northwest Ordinance in July 1787 that established the precedent of the U.S. government negotiating peace for land in the northwest region.<sup>209</sup> It was not uncommon during this period to discern in northwestern and northern Native discourse expatriate sentiments such as those noted in the Chippewa’s “removal song”: “The sound is fading away/Freedom/The sound is fading away.”<sup>210</sup> American Indians tended to reflect the loss of homeland resulting from removal treaties.

The removal of northwestern and northern nations in the 1830s, however, proved difficult. Whereas the “Five Tribes” lived on clearly demarcated land – territory that was familiar to the government – the northwest and northern territories included “enclaves of natives subsisting on agriculture and governmental annuities” in widespread and unknown areas.<sup>211</sup> Adding these territories to the American land base promised to “create an extensive interior and a series of administrative headaches with which the existing

bureaucratic structure was unequipped to deal.”<sup>212</sup> As a result, the U.S. government created a new bureaucratic agency – the Department of Indian Affairs – in June 1834 to “exercise a general supervision and control over the official conduct and accounts” of Native dispossession.<sup>213</sup>

Another problem with these removals was that northwestern and northern Native communities witnessed from afar removal’s depredations for the “Five Tribes.” Removing the small pockets of remaining northern American Indians would take more effort; these nations, after all, knew the U.S. government’s strategies and oft-elusive treaty methods. To this effect, a group of Wyandot chiefs told U.S. Indian agents in 1832 that “we express a distrust of the sincerity of the President in making them [treaties] and a disbelief that the Country to which we are invited to remove is such as has been represented.”<sup>214</sup> Therefore, the U.S. government performed a face-saving task in transferring Indian Affairs to the new Department of the Interior.<sup>215</sup> The “supervisory and appellate powers” previously exercised by the “tainted” War Department would move to the Interior.<sup>216</sup> The transfer attempted to start anew with American Indian nations in the northwest and north.<sup>217</sup>

Regardless, the U.S. government’s removal policy came home to the American Indian communities of the northwest and north as Jacksonians found success with the southeastern nations. And, American Indian removal in these areas subsisted into the 1850s through the 1870s with the “sudden leap of the nation’s [United States’] boundaries ... in the Trans-Mississippi West.”<sup>218</sup> The “Five Tribes” became symbols of removal’s achievements. That is, if the federal government could compel the so-called

obstinate southeastern nations to remove, then – surely – removal was viable elsewhere.<sup>219</sup>

The following analysis considers how the northwestern and northern nations designed memories of cordial and familial contact between Natives and Europeans as well as the neighborliness fostered between American Indians and the U.S. government to challenge removal. This strategy hybridized the U.S.-Native relationship by hearkening to pathos and paternalism as a last resort to challenge the identities clarified in removal rhetoric. By co-opting and creating hybrid memories, these nations were able to point to the inconsistencies that were part of removal. And, such inconsistencies aided their demands for independent status far from the influences of the government and U.S. citizenship. Throughout their discourse, northwestern and northern communities constructed U.S. governmental identity as sinful and untrustworthy. Concomitantly, these American Indians resituated their identities as friendly and morally certain. Northwestern and northern nations also appropriated the Indian Removal Act's homogenization of Native cultures in order to build a unifying pan-Indianism, or a "commitment to bond" across tribal borders to create "an Indian confederacy" of sorts.<sup>220</sup> Their discourses did so by parrying individual community language and referring, instead, to American Indians as a whole.

*"Like Outcasts Upon the World": Northwest and Northern Resistance to Removal*<sup>221</sup>

Cordial and familial memories between the U.S. government and Native communities comprised a great deal of northwestern and northern resistance to removal. The Mandan Nation – which had been friendly with the United States since Lewis and Clark traveled among them in 1804 – justifiably crafted this hybrid discursive tactic of

memory to elevate its identity as friendly. They thought that convincing the government of this identity would save them from removal.<sup>222</sup> The Mandan people supported President Jefferson's explorations into the "old northwest."<sup>223</sup> Bearing this context in mind, it would make sense then that Four Bears (Mandan) crafted familialism with the U.S. government through a retelling of their joint histories. He said, we have always "loved the whites ... to the best of my knowledge" and have "always protected them from the insults of others, which they cannot deny." Not only that, but the Mandan "never saw a white man hungry but what he [Mandan people] gave him to eat, drink, and a buffalo skin to sleep on."<sup>224</sup> Four Bears equalized the hierarchical relationship of ward/warden and protected/protector hybridized by the U.S. government's removal discourse wherein American Indians were considered weakened. Instead, the Mandan were stable and had "done everything that a redskin could do for them [Americans]."<sup>225</sup>

At this point, Four Bears argued that the United States had not lived up to its side of the familial relationship. To his own question, "How have they [U.S. government] repaid it?" Four Bears responded, "with ingratitude!" He pronounced that the United States "had deceived me." Historically thought to be fraternal, the United States – the chief continued – "had turned out to be my worst enemies ... but today I am wounded ... by the same [whom] I have always considered and treated as brothers!"<sup>226</sup> In this passage, Four Bears clarified how the U.S. government's removal efforts violated a memory of the governmental identity as familial.

Red Jacket (Seneca) employed a similar construction of Native identity as friendly by protesting the removal of the Seneca and Delaware nations in 1830. The Seneca was part of the Six Nations, a group that entreated with the U.S. government at

the Treaty of Fort Stanwix in 1794, and who were relatively affable with the United States.<sup>227</sup> Red Jacket began his speech to U.S. Indian agents by hearkening to a “contact” myth: “Brothers, in the time long past, all of your red brethren owned all this great island. Your ancestors came over ... then asked us to give them some land ... We done to you as we would have wished you to have done with us ... We did help you ... it seems to me as if you [now] wrench the last portion of land away from us.”<sup>228</sup> Like Four Bears, the Seneca chief narrated the past with constructions of fair and helpful Native identities in contrast to European neediness. This relationship illustrated the Native consideration of land as a gift – part of moral inheritance – to be bestowed in exchange for peace, versus taken outright through force. Similarly, the United States had failed to fulfill its friendship with both the Seneca Nation and “all” of the government’s “red brethren.” Moreover, linking numerous Native nations together not only improved the Seneca community’s condition by demonstrating power in numbers, but consummatorily it also showed other indigenous groups that the Seneca was determined to stand together in opposition to the removal policy. He seemingly channeled monolithic Native identities into a powerful bloc – a collective pan-Indianism.

Speaking of territoriality and the difference between Native and U.S. understandings of land value, Red Jacket also relied on a divine creation myth to link Native identity with moral inheritance. He argued in the same discourse (as above): “I cannot believe the Great Spirit ever intended that there should be a class of men raised up, pre-emption holders who should have exclusive privilege of buying lands.”<sup>229</sup> Recall that American Indian conceptions of land – nearly across individual indigenous cultures – tended to value territory as a homeland and as spiritual harbors.<sup>230</sup> Red Jacket’s

discourse, here, was reverberated by Sosehawa (Seneca) who reminded his white audience in 1855 that “The Great Spirit, when He made the earth, never intended that it should be made merchandise.”<sup>231</sup> Sosehawa, as well as Red Jacket, exemplified well the position of American Indian territory. Interestingly, both of their discourses manifested through a memory of rights by providential design.

These certain natural rights were not restricted to the Seneca Nation. Rather, the godly right to land was shared by all American Indians as a whole. Sosehawa reminded his governmental and Native audiences that “the Earth” was created for “all of the Great Spirit’s red children.”<sup>232</sup> Though not overt as Pontiac’s 1763 pan-Indian discourse or Tecumseh’s 1811 recruitment rhetoric, Sosehawa did co-opt removal rhetoric’s cementation of American Indians as a monolith and directed it into a unifying rhetorical tactic. If the U.S. government was going to elide individual Native cultural identities, then Sosehawa and like-minded leaders seemed to parley the derision into a cohesive resistance.

Providence, as an appeal to authority, furthermore undergirded American Indian hybridization and led to the enactment of “sin” as a tactic of resistance. Akin to U.S. governmental charges against “savage redskins” as ungodly, William Apess (Pequot) transposed the purveyors of sin, and saddled the U.S. government as sinful and, perhaps, uncivilized.<sup>233</sup> In his 1831 biography, Apess questioned, “Can you charge the Indians with robbing a nation almost of their continent, and murdering their women and children, and then depriving the remainder of their lawful rights, that nature and *God* require them to have? ... If all the nations of the world were put together, and each sin had its national crimes written upon it ... which skin do you think would have the greatest sin?”<sup>234</sup> In



this passage, Apess demanded that the United States view itself self-reflexively; given the government's past treatment of American Indians, he queried, how the United States could burden Native identity with the weight of sinfulness? Apess illustrated hybridity by, first, accepting the U.S. government's negative construction of the Pequot as weak – indigenous people could not, for instance, deprive “lawful rights.” Second, however, Apess used the U.S.-directed weakness as a resistive rhetoric to scrutinize the abuses of power practiced by the U.S. government. And, he couched this in the agency of “Indians” as a unified community.

Kānakûk (Kickapoo) similarly labeled the U.S. government's territoriality as “sinful.” He reminded General William Clark, Indian agent at St. Louis, that “the Great Spirit told me – the land belongs to him. The Great Spirit told me that no people owned the lands – that all was his.”<sup>235</sup> Kānakûk argued against removal by recrafting the “errand into the wilderness” component of U.S. expansion. Just as a godly presence spoke to the U.S. government and allowed it to charge into the frontier, so too, did the Kickapoo chief claim god spoke to him with the opposite request.<sup>236</sup> Softening his charge against the government, Kānakûk continued: “The Great Spirit holds all the world in his hands ... everything belongs to the Great Spirit.” The chief worried, though, that should the United States commit the sin of removal – interfering in the Kickapoo Nation's natural rights to their homeland – that the Great Spirit would “make the earth shake, or turn it over” and that “all skins, white and red, can not stop it.”<sup>237</sup> Both American Indians and the United States would suffer for the sins of the U.S. government. As a last resort, Kānakûk admonished the U.S. government from lying about its removal aims. “If you write anything wrong,” he exhorted, “the Great Spirit will know it.”<sup>238</sup>

Here, the government's deceitful abridgement of Natives' moral inheritance to their territories became a sin against God.

*"That Disgraceful Affair": The Case of Black Hawk*<sup>239</sup>

Some northwestern and northern nations surrendered to removal when all hope appeared lost. Their gift of hindsight likewise became a detriment to overt resistance. However, surrenders also challenged the hierarchies hybridized by removal rhetoric by pairing irony with moral certitude. Black Hawk's (Sauk) surrender rhetoric represents a key example of this veiled resistance. Though Black Hawk's surrender unfolded through mortification,<sup>240</sup> he simultaneously preserved Sauk sovereignty through his newly-acquired Native/American hybrid identity that allowed him to offer a defiant double-tongued rhetoric.

Black Hawk's conciliation to U.S. ascendancy allowed the chief an entrée into the American imagination. That is, his surrender made him a "safe" subject for the American public to approach and consume. Black Hawk's objectification did not singularly harm him through a weakening of ethos, as historians have argued.<sup>241</sup> Rather, his widespread and passionate American audience commanded a new presence for the chief. Black Hawk funneled his newly recognizable agency into an opportunity to address the public outside the scope of Indian agents. He accomplished the task of talking directly to the U.S. government and the American public through the publication of his autobiography.

In the spring of 1832 the Sauk Nation journeyed back east to their former Rock River, Illinois, home. Violating their removal treaty they sought a reprieve from the separation suffered following their new life on the reservation.<sup>242</sup> The return was instigated as a peaceful means of survival. Black Hawk harbored no plans to assault the

U.S. settlers already squatting on the Sauk's former territory. The U.S. government, however, viewed the homecoming as a sign of an "aggressive warpath."<sup>243</sup> Major General Edmund Gaines exhorted the Sauk: "I came here, nether to *beg* nor *hire* you to leave your village," Gaines exhorted. "My business is to remove you, peaceably if I can, but *forcibly* if I must!"<sup>244</sup> Still, Black Hawk's nation refused to budge. U.S. troops, then, engaged them in a bloody battle that ended with the Sauk Nation displaced from its home.<sup>245</sup>

According to popular reports, Black Hawk surrendered in early September 1832 under a veil of despondence.<sup>246</sup> But, Black Hawk's surrender also marked a point of resistance. He crafted a rhetoric of moral certainty that reconfigured Sauk Nation's identity as just and the government's identity as evil. Moral certainty worked, here, as a veritable Trojan horse. That is, the chief, having secured the eyes and ears of the American reading public, cloaked his moral defiance in sardonic benevolence. For instance, in contrasting his present and past conditions against the current state of the United States he related that:

I am now an obscure member of a nation that formerly honored and respected my opinions. May the Great Spirit shed light on your's – and that you may never experience the humility that the power of the American government has reduced me to, is the wish of him, who ... was once as proud and bold as yourself.<sup>247</sup>

On its face, his discourse appeared to be a sobering resignation. However, alternate explorations of Black Hawk's rhetoric reveal how dastardly the U.S. government functioned: it reduced character, weakened honor, dissipated respect and diluted pride. He identified with his audience by praying to the "Great Spirit" that they would never

have to suffer the disgraces and oppression lobbed by the United States at the Sauk Nation. The moral certainty of pairing his own kindness with the U.S. government's tyranny allowed Black Hawk a chance to issue a resistance that, Bhabha argues, "enables a form of subversion" that "displaces the space" of the dominant.<sup>248</sup>

Black Hawk also wove a morally certain Native identity throughout his autobiography in less covert ways. This, simultaneously, pegged the U.S. government as sinful and untrustworthy. In discussing the Sauk Nation's displacement from its ancestral land – a violation of moral inheritance – the chief crafted an invective against U.S. land squatters. Black Hawk, here, reversed the roles of American settlers and Sauk members. He insisted, "The whites were *complaining* at the same time that *we* were *intruding* upon *their rights*! THEY made themselves out to be the *injured* party, and *we* the *intruders*! And, called loudly to the great war chief to protect *their* property."<sup>249</sup> Appealing to the U.S. public's senses of reason and justice, Black Hawk called into question the justness of the Indian Removal Act. He closed his resistance by charging the Americans with double-crossing: "How smooth must be the language of the whites, when they can make right look like wrong, and wrong like right."<sup>250</sup> Black Hawk's use of antithesis – the pairing and conflation of "right" and "wrong," in this case – scrutinized whether the removal policy was, indeed, fair. And, Sauk identity was crafted as innocent and morally certain.

The elevation of the Sauk Nation as morally certain formed the centerpiece of Black Hawk's autobiography.<sup>251</sup> As a strategy of resistance, moral certitude worked on both veiled and superficial levels to refashion the hybrid relationship built through

removal rhetoric. Clearly, for instance, Black Hawk offset his nation's identity as moral from the United States' depravity:

It has always been our custom to receive all strangers that come to our village or camps, in time of peace, on terms of friendship – to share with them the best provisions we have, and give them all the assistance in our power ... the white man will always be welcome in our village and camps, as a brother ... We will forget what has past – and may the watchword between the Americans and [Sauk] and Foxes ever be – *Friendship!*<sup>252</sup>

The Sauk were positioned as helpful and humane in addition to morally inherent of their homelands. In addition, despite being oppressed through removal and indignity, Black Hawk and his community were willing to forgive the past degeneracy of the United States. This implied criticism was conspicuously confirmed when Black Hawk wrote: “I had not discovered one good trait in [Americans] ... They made fair promises, but never fulfilled them!”<sup>253</sup> Black Hawk promoted the morality of his people above the impiety of the Americans, thus challenging the hierarchy of identities codified in the Indian Removal Act.

Perhaps the most robust fashioning of a moral Native identity came with Black Hawk's censuring of the United States for its unashamed and impertinent acts of violence. He related to the public, for instance, “Our people were treated badly by the whites on many occasions. At one time a white man beat one of our women cruelly for pulling a few suckers of corn out of his field.”<sup>254</sup> Also not lost in Black Hawk's translation was the notion that “whites were not satisfied until they took our village and our grave-yards from us and removed us across the Mississippi.”<sup>255</sup> Such deprivation of

American Indian moral inheritance to their territories spotlighted the U.S. government as a thief.

Under the aegis of moral certitude, Black Hawk's rhetoric tendered a resistance by revising the historical narrative of the Black Hawk War and the chief's surrender milieu. Black Hawk's ability to speak as a so-called ward provided him the hybridized license to "unmask" the government's language.<sup>256</sup> Use of his new-found agency – allowed through ruptures in the government's agreement over Native identities – also helped him resist American domination through self-constitution.

Black Hawk's moral appeals gave the Sauk Nation, more generally, a chance to refashion a just self-identity. It was no surprise that Black Hawk's narrative opened with a singular, yet complex, motive: "Before I set out on my journey to the land of my fathers, I have determined ... to vindicate my character from misrepresentation."<sup>257</sup> The chief aimed to resituate the Sauk Nation's moral fiber and to recover its honor in opposition to the weakened character afforded it through the removal milieu.<sup>258</sup> According to Black Hawk, peace became the primary maxim of the Sauk Nation. He said, for instance, "I must contradict the story of some [American] village criers ... This assertion [that the Sauk murdered] is *false* ... my nation never killed a white woman or child. I make this statement of truth, to satisfy the white people among whom I am traveling."<sup>259</sup> Even in the midst of removal, Black Hawk said his people were willing to "remove peaceably" had it not been for American atrocities. Eschewing the common mythic storyline of the Sauk Nation's belligerence, then circulating within the U.S. public, Black Hawk reminded his audience that "[we] were determined to live in peace."

## CONCLUSION

Although the institutional rhetoric of removal neither uplifted nor sustained Native sovereignty, it ironically “provided a mechanism for resistance to [governmental] authority and an opening for critique on the part of Native intellectuals and leaders in the nineteenth century.”<sup>260</sup> American Indians resisted removal by using “an identity ... constituted in terms of the dominant system of representation” as a conduit to reflect back and refashion U.S. governmental and Native identities.<sup>261</sup> Krupat argues that such enactment –whether by a Native rhetor or through a white interpreter – suggested a concealed defiance by mingling nineteenth century American Indian voice within “Western traditions.”<sup>262</sup> Or, as Harjo and Bird put it, indigenous communities reinvented the “enemy’s language” in order to “turn the process of colonization around.”<sup>263</sup> Simultaneously, anti-removal advocates in the House and Senate appropriated or mirrored American Indian rebuttals to removal in their own discourse. This transactional discursive relationship alludes to the hybridity at work concerning U.S. governmental and Native identities.

Prior to the Indian Removal Act, American Indian identities and the fashions in which the U.S. government related to indigenous communities remained contested and ambiguous. Through the debate over, and codification of, the act, however, Congress constituted a hierarchical relationship that allowed the federal government superiority over American Indian nations that were deemed weakened and dependent. This was only strengthened once removal was consummated. As the government crafted these hybrid identities, American Indian sovereignty was limited, federal power to entreat with Native nations was elevated above states’ rights to do the same and American Indian individual

cultures were homogenized into a monolith to be dealt with identically.<sup>264</sup> While the Act's codification, and the actualization of removal, lessened the ideological contestations within American institutions, the Removal Act faced considerable resistance when U.S. leaders attempted to implement its stipulation in practice.

The foregoing analysis revealed the ways that American Indian communities resisted the relationship hybridized by the Indian Removal Act and its attendant rhetoric. Native resistance worked through the ideologies that the U.S. government set as guiding frameworks: – expansion, territoriality, paternalism and sectionalism. In so doing, Native nations challenged the removal policy while concomitantly reconstituting governmental and American Indian identities through the transformation of the government's inventional strategies. Native resistance, too, emphasized a conception of sovereignty as involving independence outside the sphere of U.S. citizenship. And, American Indian discourse influenced the removal era debate and complicated the practices of removal.

At the same time, American Indians contested the U.S. government's framing of territory through the doctrine of discovery with a discourse of moral inheritance. Natives' ancestral connection to territory did not prevent removal, but it may have ensured that they would be able to occupy some land on their western reservations. Simultaneously, moral inheritance allowed American Indians a route to insist upon a sovereignty outside the scope of the U.S. *civis*. Vitality, moral inheritance was enacted through Natives' self-identities as rightful and deserving territorial owners. And, Native communities constituted the U.S. government as a robber of indigenous land.

Moreover, American Indian resistance challenged removal by slowing down the implementation of the policy and often motivating the U.S. government to resort to



cajoling, deceit and – at times – force to accomplish removal. As the U.S. government engaged in these unethical means of removal it provided further evidence for American Indians who challenged governmental identities as paternal, benevolent and civilized. Instead, the government was shown by Natives to be untrustworthy, sinful and excessive. Such challenges to the clarity of identities created through the Indian Removal Act speak to the impact of Native agency.

The codification of American Indian and governmental identities resolved the inconsistencies of the U.S.-Native relationship for the United States. And, this was fully realized once American Indians were removed to reservations. However, the government's resolution of identities did less to satisfy American Indian nations, as demonstrated in the foregoing discussion. While ultimately succumbing to removal, though, the power that Native agency sustained through removal was the ability to talk back to U.S. leaders, thus impacting constructions of both indigenous and governmental identities and establishing a commitment to resistance that would remain part of the debate's legacy.

Through removal, American Indian communities were constituted by the government as dependent and, yet, culturally and spatially segregated from the U.S. nation by the end of the removal era. As manifest destiny caught up with removed Native nations in the West, however, the U.S. government was faced with another challenge. With no more land to which American Indians could be removed, the executive, legislature and judiciary had to decide how American Indian identities figured in the expanding U.S. territory and citizenry. The government opted for a new assimilation program predicated on Natives' dependency. As the next chapter

demonstrates, American Indian identities as dependent and childlike would be fortified through the government's allotment policy. The government promised U.S. citizenship, but such pledges deflated, thereby weakening Native sovereignty more. And, Chapter Five, then, indicates how American Indians were split on whether to pursue U.S. citizenship as state-like residents through allotment or to seek a separatist sovereignty in the vein of foreign national status. In either case, allotment era Natives entered into pan-Indian bonds to resist the inconsistencies of the Dawes Act of 1887.

---

<sup>1</sup> Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley: U of California P, 1994), 24-27. Readers should bear in mind that treaties and Native reactions to land cessions also occurred prior to the colonies' movement for independence. Since this study focuses on U.S.-Native relations, though, I traced the "first" treaty between the United States and American Indian nations to the Delaware Treaty of 1778. For more information on North American Native treaties with the English, French and the Dutch, see this study's introduction or Wilcomb E. Washburn, ed., *The American Indian and the United States: A Documentary History*, vol. 4 (New York: Random House, 1973).

<sup>2</sup> Cornplanter, "Listen to Me Fathers of the Thirteen Tribes," in *Colonial Records of Pennsylvania*, vol. 16, p. 35, RG 13, carton 3, folder 1 (Harrisburg: Pennsylvania State Archives).

<sup>3</sup> Little Turtle, "These People Never Told Us They Wished to Purchase Our Lands From Us," *American State Papers. Indian Affairs, 1789–1815* (Washington, D.C.: Gales and Seaton, 1832), Vol. 1: 567, 570–71, 576.

---

<sup>4</sup> Oftentimes, American Indians adopted Anglicized names as they interacted with the U.S. government and U.S. citizens. These names were given by federal Indian agents and Christian missionaries and served to enhance American Indian credibility and ethos when entreating with the government and the U.S. citizenry. For more on the Anglicizing of Native names, see the “Introduction” in Lucy Maddox, *Citizen Indians: Native American Intellectuals, Race and Reform* (Ithaca, NY: Cornell U P, 2005), 1-16; and Donna Hightower-Langston, *The Native American World* (Hoboken, NJ: Wiley and Sons, 2003), 41-101.

<sup>5</sup> Joseph Brant, “We Have Borne Everything Patiently for This Long Time,” in William L. Stone, *Life of Joseph Brant -- Thayendanegea: Including The Border Wars of the American Revolution* (Buffalo, NY: Phinney Publishers, 1838), n.p.

<sup>6</sup> Ronald Satz, *American Indian Policy in the Jacksonian Era* (Lincoln: U of Nebraska P, 1975), 6.

<sup>7</sup> Eastern Cherokees, “To Andrew Jackson,” July 2, 1817 in *The Correspondence of Andrew Jackson*, vol. 1, ed. John Spencer Bassett (Washington, D.C.: Carnegie, 1928), 122. Also found in American State Papers, *Indian Affairs*, vol. 2: 142-143.

<sup>8</sup> William Unrau, *The Kaw People* (Phoenix: Indian Tribal Series, 1975), 116.

<sup>9</sup> The Treaty of Hopewell in 1785 represents the quintessential example of such promises of moratoria on Native removals. “Treaty of Hopewell (1785)” in *The American Indian and the United States: A Documentary History*, vol. 4, ed. Wilcomb E. Washburn (New York: Random House, 1973), 2275.

<sup>10</sup> Frederick Hoxie, ed., *Talking Back to Civilization: Indian Voices from the Progressive Era* (Boston: Bedford/St. Martin’s, 2001), vii.

---

<sup>11</sup> Linda M. Clemmons, “‘We Will Talk of Nothing Else’ – Dakota Interpretations of the Treaty of 1837,” *Great Plains Quarterly* 25 (2005): 174.

<sup>12</sup> Stuart Hall, “Introduction: Who Needs Identity?,” in *Questions of Cultural Identity*, eds. Stuart Hall and Paul du Guy (London: Sage, 1996), 2.

<sup>13</sup> Randall Lake, “Enacting Red Power: The Consummatory Function in Native American Protest Rhetoric,” *Quarterly Journal of Speech* 69 (1983): 128.

<sup>14</sup> Ronald Satz, *American Indian Policy in the Jacksonian Era* (Lincoln: U of Nebraska P, 1975), 64.

<sup>15</sup> The notion of *bricolaging* refers to the ways that less central persons and subjectivities rearrange and juxtapose a central group’s “signifying objects” within “fresh contexts.” Bricolage, at its root, is a process of “re-signification by which cultural signs with established meanings are reorganized into new codes of meaning” (Chris Barker, *Cultural Studies: Theory and Practice* [Thousand Oaks, CA: Sage Publications, 2003], 436).

<sup>16</sup> Alvin M. Josephy, *The Patriot Chiefs: A Chronicle of American Indian Resistance* (New York: Penguin, 1993), 132.

<sup>17</sup> All three broad groupings of American Indian nations (the four “Civilized Tribes”; the Cherokee Nation; and the North and Northwest communities) employed *some* combination of strategies noted as individual to each grouping. However, pairing groupings with particular rhetorical tactics is justified in that those groupings emphasized these specific tactics more.

---

<sup>18</sup> George Washington, “Farewell Address, September 17, 1796,” in *A Compilation of the Messages and Papers of the Presidents*, vol. 1, comp., James D. Richardson [Washington, D.C.: Bureau of National Literature and Art, 1937], 213.)

<sup>19</sup> As detailed in the preceding chapter, *territoriality* is defined as “the assignment of a particular sort of meaning to lines [physical locations] and spaces [social locations] in order to control ... determinable segments of the physical world” (David Delaney, *Race, Place, and the Law: 1836-1948* [Austin: U of Texas P, 1998], 6). Territoriality, then, refers to the power dynamics and constitutive energy of fomenting identities in relation to land.

<sup>20</sup> Andrew Jackson, “Second Annual Message,” December 6, 1830, in *U.S. House Journal* (6 Dec. 1830), 25.

<sup>21</sup> Hoxie, *Talking Back to Civilization*, vii.

<sup>22</sup> Siobhan Senier, *Voices of American Indian Assimilation and Resistance* (Norman: U of Oklahoma P, 2001), 19; 21.

<sup>23</sup> Indian Removal Act (1830), *U.S. Statutes at Large*, vol. 4: 411-412.

<sup>24</sup> Satz, *American Indian Policy*, 78-79.

<sup>25</sup> Recall that one of the primary removal opponents in the Senate, Theodore Frelinghuysen, argued that such imperialism over American Indians was detrimental to U.S. governmental ideals of equality and trust. He noted that “the time has come when this unbought treasure shall be plucked from dishonor” and made better by leaving Native communities to their homelands (Frelinghuysen’s Remarks, April 9, 1830, *Gales & Seaton’s Register of Debates in Congress, Senate* [April 9, 1830], 312).

---

<sup>26</sup> Andrew Jackson, "Second Annual Message," December 6, 1830, in *U.S. House Journal* (6 Dec. 1830), 25.

<sup>27</sup> Ibid.

<sup>28</sup> John Eaton, "How to Treat with the Indians," *Cherokee Phoenix* 2: 48 (March 17, 1830), 1, col. 5b.

<sup>29</sup> See, for example, Vine Deloria, *Custer Died for Your Sins: An Indian Manifesto* (Norman: U of Oklahoma P, [1969] 1988).

<sup>30</sup> Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, abridged ed. (Lincoln: U of Nebraska P, 1986), 78.

<sup>31</sup> Andrew Jackson, "Second Annual Message," 25; and Indian Removal Act (1830), *U.S. Statutes at Large*, vol. 4: 411-412.

<sup>32</sup> Prucha, *American Indian Treaties*, 2.

<sup>33</sup> The Choctaw are presented independently of the other "Five Nations" because they were the first American Indian nation to negotiate a displacement treaty following the Indian Removal Act.

<sup>34</sup> Arthur H. De Rosier, *The Removal of the Choctaw Indians* (Knoxville: U of Tennessee Press, 1970), 5-25.

<sup>35</sup> John Eaton, "Secretary of War Annual Report (1830)" in *American State Papers*, vol. 4, serial 458, p. 286.

<sup>36</sup> Satz, *American Indian Policy*, 68.

<sup>37</sup> "Treaty of Dancing Rabbit Creek (1830)" in *The American Indian and the United States: A Documentary History*, vol. 4, ed. Wilcomb E. Washburn (New York: Random House, 1973), 2423-2436.

---

<sup>38</sup> Ibid.

<sup>39</sup> Memory represents the ways that a shared past is constructed, remembered, forgotten and interpreted by subjectivities as a part of community. According to Nora, “Memory is life, borne by living societies founded in its name . . . it is the reconstruction, always problematic and incomplete, of what is no longer” (Pierre Nora, “Between Memory and History: Les Lieux de Mémoire,” *Representations* 26 (1989): 7.

<sup>40</sup> *American Creeds* refers to “the set of great democratic, legal and individualist beliefs and principles on which the American state and constitution is founded.” These principles are said to be providential and nearly “natural” in the American experience. Furthermore, such principles are held to be exceptional and helps raise the United States as model to the free world. See Anatol Lieven, *American Right or Wrong: An Anatomy of American Nationalism* (New York: Oxford U P, 2004), 5.

<sup>41</sup> Ames, “The Choctaws,” *Cherokee Phoenix* vol. 2:37 (December 23, 1830): p. 2, col. 2a-4b.

<sup>42</sup> See, for instance, discovery language present in executive, legislative and judicial discourse in Chapter Two. John Marshall, as a case, was fond of noting that Natives were “a people once numerous, powerful, and truly independent, found by our ancestors...” (30 U.S. 1 [1831], *Cherokee Nation v. State of Georgia*).

<sup>43</sup> Sprague’s Remarks, April 17, 1830, *Gales & Seaton’s Register of Debates in Congress, Senate* (April 17, 1830), 356.

<sup>44</sup> Theda Perdue, *Cherokee Editor: The Writings of Elias Boudinot* (Athens: U of Georgia P, 1996), i-iv.

---

<sup>45</sup> “The Constitution of the United States,” Art. 1, sec.8 and Art I, sec 10 in *A Documentary History of the United States*, ed., Richard Heffner (New York: Signet, 2002), 22-23.

<sup>46</sup> Ames, “The Choctaws.”

<sup>47</sup> Ibid.

<sup>48</sup> Bates’ Remarks, May 19, 1830, *Gales & Seaton’s Register of Debates in Congress*, House (May 19, 1830), 1050.

<sup>49</sup> Ibid.

<sup>50</sup> Pushmataha and Puckshunnubbee, “For the Cherokee Phoenix,” *Cherokee Phoenix* vol. 2:29 (September 22, 1829): p. 2, col. 2b

<sup>51</sup> For instance, Jefferson declared to Congress his desire to assimilate Native nations by “leading them thus to agriculture, to manufactures, and civilization ... and preparing them ultimately to participate in the benefits of our Government.” Thomas Jefferson, “Letter on Indian Trading Houses, January 18, 1803,” in *A Compilation of the Messages and Papers of the Presidents*, vol. 1, comp., James D. Richardson [Washington, D.C.: Bureau of National Literature and Art, 1937], 341.)

<sup>52</sup> Ibid.

<sup>53</sup> Deloria, *Custer Died for Your Sins*, 146.

<sup>54</sup> Pushmataha and Puckshunnubbee, “For the Cherokee Phoenix.”

<sup>55</sup> George Harkins, “Farewell Letter to the American People (1832),” *The American Indian* vol. 1:3 (December 1926), 7, 12.

<sup>56</sup> Ibid.



---

<sup>57</sup> Edward Pessen, *Jacksonian America: Society, Personality, and Politics* (Urbana: U of Illinois P, 1985), 297.

<sup>58</sup> Bates' Remarks, May 19, 1830, 1050.

<sup>59</sup> Ibid.

<sup>60</sup> Concerning "cattle" and "pasture" metaphors in Harkins' discourse, it remains no surprise that the land to which American Indians were removed were called "reservations." Prucha argues that as the United States expanded west and created "cattle ranges," it concomitantly established "human corrals" in the form of reservations. Like "pens" and "barns," reservations provided that its inhabitants not cross boundaries and instead remain gated to the detriment of their freedom. See Francis Paul Prucha, *The Indians in American Society: From the Revolutionary War to the Present* (Berkeley: U of California P, 1985), 42-47.

<sup>61</sup> Todd McDorman, "Challenging Constitutional Authority: African American Responses to *Scott v. Sandford*," *Quarterly Journal of Speech* 83 (1997): 204.

<sup>62</sup> Homi Bhabha, *Nations and Narration* (London: Routledge, 1990), 145.

<sup>63</sup> Storr's Remarks, May 15, 1830, *Gales & Seaton's Register of Debates in Congress, House* (May 15, 1830), 998.

<sup>64</sup> U.S. Congress, 23d, 1<sup>st</sup> session, *Senate Document* 512, vol. 1, p. 240.

<sup>65</sup> Frelinghuysen's Remarks, April 9, 1830, *Gales & Seaton's Register of Debates in Congress, Senate* (April 9, 1830), 312.

<sup>66</sup> U.S. Congress, 23d, 1<sup>st</sup> session, *Senate Document* 512, vol. 1, p. 240.

---

<sup>67</sup> “Treaty of Doak’s Stand (1828)” in *The American Indian and the United States: A Documentary History*, vol. 4, ed. Wilcomb E. Washburn (New York: Random House, 1973), 2377.

<sup>68</sup> See especially, Bates’ Remarks, May 19, 1830, 1050.

<sup>69</sup> Lawrie Tatum, *Our Red Brothers and the Peace Policy of President Ulysses S. Grant* (Lincoln: U of Nebraska P, 1970), 22-25.

<sup>70</sup> See Gideon Linecum, *Pushmataha: A Choctaw Leader and His People* (Tuscaloosa: U of Alabama P, 2004).

<sup>71</sup> Hoxie, *Talking Back to Civilization*, viii.

<sup>72</sup> Robert V. Remini, *Andrew Jackson and His Indian Wars* (New York: Penguin, 2001), 84-86.

<sup>73</sup> Prucha, *The Great Father*, abridged, 80.

<sup>74</sup> John Coffee, “Talk to the Creek and Chickasaw,” *Niles Weekly Register* (September 18, 1830) quoted in Arrell Gibson, *The Chickasaws* (Norman: U of Oklahoma P, 1971), 154.

<sup>75</sup> Satz, *American Indian Policy*, 105.

<sup>76</sup> “Treaty with the Creeks (March 24, 1832)” in *The American Indian and the United States: A Documentary History*, vol. 4, ed. Wilcomb E. Washburn (New York: Random House, 1973), 2438; 2440.

<sup>77</sup> According to Prucha, a group of Creek community leaders actually attempted to engage Alabamians in battle to prevent the latter from seizing more territory. The federal government, then, had a motive for “physically removing” Creeks; the government noted that the Natives violated decades worth of “perpetual peace” articles codified in the

---

treaties of treaties 1814, 1818, 1821, 1825 and 1832 (Prucha, *The Great Father*, abridged, 82).

<sup>78</sup> Wilcomb Washburn, "Introduction," in *The American Indian and the United States: A Documentary History*, vol. 4, ed. Wilcomb E. Washburn (New York: Random House, 1973), 2448.

<sup>79</sup> Remini, *Andrew Jackson*, 242-247.

<sup>80</sup> "Pontitock Creek Treaty (March 24, 1832)" in *The American Indian and the United States: A Documentary History*, vol. 4, ed. Wilcomb E. Washburn (New York: Random House, 1973), 2449.

<sup>81</sup> Ibid.

<sup>82</sup> See "The Moral Inheritance of a President" in Michael W. Casey and Douglas A. Foster, *The Stone-Campbell Movement: An International Religious Tradition* (Knoxville: U of Tennessee P, 2001).

<sup>83</sup> See, for instance, Thomas R. Hietala, *Manifest Design: Anxious Aggrandizement in Late Jacksonian America* (Ithaca, NY: Cornell U P, 1985), 255-256.

<sup>84</sup> Levi Colbert, "Plea from the Chickasaw."

<sup>85</sup> Sprague's Remarks, April 17, 1830, *Gales & Seaton's Register of Debates in Congress*, Senate (April 17, 1830), 356.

<sup>86</sup> Levi Colbert, "Plea from the Chickasaw."

<sup>87</sup> Posey, "To Wander Home," in *Gales & Seaton's American State Papers*, 1832-1860, vol. 1 ("Military Affairs"), 356.

<sup>88</sup> Anonymous, "The Indian's Farewell," in *Cherokee Phoenix*, vol. 2:50 (March 31, 1830), p.4, col.1a.

---

<sup>89</sup> “The Constitution of the United States - Preamble” in *A Documentary History of the United States*, ed., Richard Heffner (New York: Signet, 2002), 18.

<sup>90</sup> According to Lake, “Indian time” does not progress in a linear fashion, but rather in cyclical metaphors. He opines, “Their [American Indian] narrative, grounded in time’s cycle, seeks to renew the ties between the past and the present, and thereby to enact a future ...” (Randall Lake, “Between Myth and History: Enacting Time in Native American Protest Rhetoric,” *Quarterly Journal of Speech* 77 [1991]: 129).

<sup>91</sup> Found in Satz, *American Indian Policy*, 276.

<sup>92</sup> David Rich Lewis, *Neither Wolf Nor Dog: American Indians, Environment and Agrarian Change* (New York: Oxford U P, 1994), 10.

<sup>93</sup> Rogers Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, CT: Yale UP, 1997), 133-34.

<sup>94</sup> William M. Strickland, “The Rhetoric of Removal and the Trail of Tears: Cherokee Speaking Against Jackson’s Indian Removal Policy, 1828-1832,” *Southern Speech Communication Journal* 47 (1982): 294.

<sup>95</sup> William G. Robbins, “In Search of Western Lands,” in *Land in the American West: private Claims and the Common Good*, eds. William G. Robbins and James C. Foster (Seattle: U of Washington P, 2000), 5.

<sup>96</sup> Dippie, *The Vanishing America*, 60-61.

<sup>97</sup> R. Douglas Hurt, *The Indian Frontier, 1763-1846* (Albuquerque: U of New Mexico P, 2002), xiv.

<sup>98</sup> Ronald Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity* (Berkeley: U of California P, 2003), 150.

---

<sup>99</sup> Colin G. Calloway, *First Peoples: A Documentary Survey of American Indian History* (Boston: Bedford/St. Martins, 1999), 350-351.

<sup>100</sup> Lumpkin's Remarks, May 17, 1830, *Gales & Seaton's Register of Debates in Congress, House* (May 17, 1830), 1016.

<sup>101</sup> Tisho Mingo, William M'Gilvery and Stimoluet, "Indian Emigration," in *Cherokee Phoenix* vol. 1:16 (June 11, 1828), p.2, col. 1-2.

<sup>102</sup> Anonymous, "The Indian's Farewell."

<sup>103</sup> Roy Harvey Pearce, *Savagism and Civilization: A Study of the Indian and the American Mind* (Baltimore: Johns Hopkins U P, 1967), 76; 82.

<sup>104</sup> Shullushoma, "It's Been a Great Many Years," in U.S. Congress, 23d, 1<sup>st</sup> session, *Senate Document* 512, vol.1, 240.

<sup>105</sup> Bates' Remarks, May 19, 1830, *Gales & Seaton's Register of Debates in Congress, House* (May 19, 1830), 1050.

<sup>106</sup> Yoholo, Tuckaubatchie Hajo, Tustenuggee, Smut Eye, et. al., "Memorial of the Creek Nation of Indians," in *Cherokee Phoenix* vol. 2:48 (March 17, 1830), p.4, col. 1a-4b.

<sup>107</sup> Ibid.

<sup>108</sup> Frelinghuysen's Remarks, April 9, 1830, *Gales & Seaton's Register of Debates in Congress, Senate* (April 9, 1830), 312.

<sup>109</sup> "Declaration of Independence" in *A Documentary History of the United States*, ed., Richard Heffner (New York: Signet, 2002), 9.

<sup>110</sup> Elbert Herring, "Report of Commissioner of Indian Affairs, March 24, 1832," in *House Executive Document* no. 2, 22d Congress, 2d session, serial 233, p. 163.

---

<sup>111</sup> Speckled Snake, "Response to a Message from President Andrew Jackson Concerning Indian Removal, 1830," in *Niles Weekly Register* vol. 36:36 (June 20, 1830), 274.

<sup>112</sup> Prucha, *American Indian Treaties*, 4-5.

<sup>113</sup> Satz, *American Indian Policy*, 211.

<sup>114</sup> The Seminole Nation is analyzed singularly due to their long-standing resistance; chiefs Osceola, Jumper and Micanopy held out both discursively, and in battle, against the negotiation of a removal treaty.

<sup>115</sup> J. Leitch Wright, *Creeks and Seminoles: The Destruction and Regeneration of the Muscogule People* (Lincoln: U of Nebraska P, 1986), 245.

<sup>116</sup> John K. Mahon and Brent R. Weisman, Florida's Seminole and Miccosukee People," in *The New History of Florida*, ed. Michael Gannon (Gainesville: U of Florida P, 1996), 192-193.

<sup>117</sup> Lewis Cass to the President of the United States, Department of War, January 23, 1832. National Archives, Record Group 75, Ratified Indian Treaty File No. 178, Item 2-T, Secretary of War, Letters Sent, vol. 9.

<sup>118</sup> Prucha, *The Great Father*, abridged, 84.

<sup>119</sup> "Treaty of Payne's Landing (May 9, 1832)" in *The American Indian and the United States: A Documentary History*, vol. 4, ed. Wilcomb E. Washburn (New York: Random House, 1973), 2443.

<sup>120</sup> Wright, *Creeks and Seminoles*, 246-247.

<sup>121</sup> Prucha, *The Great Father*, abridged, 84.

---

<sup>122</sup> There is evidence to suggest that the U.S. government persuaded a desolate minority of the Seminole Nation to sign the treaty in exchange for food, clothing and money (Satz, *American Indian Policy*, 103).

<sup>123</sup> “Treaty of Fort Gibson (March 28, 1833)” in *The American Indian and the United States: A Documentary History*, vol. 4, ed. Wilcomb E. Washburn (New York: Random House, 1973), 2446.

<sup>124</sup> Satz, *American Indian Policy*, 101.

<sup>125</sup> Satz, *American Indian Policy*, 102.

<sup>126</sup> Prucha, *The Great Father*, abridged, 83-84.

<sup>127</sup> The Second Seminole War ended in August 1842 when some 2,833 members of the Seminole Nation were relocated to Indian Territory in the west. The Seminole community’s removal commenced in the wake of Chief Osceola’s (Seminole) capture and death in January 1838, the seizure of Coacoochee (Seminole) in June 1841 and the exile of leader Arpeika (Seminole) in April 1842. (J. Leitch Wright, *Creeks and Seminoles: The Destruction and Regeneration of the Muscogugle People* [Lincoln: U of Nebraska P, 1986], 195; 197-98).

<sup>128</sup> Ter Ellington, *The Myth of the Noble Savage* (Berkeley: U of California P, 2001), 64-65.

<sup>129</sup> Pearce, *Savagism and Civilization*, 53-56.

<sup>130</sup> Coacoochee, “Speech to Removal Council,” in John T. Sprague, *The Origin, Progress and Conclusion of the Florida War* (New York: n.p.), chapter 6.

<sup>131</sup> *Ibid.*

<sup>132</sup> *Ibid.*

---

<sup>133</sup> Ibid.

<sup>134</sup> See Hoxie, *Talking Back to Civilization*.

<sup>135</sup> Osceola, “To Thompson (October 23, 1834),” in Charles Coe, *Red Patriots: The Story of the Seminoles* (Cincinnati, OH: Editor Publishing, 1898), 91.

<sup>136</sup> Anonymous, “Song of the Removal to Oklahoma,” in Joshua Giddens, *Exiles of Florida* (Columbus, OH: Follett, Foster and Company, 1858), 35.

<sup>137</sup> See, for instance, how Jackson metonymically described American Indians as “the leaves in the woods” throughout his removal talks. (“Black Hawk Tour,” *Niles’ Weekly Register* 8 [1833]: 182).

<sup>138</sup> Jumper, “Removal Speech,” in U.S. Congress, 25<sup>th</sup>, 1<sup>st</sup> session, *Senate Executive Document* 119, *passim*.

<sup>139</sup> The Cherokees are separated into an independent analytical section because they presented “the most controversial episode in the actual emigration to the West” (Prucha, *The Great Father*, 85). This was so because the Cherokee had assimilated the most to United States standards and demands; they had – for instance – formulated a constitution, a written syllabary, a republican government and likewise boasted high populations of literate, agrarian and Christian citizens (Donna Hightower, *The Native American World* [Hoboken, NJ: Wiley and Sons, 2003], 147).

<sup>140</sup> As will be demonstrated throughout this section, the Cherokee Nation’s unique position as unquestionably “acculturated” underpins my rationale for separating their discourse from both the other four “Five Tribes” and northwestern and northern Native anti-removal rhetoric.

<sup>141</sup> “Civilization Fund Act, March 3, 1819,” *U.S. Statutes at Large*, 3:516-517.



---

<sup>142</sup> To this effect, the Cherokee Nation did the following: formed a national council with executive and legislative branches in 1794; adopted the English language into their internal laws in 1808; declared themselves a “republic” in 1817; implemented an alphabet in 1821; founded a Washington-style capital city at New Echota, Georgia in 1826; drafted a constitution (replete with the holding of a constitutional convention) in 1827; and supported a national newspaper in 1828. I am indebted to Konkle for compiling a concise list of the Cherokee Nation’s republican efforts (See Konkle, *Writing Indian Nations*, 49).

<sup>143</sup> Gloria Jahoda, *The Trail of Tears: The Story of the American Indian Removals, 1813-1855* (New York: Wings Books, 1975), 42-45.

<sup>144</sup> Andrew Jackson, “Talk to the Cherokees,” March 6, 1835, in *The Correspondence of Andrew Jackson*, vol. 1, ed. John Spencer Bassett (Washington, D.C.: Carnegie, 1928), 86.

<sup>145</sup> John Ross and William Hicks, “The Cherokees,” in *Cherokee Phoenix*, vol 1: 44 (January 14, 1829), p. 1, col. 4b-5a.

<sup>146</sup> Forsyth’s Remarks, April 15, 1830, *Gales & Seaton’s Register of Debates in Congress, Senate* (April 14, 15, 1830), 326.

<sup>147</sup> Satz, *American Indian Policy*, 98.

<sup>148</sup> Wilson Lumpkin, *Removal of the Cherokee Indians from Georgia*, vol. 2 (New York: Augustus M. Kelly, 1907), 45.

<sup>149</sup> Report of the Joint Committee in the Legislature of Georgia on Cherokee Lands,” *Cherokee Phoenix* 1:3 (March 6, 1828), 1: col.4B.

<sup>150</sup> *Cherokee Nation v. Georgia* (1831), 5 Peters 15-20.

---

<sup>151</sup> Walter H. Conser, Jr., "John Ross and the Cherokee Resistance Campaign, 1833-1838," *Journal of Southern History* 44:2 (1978), 192-193.

<sup>152</sup> Konkle, *Writing Indian Nations*, 44.

<sup>153</sup> *Worcester v. Georgia* (1832) 6 Peters, 534-36.

<sup>154</sup> Remini, *Andrew Jackson*, 254-255.

<sup>155</sup> For more on the Cherokee cases see chapter two, or David Wilkins, *American Indian Sovereignty and the Supreme Court: The Masking of Justice* (Austin: U of Texas P, 1997), 21-22; 42.

<sup>156</sup> General Winfield Scott, "Address to the Cherokee Nation," May 10, 1838 in "Correspondence of the Eastern Division Pertaining to Cherokee Removal, April 1838-December 1838," Microfilm Record M1475 (National Archives and Records Administration). Also found in Edward J. Cashin (ed.), *A Wilderness Still The Cradle of Nature: Frontier Georgia* (Savannah: Beehive Press, 1994), 137-38.

<sup>157</sup> Satz, *American Indian Policy*, 101.

<sup>158</sup> "Treaty of New Echota (December 29, 1835)" in *The American Indian and the United States: A Documentary History*, vol. 4, ed. Wilcomb E. Washburn (New York: Random House, 1973), 2461.

<sup>159</sup> Remini, *Andrew Jackson*, 262.

<sup>160</sup> Prucha, *American Indian Treaties*, 178.

<sup>161</sup> John Ross, "Letter to Lewis Cass, March 9, 1835," in Gary Moulton, ed., *The Papers of Chief John Ross*, vol. 1 (Norman: U of Oklahoma P, 1985), 332-333.

---

<sup>162</sup> James Monroe, "Special Message to Congress," January 27, 1825, in *A Compilation of the Messages and Papers of the Presidents*, vol. 2, comp., James D. Richardson Washington, D.C.: Bureau of National Literature and Art, 1937, 280.

<sup>163</sup> John Ross, "Annual Message" (October 14, 1829) in *Cherokee Phoenix* (October 21, 1829), vol, 2:28, p. 2, col. 4-5; also found in *Niles' Weekly Register*, (November 14, 1829) 189-190.

<sup>164</sup> Konkle, *Writing Indian Nations*, 45; 49.

<sup>165</sup> Phillip Frickey, "Marshalling Past and Present: Colonialism, Constitutionalism, and Interpretation in Federal Indian Law," 107 *Harv. L.Rev.* 381

<sup>166</sup> Robin Patric Clair, "Organizing Silence: Silence as Voice and Voice as Silence in the Narrative Exploration of the Treaty of New Echota," *Western Journal of Speech* 61 (1997): 330.

<sup>167</sup> Cherokee Council, "The Cherokees," in *Cherokee Phoenix* vol. 1:44 (January 14, 1829), p. 1, col. 4b-5a.

<sup>168</sup> Wood Pecker, Roman Nose, Locust, Timson, Samuel Ward, Situagee and Ball Town George, "To Aquohee District," in *Cherokee Phoenix* vol. 1:30 (September 24, 1838), p. 2, col. 4a.

<sup>169</sup> Strickland, *The Rhetoric of Removal*, 293; 295.

<sup>170</sup> Prucha, *The Great Father*, abridged, 83.

<sup>171</sup> Cherokee Nation, "To the People of the United States (July 7, 1830)," in *Niles Weekly Register*, August 21, 1830.

<sup>172</sup> Satz, *American Indian Policy*, 21-23.

<sup>173</sup> Clair, "Organizing Silence," 333-334.

---

<sup>174</sup> Elias Boudinot, “To the Publics,” in *Cherokee Phoenix* vol. 1:1 (February 21, 1828), p. 3, col. 2b-4.

<sup>175</sup> Of double-vocality in this vein, Bahktin argues such “hybridization ... is a mixture of two social languages within the limits of a single ... encounter, within the arena of utterance, between two different linguistic consciousnesses, separated from one another” by culture, “social differentiation” or some other factor. (Mikhail Bakhtin, *The Dialogic Imagination: Four Essays*, ed. Michael Holquist, trans. Caryl Emerson and Michael Holquist [Austin: U of Texas P, 1981], 344.)

<sup>176</sup> Boudinot, “To the Publics,”

<sup>177</sup> Sovereignty, here, is defined as the agency to: control one’s own destiny; remain close to ancestral, linguistic, familial and spiritual roots; self-identify as an independent political entity holding land; and cultivate and maintain a sense of group nationalism, oftentimes despite oppression (i.e., U.S. Indian policies considered detrimental to Native nations and enclaves). See Eva Marie Garrouette, *Real Indians: Identity and the Survival of Native America* (Berkeley: U of California P, 2003) 88-89; 95-96; nn41; nn42.

<sup>178</sup> Anonymous, “Poem: Cherokees’ Reply to the Proposition that They Should Remove Beyond the Mississippi,” in *Cherokee Phoenix* vol. 2:25 (September 23, 1829), p. 4, col. 1a.

<sup>179</sup> John Ridge, “You Asked Us,” in John Ehle, *Trail of tears: The Rise and Fall of the Cherokee Nation* (New York: Doubleday, 1988), 254.

<sup>180</sup> Satz, *American Indian Policy*, 21-23.

---

<sup>181</sup> Elias Bouinot, “New Echota Editorial,” in *Cherokee Phoenix* vol. 1:6 (March 27, 1828), p. 3, col. 1b.

<sup>182</sup> B—DB, “For the Cherokee Phoenix,” in *Cherokee Phoenix* vol. 1:4 (march 13, 1828), p. 2, col. 4,5; p. 3, col. 1,2.

<sup>183</sup> Ibid.

<sup>184</sup> Ibid.

<sup>185</sup> T. Hartley Crawford, “Report of the Commissioner of Indian Affairs (November 25, 1838)” in *The American Indian and the United States: A Documentary History*, vol. 1, ed. Wilcomb E. Washburn (New York: Random House, 1973), 31.

<sup>186</sup> Elias Boudinot, “Editorial (November 12, 1831)” in Perdue, *Cherokee Editor*, 142.

<sup>187</sup> See Gary Moulton, *John Ross, Cherokee Chief* [Athens: U of Georgia P, 1978).

<sup>188</sup> Konkle, *Writing Indian Nations*, 49.

<sup>189</sup> There is evidence to suggest that Ross sent his annual messages to both Congress and the White House. Regardless, given the U.S. government’s interest in obtaining Cherokee territory, it is highly likely that federal Indian agents monitored closely the Cherokee president’s discourse. (Moulton, *John Ross, Cherokee Chief*).

<sup>190</sup> John Ross, “Annual Message, October 14, 1829,” in Gary Moulton, ed., *The Papers of Chief John Ross*, vol. 1 (Norman: U of Oklahoma P, 1985), 169.

<sup>191</sup> Wilkins, *American Indian Sovereignty*, 21-22.

<sup>192</sup> Prucha, *American Indian Treaties*, 2.

<sup>193</sup> *Cherokee Nation v. Georgia* (1831), 5 Peters 15-20.

---

<sup>194</sup> John Ross, “Annual Message, November 11, 1831,” in Gary Moulton, ed., *The Papers of Chief John Ross*, vol. 1 (Norman: U of Oklahoma P, 1985), 169.

<sup>195</sup> Frelinghuysen’s Remarks, April 9, 1830, *Gales & Seaton’s Register of Debates in Congress*, Senate (April 9, 1830), 312.

<sup>196</sup> According to Cain, moral suasion is an appeal “to the moral vision of the people” that includes pathos, natural law, and Christianity (William E. Cain, ed., *William Lloyd Garrison and the Fight Against Slavery – Selections from The Liberator* [Boston: Bedford, 1995], 28.

<sup>197</sup> John Ross, “Letter to Andrew Jackson, March 12, 1834,” in Gary Moulton, ed., *The Papers of Chief John Ross*, vol. 1 (Norman: U of Oklahoma P, 1985), 279.

<sup>198</sup> An ideograph is “an ordinary language term found in political discourse ... that warrants the use of power ... and guides behavior and beliefs into channels easily recognizable by a community as acceptable and laudable” Michael Calvin McGee: “The ‘Ideograph’: A Link Between Rhetoric and Ideology,” *Quarterly Journal of Speech* 66 (1980): 15. Ideographs are the building blocks of society; they encapsulate and condense the language of ideology into one-term summations.

<sup>199</sup> Ibid.

<sup>200</sup> He also alluded to the supremacy of the presidency as the governmental representative of U.S.-Native relations.

<sup>201</sup> Ibid.

<sup>202</sup> John Ross, “Letter to Lewis Cass, February 29, 1836,” in Gary Moulton, ed., *The Papers of Chief John Ross*, vol. 1 (Norman: U of Oklahoma P, 1985), 388.

<sup>203</sup> Kaplan, *Anarchy of Empire*, 16.

---

<sup>204</sup> Ibid.

<sup>205</sup> Prucha, *The Great Father*, abridged, 88.

<sup>206</sup> William Medill, “Annual Report of the Commissioner of Indian Affairs (November 30, 1848),” in *House Executive Document*, no. 1, 30<sup>th</sup> Congress, 2d session, serial 537, 387.

<sup>207</sup> Found in George Wilson Pierson, *Tocqueville and Beaumont in America* (New York: Oxford U P, 1938), 615.

<sup>208</sup> Satz, *American Indian Policy*, 112-113.

<sup>209</sup> See Treaty of Fort Stanwix (October 22, 1784), 7 Stat. 15.; and Northwest Ordinance (July 13, 1787), National Archives Microfilm Publication, M332, roll 9.

<sup>210</sup> “Chippewa Removal Song,” in John Trent Irving, Jr., *Indian Sketches Taken During an Expedition to the Pawnee Tribes* [1833] (Norman: U of Oklahoma Press, 1955), xxvii.

<sup>211</sup> Prucha, *The Great Father*, abridged, 89.

<sup>212</sup> Dippie, *The Vanishing American*, 73.

<sup>213</sup> “Organization of the Department of Indian Affairs” (June 30, 1834), *U.S. Statutes at Large*, 4:735-738.

<sup>214</sup> Ohio Wyandot Council, “Speech on Removal,” in U.S. Congress, 23d, 1<sup>st</sup> session, *Senate Document* 512, vol. 2, 597.

<sup>215</sup> Indian Affairs had been housed in the War Department; when the Department of the Interior was formulated in 1849 the Taylor Administration dismantled the War Department. See Prucha, *American Indian Treaties*, 15.

---

<sup>216</sup> “Transfer of Indian Affairs to the Department of the Interior” (March 3, 1849), *U.S. Statutes at Large*, 9:395.

<sup>217</sup> See Francis Paul Prucha, *Documents of United State Indian Policy*, 2d (Lincoln: U of Nebraska P, 1990), 80

<sup>218</sup> Robert M. Utley, *The Indian Frontier of the American West, 1846-1890* (Albuquerque: U of New Mexico P, 1984), 4.

<sup>219</sup> Hans Koning, *The Conquest of America: How Indian Nations Lost Their Continent* (New York: Monthly Review Press, 1993), 90-95

<sup>220</sup> Walter R. Borneman, *1812: The War that Forged a Nation* (New York: Harper Perennial, 2005), 31.

<sup>221</sup> The title of this section refers to Heckaton’s (Quapaw) lament that since the U.S. government had removed his Quapaw Nation that “tears have flowed copiously from my aged eyes. To leave my natal soil, and go among red men who are aliens to our race, is throwing us like outcasts upon the world . . . Have mercy – send us not there” (Heckaton, “Speech [1834],” in *Arkansas Gazette* [November 11, 1834], also found in Lee Miller, *From the Heart: Voices of the American Indian* [New York: Vintage Books, 1995], 223.

<sup>222</sup> Prucha, *The Great Father*, abridged, 89.

<sup>223</sup> Hightower, *Native American World*, 224.

<sup>224</sup> Four Bears, “With Ingratitude,” in Annie H. Abel, ed., *Chardon’s Journal at Fort Clark, 1834-1839* (Pierre, SD: Department of History of the State of South Dakota, 1932), 123.

<sup>225</sup> Four Bears, “With Ingratitude.”



---

<sup>226</sup> Ibid.

<sup>227</sup> The “Six Nations” consisted of Seneca, Mohawk, Oneida, Onondaga, Cayuga, and Iroquois nations. These American Indian communities, founded around 1142, were notable for uniting in peace with one another, and for aiding the young American nation. (Colin Calloway, *First Peoples: A Documentary Survey of American Indian History* [Boston: Bedford/St. Martins, 1999], 44-47.

<sup>228</sup> Red Jacket, “Celebrated Speech (1830),” in *Cherokee Phoenix* vol. 2:47 (March 10, 1830), p. 4, col. 1a-3a.

<sup>229</sup> Ibid.

<sup>230</sup> Strickland, “The Rhetoric of Removal and the Trail of Tears,” 294.

<sup>231</sup> Found in General A.G. Ellis, “Some Account of the Adventures of the New York Indians Into Wisconsin,” *Wisconsin Historical Collections* vol. 2 (1855), 415.

<sup>232</sup> Ibid.

<sup>233</sup> The Pequot Nation was the first Native group defeated by the English in North America. In 1636-37, colonists from the Plymouth Colony and the Massachusetts Bay Colony attacked the Pequot near present-day New Haven, Connecticut. As a result of the “savagery” attributed to the nation, colonists “forbade the very mention of the tribe.” This context – as well as the ways Puritans in New England liberally threw the word “sin” at indigenous people in the seventeenth century – may explain why Apess, who grew up in Pequot culture, invoked “sin” as a hybrid rhetoric (Hightower, *Native American World*, 263).

<sup>234</sup> William Apess, *A Son of the Forest: The Experience of William Apes [sic]: A Native of the Forest* (New York: Burnee, 1831), 157; 205.

---

<sup>235</sup> Kānakūk, “Why the Indians Will Not Give Up their Land (1827),” in *Fourteenth Annual Report of the Bureau of American Ethnology* (1896), part 2, 685-696.

<sup>236</sup> Anders Stephanson, *Manifest Destiny: American Expansionism and the Empire of Right* (New York: Hill and Wang, 1995), 23.

<sup>237</sup> Ibid.

<sup>238</sup> Ibid.

<sup>239</sup> This analytical section’s title refers to the quintessential book concerning Chief Black Hawk’s rebuffs of removal: Cecil Eby, “*That Disgraceful Affair*” – *The Black Hawk War* (New York: Norton, 1972).

<sup>240</sup> According to social critic Kenneth Burke, with mortification, we find “‘the subjection of the passions and appetites, by penance, abstinence or painful severities inflicted on the body,’ mortification as a kind of governance, an extreme form of ‘self-control,’ the deliberate, disciplinary ‘slaying’ of any motive that, for ‘doctrinal’ reasons, one thinks of as unruly” (Kenneth Burke, *The Rhetoric of Religion: Studies in Logology* [Berkeley: U of California P, 1970], 289).

<sup>241</sup> See Eby, *That Disgraceful Affair*, Gurko, *Indian America*; and Hagan, *The Sac and Fox Indians*.

<sup>242</sup> Donald Jackson, “Introduction,” *Black Hawk: An Autobiography*, ed. Donald Jackson (Urbana-Champaign: U of Illinois P, 1964), 15.

<sup>243</sup> Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln: U of Nebraska P, 1975), 113.

<sup>244</sup> Black Hawk, *Black Hawk: An Autobiography*, ed. Donald Jackson (Urbana-Champaign: U of Illinois P, 1964), 112.

---

<sup>245</sup> Remini, *Andrew Jackson*, 258.

<sup>246</sup> See Hightower-Langston, *The Native American*, 335-37; Jackson, “Introduction”; Remini, *Andrew Jackson*, 258-261; Satz, *American Indian Policy*, 113-14; and W.C. Vanderwerth (ed.), *Indian Oratory: Famous Speeches by Noted Indian Chieftains* (Norman: U of Oklahoma P, 1989), 90.

<sup>247</sup> Black Hawk, *Black Hawk’s Autobiography*, ed. Roger L. Nichols (Ames: Iowa State U P, 1999), 7.

<sup>248</sup> Homi Bhabha, *Location of Culture* (London: Routledge, 1994), 154.

<sup>249</sup> Black Hawk, *Autobiography*, 52.

<sup>250</sup> Black Hawk, *Autobiography*, 52.

<sup>251</sup> Readers should bear in mind that the seemingly incongruous conciliatory and resistant discourse enveloping Black Hawk’s surrender milieu was not judged as such by the U.S. government. The “resistive” rhetoric analyzed in the ensuing parts of my analysis was published in Black Hawk’s autobiography (1833), one year after his official surrender (1832). Resistance, then, came about *after* Black Hawk’s construction of his surrender as conciliatory.

<sup>252</sup> Black Hawk, *Autobiography*, 88.

<sup>253</sup> Black Hawk, *Autobiography*, 21.

<sup>254</sup> Black Hawk, *Autobiography*, 52.

<sup>255</sup> Black Hawk, *Autobiography*, 79.

<sup>256</sup> Bakhtin, *Dialogic Imagination*, 344.

<sup>257</sup> Black Hawk, *Autobiography*, 7.

---

<sup>258</sup> Also not lost to observation, however, is the way Black Hawk's ancestral "fathers" came to displace the "Great Father" of whom Black Hawk spoke in his surrender speech.

<sup>259</sup> Black Hawk, *Autobiography*, 88.

<sup>260</sup> Maureen Kronkle, *Writing Indian Nations: Native Intellectuals and the Politics of Historiography, 1827-1863* (Chapel Hill: U of North Carolina P, 2004), 5.

<sup>261</sup> Jana Sequoya Magdaleno, "How (!) Is An Indian? A Contest of Stories, Round 2," *Postcolonial Theory and the United States: Race, Ethnicity and Literature*, eds., Amritjit Singh and Peter Schmidt (Jackson: U P of Mississippi, 2000), 286-87.

<sup>262</sup> Arnold Krupat, *Red Matters: Native American Studies* (Philadelphia: U Pennsylvania P, 2002), 215.

<sup>263</sup> Joy Harjo and Gloria Bird, "Introduction," in *Reinventing the Enemy's Language: Contemporary Native Women's Writings of North America*, eds. Joy Harjo and Gloria Bird (New York: W.W. Norton, 1997), 25.

<sup>264</sup> Remini, *Andrew Jackson*, 204.

---

## CHAPTER FOUR

### GOVERNMENTAL RHETORIC AND THE SOLIDIFICATION OF IDENTITIES: GENERAL ALLOTMENT (DAWES) ACT

By the post-bellum period, the residues of the Indian Removal Act had seemingly clarified the hybrid identities between the U.S. government and Native communities for the federal government. American Indians were considered dependent wards of the government, but existed apart from the U.S. nation on segregated reservations. Concurrently, the government's paternal identity allowed it the license to influence and manage Native territories and affairs.

However, the late nineteenth century expansion of the United States reopened questions of identity by bringing western settlers ever closer to the reservations staked out for the removed Native nations. Recall that George Harkins (Choctaw) resisted removal by arguing that the policy would only temporarily separate the U.S. government and Native nations. He predicted in 1832 that the United States would plant "a stake and draw a line around us, that never should be passed," but that as the nation expanded it would draw "up the stake and wipe out all traces of the line."<sup>1</sup> Harkins' words proved prophetic as encroachments into reserved Native territories increased, yielding some 100 million acres for the United States by the end of the 1880s.<sup>2</sup> The United States caught up to the reservations in the West and every removed Native community was "encircled by a rising tide of farmers, miners and entrepreneurs."<sup>3</sup> President Grover Cleveland put the Native nations' position bluntly, noting: "Civilization, with the busy hum of industry ... surrounds these people at every point."<sup>4</sup> While, during the removal era, American Indians were isolated on the far reaches of the U.S. nation, "all of this now changed" as

no indigenous community was “outside the bounds of organized government and society.”<sup>5</sup> This renewed contact between whites and American Indians posed new questions about Natives’ places in the civic sphere.

As a result of the “opening of the western frontier,” the U.S. government and American Indian nations traditionally located in the West were forced to confront one another. Suddenly, Frederick Jackson Turner’s “meeting point between savagery and civilization” came to bear as roads, railways, settlers and industries traversed areas west of the Mississippi.<sup>6</sup> The meeting of western Native nations and the U.S. government involved a number of skirmishes instigated by continued American expansion. With “shocking speed” American Indians who had previously “avoided American contact” suffered a “complete military defeat.”<sup>7</sup> With each U.S. victory between the 1850s and the 1880s came more efforts to place Natives on reservations.<sup>8</sup> After some thirty years, with most western American Indians removed to reservations, General William T. Sherman concluded in 1883 that “I now regard the Indians as substantially eliminated as a problem of the Army” and that the government’s victories in what came to be known as the Indian Wars had “settled forever the Indian question.”<sup>9</sup> However, Sherman was incorrect in his assumption that the end of the Indian Wars resolved the “Indian question.”<sup>10</sup>

During the 1840s through the 1880s, such contact caused a great deal of inquiry over how the United States would interact with American Indians. As Dippie argues, “an impending crisis in Indian affairs had been mounting since the 1840s when continental expansion fatally compromised the theory of Indian isolation out west.”<sup>11</sup> The question of “what to do with the Indian” troubled the government, especially as the United States

continued to subsume territories west to the Pacific Ocean.<sup>12</sup> The question soon became how to treat American Indians; should they be left to their own tribal independence on reservations or should they be brought into the U.S. nation as productive citizens – albeit on reservations – owing an allegiance to the United States (versus individual tribal nations)? One thing was sure: “the West was won; the wilderness and its Indian population were confined to reservations ... the land was used up ... the Indian had stubbornly refused to vanish,” and white settlers desired American Indian land.<sup>13</sup> Furthermore, the government supposed that Native labor could contribute to both the widening of agricultural and industrial enterprises in the West and American Indians’ own assimilation into U.S. culture.<sup>14</sup>

Few governmental officials and public citizens advocated for American Indian independence on the reservations. The fear therein was that, alone, “they will continue in so dispersed a condition [away from ‘civilization’] that it will be difficult to do anything towards their permanent improvement.”<sup>15</sup> In turn, the government thought that Native communities might hold tight or revert back to their so-called ills of “apathy, barbarism and heathenism,” therefore engaging in more warfare.<sup>16</sup> Instead, Jefferson’s assimilation program reappeared as a possibility now that the U.S. government and American Indians were, once again, in such close contact. The government’s assimilation policy – versus outright isolation – was “about to be tested for the last time.”<sup>17</sup>

The government’s stance was that assimilation would benefit American Indians by converting them into productive members of the U.S. nation. Such goals differed from the government’s segregationist discourse during the removal era, wherein American Indians were to remain dependent, yet separated from the U.S. nation. Native

assimilation and citizenship in the late nineteenth century was unsurprising, however, as American Indians now lived in closer proximity to the civic spaces. Concomitantly, the United States worked to assimilate new European immigrants; a wave of assimilationist ideology certainly took hold nearing the twentieth century, impacting U.S.-Native relations in the process.<sup>18</sup> Enacting paternalism, the government was “to take [the Native] by the hand and set him upon his feet and teach him to stand ... then to walk, then to dig, then to plant, then to hoe, then to gather, then to *keep*” in order to prepare Natives for citizenship.<sup>19</sup>

American Indians, especially the western nations, were no longer enemies. There were fewer threats in the West as U.S. settlers and industries expanded outward with the aid of military protection. Now, however, the government sought ways to siphon more land from the reservations and to protect its interests while concomitantly “uplifting” indigenous communities.<sup>20</sup> An 1874 article in the *Republic* illustrated the hybrid role that would reemerge with this invigorated policy of assimilation: “They are wards, children in their minority, to be cared for as such, and fitted to become citizens by education, civilization and a practical knowledge of industrial pursuits.”<sup>21</sup> The reification of U.S. paternalism demonstrated here punctuated the U.S. government’s efforts of “civilizing” American Indians during the 1880s.

Assimilation was to be achieved mostly through the policy of allotment. Allotment redrew reservation lines and sectorized tracts to individual American Indians. The rationale therein was to divide “collectively held Indian lands into individually owned parcels” to discourage communalism and the continuation of so-called “uncivilized” modes of living such as hunting, gathering and subsistent farming.<sup>22</sup>



Through the practice of “individualizing” American Indians, the government hoped to “civilize them piecemeal” by eventually eliminating “tribal” structures and ceasing socialistic practices of shared land.<sup>23</sup> The latter was a hazard to the capitalism flourishing in the West through agricultural, mining and natural resource industries. The allotment policy – passed in 1887 as the General Allotment (Dawes) Act – also provided that if an individual Native “adopted the habits of civilized life” he could be “declared a citizen of the United States.”<sup>24</sup> As will soon be discussed, this new law – as the Fourteenth Amendment proved for African Americans against the backdrop of Jim Crow – was legalized, yet ignored.

This chapter situates the government’s discourse concerning the policy of allotment, and the Native and U.S. governmental identities it helped crystallize, in the ideologies of expansion, citizenship, territoriality, republicanism and paternalism vital to the late nineteenth century United States. The chapter opens by exploring the pre-Dawes Act discourse espoused by the U.S. government’s executive and legislative branches as both sought to implement allotment. This analysis argues that the Interior Department, Bureau of Indian Affairs, and U.S. presidency during the 1870s and early 1880s continued the removal era’s discursive formations of American Indian identities as dependent. Native identities were also reduced to a problem that could only be solved with dependency on the government. However, whereas the removal era witnessed the government enacting paternalism to separate American Indians from U.S. culture, the allotment era involved the use of paternalism to integrate Native communities as they came in closer contact with the U.S. nation. This integration hinted at Native agency, but also further homogenized American Indians as an administrative problem. Part of the

paternal discourse couched the language of allotment in the justification of protecting Native communities from white encroachment and against “extirpation.” Concurrently, the government constituted itself as a paternal and dominant force in “uplifting” its “American Indian wards.”<sup>25</sup>

Based on the paternal hierarchies constituted by the executive branch, the Senate took up the Coke Bill in 1881 to implement allotment as a civilizing device. I contend, here, that the legislature’s rhetoric of allotment channeled the problem/administrator relationship into a way to exert federal control over American Indian communities to open more land for settlers. The executive and legislative rhetoric of the pre-Dawes Act era diminished Native sovereignty and identities by continuing the removal era trend of cordoning off American Indian communities into even smaller tracts of land.

Next, the chapter examines the Congressional deliberations on the allotment bill, the Dawes Act and Indian Commissioner reports about the allotment policy. I argue in this section that the Dawes Act itself and the discussions surrounding its passage (which centered mostly on cost) reduced American Indian identities to commodities; that is, American Indians could only be considered civilized “citizens” if they produced on the land that was allotted to them. The land, thus, was constructed as a space for commodification that functioned as a civilizing agent and the means to U.S. citizenship. In this way, the U.S. government created a hybrid relationship that symbiotically provided civilization and education for American Indians only in exchange for what they could generate for the U.S. government. Speaking to this point, Fixico asserts that Native communities were part of the “larger colonized cultures of the mainstream ... [they] were victimized in numerous ways as, with land to sell and lease, they were forced into a

capitalist economic system” despite their proclivities towards communalism.<sup>26</sup> At the same time, the Dawes Act predicated citizenship on a “severalty” process that likened American Indians to untrustworthy children. Commodification also reified a monolithic Native identity created during removal, ensuring that their diminution was static across reservations. Indian Commissioners took a step further by ensuring the end of tribal structures and assimilation to the U.S. nation. Here, the U.S. government worked from paternal and administrative roles to hybridize a hierarchical “American family” that weakened American Indian sovereignty.

Finally, the chapter analyzes the way that the U.S. Supreme Court cemented the hybrid identities between American Indians and the U.S. government in order to elevate federal power over all *future* U.S.-Native relations. I argue that the Court’s intrusion into Native affairs and its reliance on the *plenary doctrine*<sup>27</sup> occluded the nation’s “wards” from any future decision-making. Moreover, Native sovereignty was eroded as the so-called citizenship granted through allotment proved futile as both a legal defense and in public practice. Overall, the Supreme Court further codified the exclusive right of the government to act on behalf of American Indians and clarified the homogenized moniker of “ward” for Native communities – both of which contributed to the U.S.-Native hybrid relationship. The Supreme Court erased any vestiges of Native citizenship and, instead, buttressed the removal era’s construction of Native identities as dependent and separate.

Ultimately, the chapter argues that the allotment policy worked to further clarify the place of American Indian identities in the newly expanded U.S. nation. The government enacted a role as *republican father* that sought to train American Indians for possible citizenship. This citizenship could only be had through toil and proper use of the

land, which would contribute to the broader American family. Land, here, functioned as a space of commodification which, when cultivated, constituted a pathway to citizenship for American Indians – a means of civilization. During the removal era, the government viewed territory through the doctrine of discovery or the conquest and productive use of the land. This discovery notion fell away in the 1880s, shifting instead to images of productivity and citizenship for American Indians. In a sense, the shift evidenced the conflation of citizenship and territory made vital in the removal era. Concurrently, the possibility of Native toil on their allotted reservations and, hence, their prospects as U.S. citizens pointed to the ways that Natives’ moral inheritance came to bear in the Dawes era.

Though the Dawes Act promised individualism and citizenship should Natives follow this republican path, allotment further braced a hybrid and hierarchical relationship through which the government retained a dominant place in deciding Native affairs, therefore continuing the diminution of American Indian sovereignty and identities that began with the Indian Removal Act. To this point, Porter asserts that the “the shift in federal Indian policy [to allotment] worked to bring about an erosion of inherent sovereignty” and so-called “uplift.”<sup>28</sup> Government discourse also demonstrated a retrenchment of executive authority as the Interior Department and Bureau of Indian Affairs managed the bulk of Native policy. Again, the increase in executive influence over Native affairs worked from the legacies of the removal era.

In the end, allotment fell short of granting sovereignty and civilization as its pledge of citizenship faltered. Instead, American Indians were further constituted as a homogeneous group left to the whims of the federal government. The hybridized

relationship solidified between American Indians and the U.S. government represents the ideological and rhetorical residues of the removal policy. And, this hybridity exhibits the *identity duality* of U.S. citizenship, especially for groups of color, where such individuals were pledged to shun past national (or tribal) commitments in exchange for citizenship rights. Land functioned as the spaces where such economic productivity and citizenship possibilities were cultivated and expected to flourish. Such individuals, however, were nonetheless still removed from the civic spaces of power because of such past national or tribal commitments regardless of attempts to perform the nation's expectations of citizenship. Though the government typically segregated American Indians, the hybrid U.S.-Native relationship held out the promise of citizenship. The ideological aims of assimilating Native communities to republicanism – a key tenet of allotment – spoke to this promise. Yet, the implementation of the federal government's policies regarding the material practice of Native citizenship ultimately contradicted the government's assimilationist ideals.<sup>29</sup> For American Indians during the Dawes period, the further containment and control over their land signified the enhanced containment of their citizenship rights. The racism integral to U.S. nationalism precluded full Native citizenship – at least until the twentieth century.<sup>30</sup> Before addressing these arguments a discussion of both the growing U.S.-Native relationship and Dawes era ideologies is needed to contextualize the analysis.

#### U.S-NATIVE DEVELOPMENTS & IDEOLOGIES IN THE NINETEENTH CENTURY

Expansion, citizenship, territoriality, republicanism and paternalism blended to characterize, partially, the state of U.S. nationalism near the end of the nineteenth century. As with removal, these Dawes Era<sup>31</sup> ideologies solidified the government's

control over American Indian communities. The ensuing discussion spotlights the identities of American Indians and the U.S. government that were affected through late nineteenth century ideologies.

Expansion certainly did not wane in the post-Jacksonian nineteenth century. Instead, the U.S. nation's extension into the West exploded as populations in the East outgrew their areas, demanded more land on which their agricultural, commercial and ranching industries could thrive and, thereupon, relocated in fulsome numbers.<sup>32</sup> This expansion was a continuation of what Frederick Jackson Turner deemed the age of "American development." He noted in 1893 that "this perennial fluidity of American life, this expansion westward ... furnish[ed] the forces dominating American character."<sup>33</sup> Seemingly, the "limitless frontier" of the West drove the nation into areas beyond the Mississippi River.<sup>34</sup> And, along with the public's demand for this additional territory came an increased effort on the part of the U.S. government to satisfy the need by opening up more terrain.

The ideological thrust of manifest destiny certainly took hold during the 1840s and 1850s as the government forged ahead in the Mexican War. Part of the outcome of the Treaty of Guadalupe Hidalgo (1848) involved the transferal of territory in the present-day southwest from Mexico to the United States. These lands were "comprehended for the future within the limits of the United States" and were thereafter "under the control of the Government of the United States."<sup>35</sup> Moreover, just prior to the nation's victory over Mexico, the Oregon Treaty (1846) with Great Britain extended U.S. borders to "limits west of the Rocky Mountains" south of the "forty-ninth parallel of north latitude."<sup>36</sup> The

opening of these lands, and the expulsion of so-called foreign (but especially European) interests in North America, led to a dire need for some semblance of organization.

Soon after the acquisition of lands from Mexico and Great Britain the U.S. government set its sights on the systemization of western territories. Efforts to consolidate western American Indian communities onto reservations in order “to free the region of Indian title and thus open it for settlement” comprised the frontispiece of this systemization.<sup>37</sup> At the same time, as whites came into increased contact with American Indians already removed to reservations, they chipped away at reservation boundaries.<sup>38</sup>

For western Native nations – recently defeated by the U.S. military – the reservation system became a way to organize the government’s newly acquired western lands. Indian Commissioner William Medill told Congress in 1848 that “material changes will soon have to be made” to account for American Indians in these territories “so as to leave an ample outlet for our white population to spread and pass towards and beyond the Rocky Mountains.”<sup>39</sup> Once American Indians were cordoned onto reservations, settlers could freely move about those areas once occupied by the removed Native communities. The ideology of expansion and the reservation system was not to end with territories gained through the Mexican War and the Oregon Treaty. As Indian Commissioner George Manypenny predicted in 1858, the United States would soon inhabit all areas of the West. This time, he said, “is at our very doors, ten years, if our country” continues forging ahead. Complete expansion, which would perpetuate some “great physical changes” in the western landscape, was “impending.”<sup>40</sup> Manypenny’s forecast proved accurate, and American Indian removal to reservations formed the core of the government’s Native policy. “Their removal from place to place as our population

advanced,” wrote Indian Commissioner Charles E. Mix, was “necessary for settlement” to unfold in the West.<sup>41</sup>

The 1860s and 1870s experienced an upsurge of expansion into the West, though the Civil War years slowed growth for a short time.<sup>42</sup> Following the war, a number of factors converged to increase U.S. settlers’ emboldening of their providential errand. An 1867 report on conditions in the West reported that “two railroad lines are rapidly crossing the Plains” and that the settlement of farmers and miners and the destruction of forests and buffalo following them would soon “put an end to the wild men’s means of life.”<sup>43</sup> At the same time, and perhaps in conjunction with the upsurge in railroads, gold and silver had been discovered in California. Thereafter, emigration into California, Oregon and Washington territories was “filling every valley and gorge of the mountains with the most energetic and fearless men in the world.”<sup>44</sup> With open routes to the West via railroads and trails came increased expansion and, in some cases, settlers never made it to the gold and silver collieries. Instead, they hunkered down on lands between the Mississippi River and the Pacific Coast, eking out their sustenance in farming and mining on the Great Plains. Overall, these changes “moved at new speeds” and “tied the nation together into a unity” glossed by manifest destiny.<sup>45</sup>

All of these factors affected American Indian nations by bringing the U.S. military and white settlers closer to Native communities. And, following some type of violent exchange, Native communities were typically removed to reservations. Yet another report on the West illuminated the inevitability of Native removal in the wake of these exchanges. An “Indian Peace Commission” was sent along westward railroad routes in 1868 to reconnoiter for Congress and report on how the government should



proceed with reservationism. The conclusion was unequivocal: “As our settlements penetrate the interior, the border [comes] into contact with some Indian tribe. The white and the Indian must mingle together ... and one of them must abandon” the territory. In every case, the commission reported, “to make secure our frontier settlements and the building of our railroads to the pacific [sic] ... we will declare authority over [our] subjects” by removing them “to a southern district selected by us.”<sup>46</sup>

Western expansion in the late nineteenth century predictably led to a connection between citizenship and territory. White settlers were guaranteed lands for reasonable prices if they could demonstrate to the federal government that they would produce on them. Just as in the Jacksonian era, as U.S. citizens moved westward, they could confirm their citizenship rights as republican landholders to benefit the nation’s economy and safety. As Theodore Roosevelt put it in 1883, frontier settlers owning land would do their duty to the United States by working for U.S. progress. He said then, “[T]he man who wishes to do his duty as a citizen in our country must be imbued through and through with the spirit of Americanism” and should do so “to the measure of his individual capacity to work out the salvation of our land.”<sup>47</sup> Jefferson’s call for a yeoman spirit did not fall on deaf ears.<sup>48</sup> Instead, government’s responsibility to provide its “children with an economic base” and to “train them” in the “character traits needed to get ahead in life” grew in importance with western expansion.<sup>49</sup>

Similarly, as European immigrants followed the railroads across the Mississippi, they could prove their worth as citizens by working for the “betterment” of the “U.S. nation.”<sup>50</sup> The government thought that by assimilating and bestowing citizenship on recent immigrants – thus increasing the nation’s population – that western frontier

borders would be fortified from Native confrontations and any possible incursions into the United States by Mexico or European powers. The “stock” of European ancestry did not matter – at least to Roosevelt. He argued that “questions of race origin, like questions of creed, must not be considered: we wish to do good work [especially on western lands] and we are all Americans, pure and simple.”<sup>51</sup>

A number of acts were passed to open up western lands for production and citizenship purposes to the detriment of Native land – constituting an extension of the doctrine of discovery. In 1862, for example, the Homestead Act was implemented to “secure homesteads to actual settlers on the public domain.” Settlers who were “citizens of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States” were granted up to 160 acres at a “rate of one dollar and twenty five cents per acre.”<sup>52</sup> Speaking of the act, Secretary of the Interior Columbus Delano argued that homesteading would dually open land for white settlers and displace American Indian sovereignty: “An extension ... will rapidly break up tribal organizations and Indian communities; it will bring Indians into subjugation to our laws, civil and criminal.”<sup>53</sup> Similarly, the Oklahoma Organic Act of 1890 gave “settlers ... the rights and privileges of American citizens” and placed them under the protection of law if they promised to use the land for the national good.<sup>54</sup> The act also allowed settlers to encroach on Native lands; thus, the government had “broken the barrier and beg[un] their legal invasion of the once sacrosanct region.”<sup>55</sup> These acts permitted U.S. citizens and immigrants to carry out the republican mission to populate and produce for the benefits of the U.S. nation.<sup>56</sup>

Whites, whether of American or European ancestry, generally had little problem securing citizenship. However, African Americans, in particular, experienced difficulties in attaining citizenship.<sup>57</sup> The U.S. government figured that any non-Europeans settling in the West would poison the familial purity needed to secure a republican nation in the outer reaches of the frontier.<sup>58</sup> Though the Fourteenth Amendment ensured that “all persons born or naturalized in the United States ... are citizens of the United States” and that “no State shall make or enforce any law which shall abridge the privileges or immunities of citizens,” the law was not always carried through to practice.<sup>59</sup>

African Americans seemed to be caught in the blurred boundary between the old *Dred Scott* decision and the emancipatory tenets of the Thirteenth and Fourteenth Amendments.<sup>60</sup> In *Dred Scott*, Justice Roger Taney held that African Americans were not U.S. citizens: “we think they are not, and that they are not included, and were not intended to be included, under the word ‘citizens’ in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.”<sup>61</sup> The Thirteenth Amendment remedied this diminution by ending slavery and eventually enabling citizenship for African Americans. Jim Crow laws, however, tested and hindered this progress.<sup>62</sup> The racist dynamics of the *Plessy v. Ferguson* case shored up the barricades to African American citizenship. With *Plessy*, the separation of races was shown to neither “abridge the privileges or immunities of the colored man” nor deprive “him of his property without due process of law.” And, it was purported to grant African Americans “equal protection of the law.”<sup>63</sup> Still, the opinion of Justice Henry Brown cemented a hierarchy between white and black communities, especially in his assertion that “if the two races are to meet upon terms of social equality,

it must be the result of natural affinities.”<sup>64</sup> His use of the future tense assumed that the races had not yet achieved equality. Due to such precedent, combined with the elevation of white settlers as the “flag-carriers for the republic,” African American citizenship in the West was constrained, if not occluded.<sup>65</sup>

In contrast, as American Indians were removed to reservations the U.S. government “civilized” them to American culture. There exist several theories as to why the government believed that American Indians were viable subjects for assimilation. On the one hand, American Indian populations were smaller in number and could be easily controlled. When Geronimo (Apache) surrendered his Chiracahua Apache Nation in 1886, all Native nations were accounted for on some semblance of a reservation.<sup>66</sup> With American Indians pinned down to determined boundaries, the government could act easily to instill in Native communities the tenets of Americanism.<sup>67</sup>

Also, American Indians had been a threat to the U.S. government and its communities both in the East and the West for nearly 100 years. If the government could “civilize” them and offer citizenship then, perhaps, future dangers would be quelled through Native allegiances to the U.S. nation.<sup>68</sup> At this point, American Indians were not a hazard, but rather an “opportunity” for U.S. identity building.<sup>69</sup> According to Hoxie, the assimilation of Natives “would carry few political costs” because, in a sense, they were “native born.” Natives would be “proof positive that America” was growing into “an open society” and could potentially “accommodate nonwhite people.”<sup>70</sup>

Similarly, assimilating Native communities spoke to the power of territory as it intersected with citizenship. Whereas African Americans had typically not owned land – and therefore did not possess a connection to American soil – Native communities had

historically linked their identities to territory through a rhetoric of moral inheritance. While there was a difference of opinion between American Indian nations and the U.S. government regarding how to treat the land political leaders sensed that Native communities might be better suited to engage in citizenship because – although often characterized as childish tenants – they harbored a republican honor of territory. Still, Native citizenship was limited as the government continued to see American Indians’ connection to land as “mere occupation” versus ownership – a view that did not change much from the removal era.<sup>71</sup>

Once the U.S. government realized that whites would come into close proximity with Natives due to expansion, the only way to answer “the Indian question” seemed their assimilation and education as citizens. The government, conceived of in paternalistic terms, came to embody the agency of such civic preparedness through a construct I call *republican fatherhood*. This ideological role allowed the government to teach “its Native wards” citizenship through the practice of cultivating the soil.<sup>72</sup> Here, the republican father “guided his children in the choice of occupational calling,” property holding and standards of morality all through laboring upon the land.<sup>73</sup>

Republican fatherhood brings to light the ideological configuration of “republican motherhood.” According to Kerber, republican motherhood is the “proposal that women ... play[ed] a deferential political role through the raising of a patriotic child” during the eighteenth and nineteenth centuries.<sup>74</sup> Women, here, were ascribed the non-governmental responsibility of nurturing the next wave of white republicans. As Beasley points out, women’s “true place was by the hearthstone ... rocking the cradle of American childhood.”<sup>75</sup> The purpose of raising the polis’s next generation of American

leaders or, in the least, patriotic participants, was the continuation of the U.S. nation's virtues. And, republican mothers allowed their sons, in particular, to grow independently within the value system punctuated by the U.S. nation. Republican motherhood involved tutoring American children in the honor of public duty. Kerber argues that the "Republican Mother's life was dedicated to the service of civic virtue ... she educated her sons for it."<sup>76</sup> Mothers' efforts and energies were sacrificed to empower their children as self-sufficient republicans.<sup>77</sup> Such children were typically biological offspring and overwhelmingly European or European American in ethnicity.

Republican fatherhood, especially regarding American Indians, functioned differently in a number of ways. First, as the U.S. government – particularly the executive – assumed an entrenched paternal role in American Indian lives, it codified this position. Whereas republican motherhood was a non-governmental activity, republican fatherhood was cemented through legislation such as the Indian Removal Act and the Dawes Act.<sup>78</sup> Hence, the construct was reified, further normalizing the affinitive connection between American Indians and the U.S. government.

Second, republican fatherhood did not typically take into account the promotion and concerns of the government's Native wards. Republican mothers were "outspoken advocate[s] on behalf of the nation's children" – at least within the home – and altruistically dedicated themselves to perpetuating their children's growth and the nation's civic character.<sup>79</sup> In contrast, avers Jackman, the role of fathers in the early republic featured "paternalistic authority over their children" without "selflessly evaluat[ing] the best interests of the child."<sup>80</sup> Instead, the nation's earliest fathers demanded that their children owe an allegiance to "father's" paternal whims. Children's

“personal interests were defined, at best, as inseparable from those of their families ... [and were] subjugated to the ... interests of the family.”<sup>81</sup> Republican fatherhood ceaselessly constituted American Indians as children, which justified the U.S. government’s control over Native production and uses of land. In turn, the government expected American Indians to sacrifice and “produce” for the nation’s “greater good” – this involved apportioning land to the U.S. government and contributing to the U.S. nation’s agricultural economy. Johansen notes that these expectations of children and “wards” to produce for the larger family comprised part of “a father’s authority over his children” during the nineteenth century.<sup>82</sup>

Third, though republican fatherhood – like republican motherhood – elevated education as the zenith of civic preparedness, it limited the involvement of childlike wards. For instance, no matter how educated in the agricultural arts they became, American Indians were considered by the government “perpetually under aged” and incapable of outright citizenship.<sup>83</sup> Native communities might be assimilated through their toil on the land, but their “reservations” were still far flung from the centers of the U.S. nation, reflecting the incongruous bind of U.S. citizenship for groups of color with simultaneous and competing commitments to assimilation *and* segregation. Such citizenry contradictions constituted the identity duality inherent in U.S. nationalism that held out the possibility of Native citizenship, yet did so through a racialist severance that barred inclusion. American Indians, therefore, remained segregated outside the spheres of citizenship, and despite the Dawes Act’s promises of citizenship, Natives never achieved this distinction during the allotment era. Rather, they were offered a restricted

citizenship that kept them “productive and safe” members on the nation’s periphery, though never fully vested in the rights and privileges of U.S. citizenship.<sup>84</sup>

Home was the primary location of republican motherhood, and this translated into full inclusion into the U.S. family.<sup>85</sup> For republican fatherhood, arable soil isolated from the family’s center became the fundamental location for the paternal U.S.-Native relationship.<sup>86</sup> As such, American Indians – including their tenancy on reservation land – were *parcel*, but not fully *part* of the U.S. nation. The hybrid relationship, thus, was reified in familial and republican terms, reinforcing white supremacy and Native inequality as part of the identity duality of the national imaginary.

The program of assimilation and citizenship for American Indians in the late nineteenth century was multi-dimensional. Overall, the government sought to achieve what Theodore Roosevelt outlined in 1894 as the essence of “Americanism.” He wrote then that “We must Americanize [immigrants and newcomers] in every way, in speech, in political ideas and principles” and in work.<sup>87</sup> As Dorsey and Harlow argue, Roosevelt’s “mythic narrative of the *true American* ... served to help citizens and immigrants alike with the means to accept assimilation as the nation’s destiny and its hope for greatness.”<sup>88</sup> One way the government would inspire this Americanism and amalgamation for American Indians was to constrict reservation land.

Work as a motivation was made distinct as a part of assimilation with Jefferson’s goals for American Indians during the turn of the nineteenth century.<sup>89</sup> As communal cultures, most American Indian nations on reservations shared resources, worked as groups to grow crops and hunt, and raised families together as a close-knit “village” of sorts.<sup>90</sup> Such communalism, the federal government maintained, was not conducive to



U.S. citizenship. American character involved a type of “rugged individualism” that concomitantly contributed to a community, but did so through the isolation of one’s work as a benefit to personal wealth and well-being.<sup>91</sup> Indian Commissioner Luke Lea clarified the government’s republican fatherhood, contending that Natives “be placed in positions where they can be controlled, and finally compelled ... to resort to agricultural labor ... Considering, as the untutored Indian thinks that labor is a degradation ... it is only under such circumstances [labor] that ... wild energies can be trained to the more ennobling pursuits of civilized life.”<sup>92</sup> Instead, work for individualism’s sake became the government’s republican goal for Natives.

The government’s insistence on “uplifting” others through civilization and protection hearkened to its self-professed character as a republican father.<sup>93</sup> The late nineteenth century witnessed the rise of the government’s paternalism, regarding both American Indians and international communities, as a central part of the nation’s identity. Concerning the latter, the Spanish-American War – through which the United States “aided” Cuba, the Philippines, Puerto Rico and other Pacific territories against the staggering Spanish Empire – exemplified well the government’s paternalism.<sup>94</sup> To this effect, the Platt Amendment (1901), which dictated the ultimate terms of the U.S.-Cuban relationship following the war, noted that “the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property and individual liberty.” Here, the government was shown to lead Cuba out of degradation and to “protect the people thereof [Cuba]” as a parental surrogate.<sup>95</sup> President William McKinley’s views on assisting the Philippines, furthermore, alluded to an empowered U.S. paternalism. Reflecting on his

administration's 1900 seizure of the Philippines as a protectorate, McKinley asserted that "there was nothing left for us to do but to take them all and to educate the Filipinos, and uplift and civilize them."<sup>96</sup> As Hoganson argues, the government predicated its protection over Cuba and the Philippines on the U.S. nation's "fatherly character" to shield what it viewed as "weaker" nations.<sup>97</sup>

These civilizing programs likewise guided U.S.-Native relations. Ostensibly, late nineteenth century paternalism strengthened the discursive formations of Natives wrought by the Jacksonian period and solidified the executive's active role in civilization efforts. As with the Jacksonian executive, this paternalism braced a hybrid relationship between American Indian nations and the U.S. government. Indian Commissioner Manypenny highlighted this construction, noting that the executive would act compassionately toward "the Indian tribes now left to its oversight and guardianship, so that they shall be intelligently and generously ... cared for in all that makes life useful and happy."<sup>98</sup> On the other side of the hybridized relationship, however, American Indians were constituted as dependent. Grant, for instance, summarized this view of Native identity: "They are wards of the nation – they can not be regarded in any other light than as wards."<sup>99</sup> As will be discussed in the analysis that follows, the paternal hierarchy reasserted by the U.S. government vis-à-vis American Indians in the 1880s, specifically, clashed with the government's promises of independence and sovereignty for Native nations.

#### THE ROAD TO ALLOTMENT

Allotment worked through the government's crafting of hybrid identities between itself and American Indian nations along a hierarchy of dominance-to-subjugation.

Vestiges of this relationship were found throughout the pre-Dawes reservation system. A Congressional commission, for instance, assumed in 1867 that American Indians could not decide on “sufficient tillable or grazing land” for themselves. Instead, the commission recommended that “said districts” would be selected “and approved by Congress.”<sup>100</sup> At the same time, Congress legalized its intrusion alone onto Native reservations should the need arise. Settlers could not enter “without permission of the tribes interested” – a part of reservation law that justified the system by protecting American Indians from overzealous whites – but this security came with a price. All non-Natives were barred from reservations “except officers and employees of the United States.”<sup>101</sup> American Indian sovereignty could not be granted if the government came and went at its own pleasure.<sup>102</sup>

Part of pre-Dawes era paternalism involved the creation of a Board of Indian Commissioners to help the executive oversee the duties of reservation management.<sup>103</sup> The Board guided the assimilative efforts of the federal government and was asked “to promote civilization ... and to encourage their [work] efforts of self-support.”<sup>104</sup> Moreover, the Board clarified the relationship between the executive and American Indians regarding assimilation. Working from the Board’s annual report and speaking through the republican fatherhood construct, Indian Commissioner Nathaniel G. Taylor told Congress that assimilation efforts were “beyond question our most solemn duty to protect and care for, to elevate and civilize [Indians] ... our duty is plain; let us enter upon its discharge without delay.”<sup>105</sup> The establishment of the Board demonstrated the paternal hybridity between the government and American Indians justified through a language of control.

The final steps toward assimilating American Indians – thus leading to allotment – was the elimination of the treaty system and the codification of governmental privilege regarding reservations. With the treaty system, American Indians had retained some semblance of sovereignty as their consent was needed to make laws and changes to Native territory. Prucha notes that though treaty consent was a ruse to justify governmental superiority in negotiations, treaties “made no sense unless based on some kind of special legal status of the Indians.”<sup>106</sup> This legal status of American Indians was, according to Chief Justice John Marshall, “domestic dependent.”<sup>107</sup> As such, Natives “were held as the wards of the government” and “the only title the law concedes to them to the lands they occupy or claim is a mere possessory one.” They could not boast “absolute title” to the land they “inhabited.”<sup>108</sup> According to Schmeckebier, the cessation of the treaty system in 1871 ended the legal conception that American Indians had any sovereignty to the land whatsoever. Instead, as the government could decide Indian policy without Native consent, American Indians became “neither citizen nor alien” and were instead “perpetual wards.”<sup>109</sup> Overall, the abolition of treaty making proved that “no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as independent ... or [a] power with whom the United States may contract a treaty.”<sup>110</sup>

The U.S. government rounded out its path toward allotment by interceding into the internal affairs of American Indian nations. In the process, the government hybridized the paternal relationship discussed above. For instance, the Department of the Interior declared that, since treaties were no longer needed, the government could establish by order “the bounds of a reservation.”<sup>111</sup> The government bolstered this

privilege to intervene by relying on a justification of guidance and administration – both of which could not be had by “dependent Indians” alone.<sup>112</sup> Premised on an ideology of republican fatherhood, the combination of the end of treaty making with the advent of governmental privileges intensified the paternal relationship between American Indians and the U.S. government, holding out the promise of citizenship that would not come to fruition for decades.

#### PATERNALISM IN PRE-DAWES EXECUTIVE & CONGRESSIONAL DISCOURSE

By the 1880s, the pieces were in place for an allotment policy. In 1876, with most Native nations cordoned onto reservations, Indian Commissioner John Q. Smith argued that “it is doubtful whether any high degree of civilization is possible without individual [use] of the land.” An American Indian, he continued, “had to feel that his home is his own ... and needs a direct personal interest in the soil.”<sup>113</sup> Such connections to the land, a central component of republican fatherhood, promised to protect American Indians “by the power of the Government, in [Natives’] life, liberty, property and character.”<sup>114</sup> Bearing this in mind, the U.S. executive and legislature measured allotment as a policy and, in so doing, reified the hybrid identities between American Indians and the government.

This section examines how the executive and Congress wavered between American Indian identities as dependent (a legacy of removal discourse) and, yet, self-sufficient enough to eventually become autonomous as white settlements moved Natives closer to civic spaces. Ultimately, the executive solidified identities for American Indians as problematic and perpetual wards of the United States, thus heightening the constructions of paternalism spotlighted in the removal era and further weakening Native

sovereignty. Following suit, Congress considered an allotment bill that increased the executive's administrative role over American Indian "problems." The identities crystallized by the Commissioners vis-à-vis American Indians constituted Natives as controllable, degraded and in need of the U.S. government's guidance. Seemingly, because Natives did not respond appropriately to the republican father, such identities from the removal era were extended in the late nineteenth century.

*Executive Constructions of a Hybrid U.S.-Native Relationship*

The executive branch was the first to consider allotment as a viable policy option. Executive discourse vacillated between constructions of American Indians as dependent and autonomous while rationalizing allotment. In the end, the executive constituted American Indians as "problems" whose solvency depended on the guidance of the U.S. government expressed through the ideology of republican fatherhood. Such executive discourse homogenized all American Indians as problems and, in so doing, relied on a characterization of the government as a paternal administrator led by the Interior Department and the Bureau of Indian Affairs; this was first actualized during the removal era.

Commissioner of Indian Affairs Ezra Hayt's 1879 proposal for an allotment policy exemplified the positioning of American Indian identities for the U.S. government. First, allotment was to be implemented under the guise of protection. To Hayt, "all former methods" of safeguarding American Indians were "entirely unadequate [sic] to protect the Indians against the encroachments of the whites."<sup>115</sup> Constituting American Indians as dependent, he instead asserted that the "government can only retain control over [Natives]" by enacting an allotment policy that would constrict and demarcate more

clearly Native lands while concurrently offering white settlers the reservation land they desired.<sup>116</sup> Here, like removal, allotment was predicated on a paternal hybridity whereby the government controlled a dependent American Indian monolith.

President Rutherford B. Hayes echoed Hayt's suggestion of a paternal governmental-Native relationship in his third annual message by noting how American Indians could only survive if they were "wisely and fairly guided."<sup>117</sup> Part of this paternal identity for the government, which assumed a dependent characterization of American Indians, allowed a situation where the government would protect Native communities while siphoning-off more land at whim. Or, as Hayes wrote, allotment gave license "to consider in what manner the balance of their lands may be disposed of by the Government for [Natives'] benefit."<sup>118</sup> According to Mead, such a sacrifice on the part of wards was a core element of paternalism.<sup>119</sup> Certainly American Indian uplift was reflected in Hayes' sentiments. But, he also acknowledged that "the westward movement of our population looks still more eagerly for lands to occupy" and that Natives would "do well to prepare for such a contingency."<sup>120</sup> Preparation revolved around the promise of allotment. In other words, the paternal relationship cloaked the government's desire to obtain Native territories in a shroud of benevolence, which ultimately resulted in a policy of allotment.<sup>121</sup>

At the same time, Hayt's generative proposal for allotment demarcated American Indian character as capable of self-sufficiency. This complicated the eventual allotment policy as Native identities were shown to fluctuate between dependency and autonomy – a break from the government's removal rhetoric. Otis argues that allotment – and the ways that it allowed for Native communities' independent production of land and

individual responsibility for their homesteads – presupposed “stability” and “self-governance.”<sup>122</sup> Hayt demonstrated this more enlightened view of Native identities by averring that allotment would leave Natives “to their own resources to maintain themselves as citizens of the republic.”<sup>123</sup> Allotment would, he continued, prompt American Indians to “make a most encouraging improvement.”<sup>124</sup> As Hayt’s proposal wound into the hands of Interior Secretary Carl Schurz in late 1879, the construction of American Indian identities as independent was noticeable in early conceptions of allotment. Schurz, for instance, reported to Congress that allotment would “make [Natives] self-supporting” and, as such, the government would “treat the Indians like other inhabitants of the United States, under the laws of the land.”<sup>125</sup> Such self-support was not part of the government’s removal era discourse, mostly because American Indians were therein corralled to the farthest stretches of U.S. territories and, hence, would not come into contact with whites. There was no reason to demand assimilation if Natives were safely removed from the nation’s centers. In this way, allotment – at first – appeared to offer a glimmer of sovereignty for American Indians. As allotment rhetoric moved further through executive discussions, however, the dual Native identity construction of dependency clouded this autonomous characterization.

The conflation of dependent and self-sustaining identities would come to bear even more as the Board of Indian Commissioners deliberated over Hayt’s proposal. The Board constituted the executive, once again, as a mentor of sorts for American Indians. For example, the allotment policy assured that U.S. leaders could “go resolutely to work at making [Natives] safe” on their reservations.<sup>126</sup> Closely related, Native identities were highlighted as dependent and weakened as the Board deliberated over the paternal



dynamics of allotment. With “mental faculties dwarfed and shriveled” American Indians, the Board argued, were seeking “to adjust” to the “glare of civilization above and beyond his comprehension.” Such adjustment and cultural uplift, the report asserted, involved Natives seeing “that the knowledge possessed by the white man is necessary for self-preservation ... he [Natives] needs it to save him ...”<sup>127</sup> And, the government as a paternal and controlling force – as a republican father – was willing to step up and “appreciate as it never has before our duty and responsibility in this respect.”<sup>128</sup>

Concomitantly, however, the Board intimated that American Indians also possessed the ability to progress and embrace self-sufficiency. For instance, Native communities were reckoned as empowered with the “promise” of overcoming and reversing “the habits of life and thought which for generations have held him in bondage.” The homogenous Native was considered enabled enough to “save him from himself” and to fight back “old currents of habit” that threatened to “sweep him to certain destruction.”<sup>129</sup> This construction of American Indian identities as independent and capable clashed with the alleged dependency simultaneously applied to them by the U.S. government. Again, such hints at autonomy were not present in the removal era, especially as some twenty years hence Jefferson’s yeoman and assimilation plans for Natives were shown to have faltered.

Seemingly, with allotment, Natives’ eventual autonomy would mature through a paternal U.S.-Native relationship that punctuated Native identities as dependent. This dependency was a residue of the removal policy. In the end, the Board of Indian Commissioners recommended that American Indian independence be achieved through a paternal connection with the government. As Marshall codified in 1832, indigenous

communities were “domestic dependents” yet “independent communities” – in either case, however, the U.S. government would supervise their progress and affairs.<sup>130</sup> And, allotment pointed the way toward urging American Indians to assimilate to the U.S. nation, just as citizenship pledges urged Europeans to assimilate during the late nineteenth century. As the Board concluded, “to expect them to attain civilization without these advantages [U.S. teachings] is to look for impossibilities.”<sup>131</sup>

The government’s quandary over American Indian identities, and the uncertainties surrounding how to engage in a Native policy in the West, led to a diminutive construction of American Indian communities as “problems” to be solved. American Indian identities, themselves, became a synecdoche of the ambiguities involved in a general policy guiding the U.S.-Native relationship. Hence, Native communities were metonymically reduced to the root of the difficulties plaguing a viable policy. When the government was overwhelmingly mired in the competing dependent and independent constructions of Native cultures, it resorted – writes Dippie – to condensing American Indians to impediments.<sup>132</sup> An 1881 article penned by Schurz in the *North American Review* demonstrated this diminutive move. In arguing for allotment he noted that the policy would solve the “Indian problem ... in such a manner that they no longer stand in the way of the development of the country as an obstacle.”<sup>133</sup> Allotment, then, became not just a way to aid “the progress and security of our Indian wards”; and, it was not solely a conduit for obtaining Native territories to alleviate the “pressure of white immigration and settlement.”<sup>134</sup>

Instead, allotment was also about solving a predicament for the U.S. nation. Indian Commissioner Hiram Price summarized this diluted characterization of American

Indian identities by suggesting that allotment was a way to mollify “the lasting disgrace” that a reservation policy alone would continue exacerbating. Alternatively, allotment would “in a few years rid the government of this vexed ‘Indian question,’ making the Indian a blessing instead of a curse to himself and our country...”<sup>135</sup> Allotment, therefore, promised to solve the “Indian problem” for the U.S. government and would do so by constituting Native identities as a challenge to be overcome through allotment and civilizing activities on behalf of the U.S. government.

Such a construction of Native identities as problematic concurrently presumed that the U.S. government had the fortitude to solve the problem, thus heightening its self-professed exceptional identities. The government, in addition to reifying its paternal characteristics, became an administrator of the “Indian problem.” As President Chester Arthur asserted in his first annual message, “prominent among the matters which challenge the attention” of the executive “is the *management* of our Indian affairs.”<sup>136</sup> The management/administration metaphor peppered the government’s allotment discourse. Prior to the allotment policy, “fatherliness” inhered in the presidency and its role as leader of U.S.-Native relations.<sup>137</sup> As the government’s Native policies took more and more bureaucratic shape, however, the Bureau of Indian Affairs and the Interior Department strengthened presidential privileges to deal with American Indians as managers.<sup>138</sup> Part of this, most certainly, spawned from the abolition of treaty-making, whereby the president ultimately decided Native policy by approving treaties and issuing executive orders.<sup>139</sup> Moreover, with the increased profundity of “interior” issues in the late nineteenth century – especially as the U.S. nation expanded – the president delegated responsibilities such as Native affairs, timber and resource supervision, railroad and road

management and the like to the Department of the Interior and its attendant bureaus, of which the Bureau of Indian Affairs was part.<sup>140</sup>

The administrative metaphors employed by the government in defining itself combined with the problematic identities accorded to American Indians to reify a paternalistic conception of U.S.-Native relations. Similarly to the removal era, childlike and parental metaphors still circulated throughout the administrative rhetoric of the Department of the Interior and the Bureau of Indian Affairs. Arthur, for instance, insisted that the Interior Department's "administration of the Indian" be accomplished by "protecting them" and "conforming their manner of life to the new order of things" and to introduce among them "customs and pursuits of civilized life" as was required of "just" republican fathers.<sup>141</sup> Schurz, too, couched the administrative identity of the executive in paternal language. "Nothing is more dispensable," he wrote, "than the protecting and guiding care of the Government."<sup>142</sup> And, Native identities were still constituted as dependent: "he [Natives] naturally looks" to the government "to take him by the hand and guide him on." This hearkened to the republican father's role as a demagogue in his relations with wards.<sup>143</sup>

#### *Legislative Control through the Coke Bill*

Members of the Senate Committee on Indian Affairs took Interior Secretary Schurz's suggestion of an allotment policy to heart. In his 1880 annual report, Schurz concluded that an allotment bill would be "the most essential step in the solution to the Indian problem" and his political ally, Senator Richard Coke (Texas), quickly drafted allotment legislation.<sup>144</sup> Known as the Coke Bill, Schurz's plan made its way through the Senate Committee on Indian Affairs and onto the Senate floor. The bill was debated for

several days in early 1881 and passed the Senate. The Coke Bill was then sent to the House where it never quite made it out of the House Committee on Indian Affairs based on costliness.<sup>145</sup> Though the bill never passed Congress, according to Hoxie, it “initiated a six year public debate” that by 1887 produced the Dawes Act.<sup>146</sup>

The following analysis discusses the Senate debate surrounding the Coke Bill for the ways that American Indian and governmental identities were crafted through the Senate’s justification of allotment. Pro-allotment senators channeled the problem/administrator and child/parent identities solidified by pro-allotment executive discourse to justify assimilating American Indians as a monolithic group through an allotment policy. Meanwhile, anti-allotment senators argued that allotment could never work – not because American Indians required sovereignty, but because they were not “civilized enough” and “had no fitness or inclination” for amalgamating with the U.S. nation.<sup>147</sup> In the Coke Bill’s wake, the government constituted Native identities as both problematic and dependent – just as they were during the removal period.<sup>148</sup>

The Coke Bill sought to parcel out reservation land and convert Natives into farmers. Through agricultural labor, American Indians were to develop stronger connections to their territories and, thus, the government – as republican father – reckoned that it would be easier to assimilate them.<sup>149</sup> Allotment was “to prove one of the most powerful agencies in the advancement of the race.”<sup>150</sup> At the same time, allotments would provide numerous benefits to the United States. First, individual Native land occupancy – versus tribal and communal holdings – pledged to “extend over Indians ... the laws, both civil and criminal” of the government.<sup>151</sup> Allotment, then, made it

easier for the government to control Native populations as republican children—the allotted land then functioned as the spaces of such control.

Second, the government retained the right to intrude into both individual allotted lands and the excess land freed up by breaking apart large reservations.<sup>152</sup> The Coke Bill, hence, “did not overlook the undoubted fact that it is neither wise nor right to let these great solid blocks of reservations stand in the way of traffic and settlement.” Therefore, the bill enacted an early example of eminent domain, as the “right of way through Indian land can be granted at any time to railroads, highways and telegraph companies.”<sup>153</sup> Also, American settlers were to receive any excess reservation land they desired, so long as they offered “proper compensation” to the federal government.<sup>154</sup>

Finally, allotment extended federal protection on two levels. On the one hand, it protected American Indians “against the greed of the whites” who incessantly threatened reservation territories. Also, though, the government offered white communities protection against unified Native communities. Large pockets of American Indians pledging loyalties to pan-Indianism empowered American Indians with unification, thus endangering white expansion.<sup>155</sup> Allotment promised the “blotting out of the reservations as fast as it can be safely done” to ensure the security of Natives and settlers.<sup>156</sup>

Pro-allotment senators relied on a number of diminutive Native identities and exceptional governmental characterizations to justify the Coke Bill. These advocates operationalized the problem/administrator relationship outlined by the executive into policy. Senator Richard Coke demonstrated this hybridized relationship in his opening arguments for passage of the allotment bill. American Indians, to Coke, were a “problem” and a “question” that confronted the U.S. government.<sup>157</sup> He said Native

nations and their reservation lands had made it “impossible to preserve peace between the Indians and the whites” especially because their “immense bodies of land” spread tribes out, thus making it difficult to assimilate them “piecemeal.”<sup>158</sup> Here, American Indian identities were reduced to obstacles. Their presence on reservation lands was “found to be inexpedient and impolitic” to their cultural uplift and to amicable relations.<sup>159</sup> Instead, Native “problems” led to “collisions between whites and Indians.”<sup>160</sup>

Notice that the U.S. government, just as during the removal era, was shown to share no responsibility in the clashes between American Indians and the U.S. nation. Rather, Native obstacles were to be subverted by the government, which was constituted as a manager of Native affairs. The government was a problem-solver, not an “impediment” to success, as pro-allotment senator, George Vest (Missouri) claimed.<sup>161</sup> Addressing the construction of the government as a manager of the “Indian question,” Vest asserted that “if anything is to be done which shall solve the problem, it must be a broad and general systematic work.”<sup>162</sup> Not only was the government characterized as a manager capable of systemizing its solution, but American Indians were constituted as monolithic – a “broad and general” policy was going to be applied to the “problem,” thus eliding any individual context or characteristics of separate Native nations, just as pro-removal legislators similarly homogenized Native communities in the 1830s. Seemingly, the Coke Bill sought a way to swipe broadly at the “problem.”<sup>163</sup> The homogenous “masses of Indians” and “blocks of reservation land” would be treated wholesale as a human predicament to be surmounted and the spaces in which Native actions would be furthered controlled.<sup>164</sup>

At the same time, Senate allotment proponents fortified a paternal connection between American Indians and the federal government. The Native problem was personified in these instances as American Indians were revealed to be childish dependents in need of the U.S. government's republican fatherhood. Arguing for the advantages of converting American Indians to agriculturalists and extending federal laws over Native communities, for example, Senator Alvin Saunders (Nebraska) asserted that allotment would "punish them all the same" and "protect them all the same."<sup>165</sup> In so doing, he not only homogenized American Indians under a Native sameness, but also demonstrated the government's paternal role as "punisher" and "protector" – both of which, according to Sevitch, encapsulated components of paternalism.<sup>166</sup> Moreover, Saunders alluded to the government's responsibility to protect Native communities through allotment: "this law which shall be enacted ... will virtually prevent" the encroachment of their territories by "sharp and designing persons." Saunders claimed that American Indians were too "young" in development to "protect themselves."<sup>167</sup> Whereas the dependents of republican mothers would grow and mature into their civic roles, Natives seemed here to be stuck in a perpetual identity formation as childish – too infantile to fulfill their republican duties.

Similarly, Coke predicated allotment on the government's need to uplift and protect American Indians. Allotment would, he said, persuade them that assimilation was the best way "to place them on the highway to American citizenship."<sup>168</sup> He reminded the Senate that the bill would "aid them with stock and agricultural implements" and the building of "housing upon their allotments of land" – both of which would "break up tribal relations and pass them under the jurisdiction of the Constitution and laws of the



United States.”<sup>169</sup> Certainly, Coke’s language alluded to the supremacy of the government over Natives and the government’s republican character in advancing Native communities. Also, American Indians were homogenized into a monolithic “them” who could, ironically, be converted into a statically individualized American.

But, the argument that allotment would lead to “citizenship” under the “Constitution” marked an emancipatory moment for American Indians that differed from the removal era’s language of separation. When Coke said that allotment would force Natives “to be self-supporting, to be cultivators of soil” he intimated at Native agency and independence.<sup>170</sup> Just as land had complicated the U.S.-Native relationship in the early nineteenth century, it also became a potential means of extending citizenship to American Indians in the 1880s. These types of openings into the possibilities of Native sovereignty allowed American Indians, in part, to “talk back” to the eventual passage of the Dawes Act in 1887, as will be shown in the next chapter.<sup>171</sup> This autonomy, though, could only come by way of the government’s protection and support, therefore constituting American Indians as dependent and placing the federal government – especially the executive – in control of the U.S.-Native relationship.

Allotment opponents in the Senate disdained the Coke Bill – not due to worries about a loss of American Indian independence – but because they felt American Indians lacked the skills necessary to assimilate. The rhetoric of these antagonists represented the status quo. They wanted the reservation system to remain intact because the government could exert its will without having to expend the time, money and efforts required by allotment’s assimilation mandates.<sup>172</sup> Senator Henry Teller (Colorado), for instance, predicted that allotment would fail as American Indians would “eventually [get] rid of the

land.” Agricultural allotments, he continued, “have been of no particular benefit to them.”<sup>173</sup> Natives could not assimilate because they are “undeveloped ... wanderers over the face of this continent” and are not suitable for “practical common sense.” American Indians would never “know what [allotment] is ... certainly, very few Indians [would] understand it.”<sup>174</sup> Here, Teller lessened American Indian identities to childishness; they seemingly were unresponsive to the forces of republican fatherhood. Underdeveloped, they were represented as too meager to occupy their own territories and lacked a comprehension of a policy that, supposedly, benefited them.

As with Senator Theodore Frelinghuysen’s rebuke of the removal bill, though, Teller expressed some semblance of agency for American Indians. For instance, he argued against the Coke Bill by admitting how a “blanketed” allotment policy could never appeal to the diverse Native communities it purported to protect, uplift and assimilate. He asserted that proponents “lay down a rule to be applied to every tribe of Indians and every individual Indian alike ... The Indians differ as much from one another as the civilized and enlightened nations of the earth. Legislation that is proper and just for one class of Indians will fail ... to civilize them.”<sup>175</sup> Tellers’ reproach of a monolithic indigenusness created a rupture that provided Natives with an inventional strategy; and Native arguments about individualism likewise affected Teller’s comments on the Senate floor. The latter is so because Teller is said to have gathered Native memorials about the Coke Bill.<sup>176</sup> Still, in arguing against a homogenous American Indian identity, Teller assumed that Natives were not civilized, thereby contributing to the same type of diminution that pro-allotment rhetors buttressed in their support for the Coke Bill.

Other anti-allotment senators likewise diminished American Indian identities in their opposition to the Coke Bill. John Morgan (Alabama) insisted that the Coke Bill's "system [would] not work." His rationale included the need to "march very slowly and take up tribe after tribe, section by section of the country."<sup>177</sup> Morgan was not so much opposed to allotment as he disagreed with Coke's timeline for a "speedy" process.<sup>178</sup> Morgan still assumed Natives were too dependent for self-sufficiency and argued that the U.S. government was a paternal force in leading American Indian communities toward uplift. Morgan hoped "an honest and patriotic effort for the devising of some system by which we could bring the Indian in reach of civilization" would be pondered. And, he reified the construction of American Indians as problematic in wishing for a paternal policy of "guidance" and "guardianship": "we need to lead the Government of the United States out of the difficulties," he said, of "dealing" with its "problem" and "question." Here, he referred to Native communities as barricades to a "just policy."<sup>179</sup>

Overall, the Senate debates over the Coke Bill channeled the diminished American Indian characterization as problematic and dependent championed by pre-Dawes executive rhetoric into a workable policy. Though the bill never passed the House – due to timetable and funding issues – the ideas forwarded in the debate led to the eventual passage of the General Allotment Act of 1887.<sup>180</sup>

Ultimately, executive discourse during the pre-Dawes period clarified how land became a commodity that functioned as a pathway to U.S. citizenship for American Indians. It also cemented American Indian identities as problematic for, and dependent on, a managerial and parental United States, thus reifying the paternal connections between American Indians and the government. Executive discourse also further limited

Native autonomy by homogenizing Native communities. Following suit, the Senate's consideration of an allotment bill heightened the government's administrative and guiding role over the "Indian problem" and bolstered monolithic Native identities, which succeeded in stripping Native individuality as far as the government was concerned. In turn, the federal government's republican fatherhood was firmed up as authoritative, exceptional and benevolent. Also, executive authority was fortified by the Interior Department and Bureau of Indian Affairs, as both took the administrative lead in allotment. Overall, allotment discourse preceding the Dawes Act codified a republican fatherhood for U.S. leaders that involved problem/administrative and dependent/paternal identities for Native communities and the government, both of which led to consideration of the Dawes Act.

#### COMMODITY & ASSIMILATION IN DAWES ACT RHETORIC

The justifications for allotment proffered by the pre-Dawes Senate did not disappear during the latter years of the 1880s. In fact, as Prucha and Otis argue, the issue of allotment was discussed during every Congressional session until another bill was procured in 1887.<sup>181</sup> As time drew on, the failure of the reservation system to assimilate American Indians to the U.S. nation sparked a renewed interest in "legislating for an allotment policy."<sup>182</sup> President Grover Cleveland recognized the public outcries for an allotment policy in 1885 and – based on the advice of the Interior Department – urged Congress to adopt a bill to this effect. Employing the Native identity of dependency, he noted in his first inaugural: "[Indians] need to be protected from purloining schemes ... The conscience of the people demands that the Indians ... shall be fairly and honestly

treated as wards of the government and their education and civilization promoted with a view toward their ultimate citizenship.”<sup>183</sup>

A number of things are of note in this quotation. First, Cleveland homogenized American Indians as a monolith in need of protection. And, the government was constructed as a republican father to lead Native communities to civilization; the U.S. nation, Cleveland intimated, was already “promoted” to “citizenship” and civilization. These sentiments reflected the legacy of removal era discourse. Second, though, he suggested that American Indians possessed the fortitude to assimilate to, and be productive “citizens” of, the United States. The possibility of citizenship was particular to the allotment era and was steeped in conceptions of republican fatherhood. American Indians would soon capitalize on such justifications of allotment to resist a policy that ostensibly reduced Native autonomy. Finally, Cleveland’s discourse demonstrated that the presidency was not solely responsible for Native policies. In contrast to Jackson’s inaugural – where Old Hickory noted that he, personally, would oversee a removal bill – Cleveland shifted the executive responsibility for allotment legislation to the Interior Department.<sup>184</sup> Here, Cleveland underscored the increase in executive power over U.S.-Native affairs by locating such administrative duties to the president’s cabinet.

J.D.C. Atkins, Cleveland’s Commissioner of Indian Affairs, outlined an allotment bill in his 1885 annual report. In it he aimed to solve the “Indian problem” by managing a new system of redistributing Native territories and converting American Indians to farmers. He wrote, “everything done with reference to the Indian should be with a view of impressing upon them that this is the policy which has been permanently decided ... in reference to their management.”<sup>185</sup> In this instantiation, Atkins constructed the executive

as an administrator and “Indians” as a “problem.” He then went on to outline some of the tenets of, what would eventually become, the Dawes Act. First, American Indians were to “abandon their tribal relations and take land in severalty.”<sup>186</sup> The point therein was to break up the power in numbers that Native communities held as communal nations and to convert each individual Native into a sharecropper of sorts – part of the republican fatherhood construct. This insensitive plan also held emancipatory promise. That is, through individualism and “complete success in agriculture” American Indians could embrace “self support” and “personal independence” – the decisive pathway to citizenship.<sup>187</sup>

Second, however, this pledged autonomy came with a cost. The U.S. government would still enact paternal control over Native communities by “protecting them” and “retaining the right to their lands.”<sup>188</sup> Basically, the government would lease the land to American Indians and, in the process, control American Indian interests because Natives had yet to achieve civic maturity as republican children. According to Wilkins, the government would simultaneously assimilate American Indians, thus eliminating any threats of violence from them. In addition, the government served “the interest of the burgeoning [white population] who could purchase the ‘surplus’ land ... for settlement purposes.”<sup>189</sup> Allotment sought to accomplish these tasks under the benevolent justification that American Indians would be assimilated as “citizens” through labor and working the land. In the end, this pledge fell short.<sup>190</sup>

This section argues that Dawes Act deliberations, and the act itself, continued homogenizing American Indian identities by reducing Natives and their allotted lands to commodities whereby they could only appear as part of the U.S. nation if they produced

on such commodified territories. The government channeled its hybrid relationship with American Indians into a symbiosis that provided citizenship to American Indians in exchange for producing as republican children on behalf of the U.S. nation.

Commodification was an avenue used by the government to solve the “Indian problem” while also assimilating American Indian communities. The section also asserts that – though indigenous labor and use of lands appeared to offer Natives sovereignty – allotment entrenched this so-called autonomy in a dependence on the federal government. Concurrently, the Dawes Act’s focus on a “severalty,” or trust, component likened American Indian identities to children, thereby diminishing Native sovereignty even further. Indian Commissioner reports, thereafter, precipitated Native assimilation by separating them from tribal structures. Overall, republican fatherhood forever constructed Native communities as children, which justified the government’s control over their land and their own livelihoods. As republican children within the U.S. family, American Indians were expected to toil for the betterment of the United States as they strove for civic participation.

Such ends were never achieved in the same ways that they were for the (white) dependents of republican mothers, thus revealing the incongruous bind of U.S. citizenship where the U.S. commanded assimilation yet ultimately blocked it through segregationist policies. Functioning as a residue of the hybrid U.S.-Native relationship, such identity duality spotlighted the contradictions between the material practice of Native segregation and the ideals set forth within a rhetoric of citizenship predicated on a commitment to assimilation as a means to the ends of equality.

*The General Allotment (Dawes) Act Deliberations*

Senator Henry Dawes (Massachusetts) had long been involved in American Indian affairs as a politician and remained in close contact with Senator Coke following the failed attempt at allotment in 1881. With some renewed encouragement from President Cleveland and the Bureau of Indian Affairs, Dawes pursued a new bill “because he despaired of any other answer.” To Dawes, “the individualization of the Indian” through labor was the pinnacle of the government’s assimilative plans.<sup>191</sup> Indeed, the time was ripe for an allotment policy. There seemed very little opposition to the measure in the public; in fact, Utley contends that the American public thought allotment “afforded the ideal incubator” for the “process” of assimilating Natives and siphoning off more land for settlers in a humane way.<sup>192</sup> And, any genuine “debate” on the issue within the federal government only involved cost and timelines.<sup>193</sup> In sum, Congress was in relative agreement regarding allotment.<sup>194</sup>

Within this context, Dawes introduced his bill that “extended the protection of the laws of the United States and the territories over the Indians” through allotted lands upon which indigenous communities would toil and, assumingly, reach citizenship.<sup>195</sup> The analysis that follows considers how Dawes’ insistence that laboring on leased lands – the cornerstone of allotment and proposed citizenship – reduced American Indian identities to commodified laborers. Such logic resonates with the nineteenth century image of a father insisting that his children prepare for agricultural productivity to provide free labor to the family unit.<sup>196</sup> The debate surrounding the Dawes Act in the House then reveals how government-led identities of problem/administrator and dependent/ward weakened American Indian sovereignty by predicating Native importance through service to, and



tutelage under, the republican father. Mostly clearly, the executive department was granted such citizen oversight by congressional leaders debating the tenets of allotment.

In his opening comments to the Senate, Dawes argued that only productive use of reservation land could elevate American Indians to U.S. citizenship. The point of labor, he said, was to lead Natives “out from the darkness and into the light” to “citizenship.”<sup>197</sup> Such republican justifications pointed to American Indians as dependent in accordance with pre-Dawes rhetoric. Moreover, American Indians, Dawes insinuated, could only be redeemed and considered important by subjugation to a type of yeomanship, as first suggested by Jefferson: “what [an American Indian] earns on the farm will help him learn the value” of participation in the “nation.”<sup>198</sup> Therefore, the promises of American Indian citizenship did not derive from their centuries-long connection to territory or from their past relationship with the U.S. government. Instead, citizenship could only be established if the government assimilated Natives through, and molded them from, “the best material out of which citizenship was ever made”: agricultural toil.<sup>199</sup> Dawes continued by asking Congress if there was “any better work than ... to make citizens worthy of this republic.”<sup>200</sup> Here, citizenship through work undergirded Dawes’ plan for allotment. And, there were no variations of this plan for individual Native nations, for as Dawes was fond of repeating: “The whole thing must undergo a change.”<sup>201</sup> In the end, the Dawes bill promised to end the “Indian problem” by assimilating American Indians into a capitalistic agricultural system. This, however, would reduce them and notions of the land that they toiled on to productivity alone. Dawes’ plan differed from the Indian Removal Act’s discourse as the Jacksonian period repudiated the idea that American Indians could actually assimilate. Now, however, whites and Natives were in closer

contact, and Jefferson's yeoman plan came to bear as a way to meld settlers with indigenous people in the West.

Meanwhile, Congress was tasked with crafting a law that allowed the executive to uplift dependent Native through allotment and labor. With allotment, the executive could "put him [Indian] on his own land, furnish him with a little habitation, with a plow, and a hoe, and a rake, and show him how to go to work to use them."<sup>202</sup> Though agricultural labor promised to move American Indian individuals into public participation and autonomy, Dawes' discourse linked this liberty to a "dependence on the federal government."<sup>203</sup> The executive, in particular, would not only administrate the policy, but according to Hoxie, would "take Indians by the hand" in selecting their tracts and deciding which crops to grow.<sup>204</sup> To this point, Dawes contended that the Bureau of Indian Affairs "would select men, true men, to go and point out to [American Indians] these homesteads ... [we] will then furnish [American Indians] with a homestead on which he is" to "work."<sup>205</sup> Here, the executive republican father was constructed as fortitudinous and strong ("true men") in addition to paternalistic ("Indians who are to step out of the darkness ... look to you [government] to tell them the way wherein they shall go").<sup>206</sup>

Dawes, though, offered American Indians a rupture for resistance by noting that Native communities choosing to toil on their allotments "might" reach independence. Ostensibly, the predications of citizenship and autonomy were the outward benevolent rationales for the Dawes bill and differed tremendously from removal era constructions of Natives as separated wards. Dawes looked forward to the possibility that "they [would] stand upon the reservations no more" – a time when "they will stand upon their

homesteads as citizens of the United States.”<sup>207</sup> Native individuals, in this instance, held the promise of sovereignty that could feasibly “open to him the doors” of the U.S. nation.<sup>208</sup> This potential, however, only came with dire consequences for American Indians. For example, Native communities would be forced to “abandon” their traditional identities and heritages. Upon allotment, Dawes asserted that Natives “would pass away as an Indian ... He is to disappear as an Indian of the past.” This disappearance was reminiscent of Theodore Roosevelt’s discourse, wherein he asserted that (European) immigrants should “shed” their previous nationalities and “meld together into one people” under the aegis of the United States.<sup>209</sup>

Assimilation – one half of the citizenry dualism – was a definitive component in matters of European immigration, as well. For American Indians, independence meant complete alignment with the U.S. government through labor. Of Native identities resembling “vagabonds and tramps” – referring to roaming and hunting subsistence – Dawes said, “there is no longer any room for such an Indian in this country ... the Indian of the past has no place to live in this country.”<sup>210</sup> Native resistance, as detailed in the next chapter, addressed the possibility of citizenship, but did so with the contention that yeomanship and capitalism did not have to supplant Native heritages and traditional identities.

Dawes’ introduction of the allotment bill set the tone of the debate. He glossed the need for allotment with paternal and administrative identities for the executive and dependent identities for American Indians. And, in republican fatherhood form, he linked any scintilla of Native sovereignty and citizenship on what American Indians could produce as agriculturalists. Following suit, the Senate passed the Dawes bill easily

and quickly, with very little discussion of the bill's merits, excepting the cost involved.<sup>211</sup> Next, the bill traveled to the House where, according to Hoxie, the cost of the policy became the genuine point of contestation.<sup>212</sup> Regardless of the House's complicity regarding the bill's substance and efficacy, deliberations radiated with Native diminution. The following analysis demonstrates how American Indians were both reduced to their labor and further infantilized as the allotment bill became the Dawes Act.

The most outspoken Dawes bill supporter in the House, Representative Thomas Skinner (North Carolina), began the deliberations by reifying the problem/administrator identities first initiated by pre-Dawes executive and senatorial discourse. In the process he also exemplified the reduction of American Indian character to commodity. To Skinner, the Dawes bill would "lead to a correct solution to the Indian problem."<sup>213</sup> By redistricting Native territories for agricultural use, he thought the government could assimilate American Indians and open excess reservation land to white settlers. An ancillary result of the allotment policy, he averred, was the economic value that Native labor would add to the expanding U.S. nation. "Let [Natives] become a citizen of the United States," Skinner said, "and the Indian will soon cease to burden the Government and in good time will help to bear its burdens and add to the material wealth of the country. The Indian problem will [then] be solved"<sup>214</sup> Skinner's discourse reveals the fashion in which American Indians were diluted as problems. Native communities "burdened" the government, and the government as an administrator likewise held the duty of "enactment of a bill" that "managed" Native groups.<sup>215</sup> He also illustrated how Natives, as wards, would toil for the republican father.

Simultaneously, Skinner noted that the introduction of agricultural labor potentially benefited the U.S. economy. Native labor offset the government's aid to American Indians on reservations (they would "help bear" the U.S. nation's "burdens"). Moreover, though, with allotment Natives would also add to the domestic product by supplying tax dollars to the U.S. economy: "[Indians] shall be converted into a civilized taxpayer" therefore "contributing toward the support of the Government and adding to the material prosperity of the country."<sup>216</sup> In this way, American Indian assimilation through agricultural labor condensed their importance to the U.S. nation in terms of commodity. And, this commodity was framed in paternalistic terms, especially as Native "sons" toiled on tenant land for the executive as a republican father.

The assimilation and citizenship of American Indians remained a crucial component of the Dawes bill as it moved further through the House. And, the constitution of American Indians as commodity undergirded the allotment policy's pledge of citizenship and participation in the U.S. nation. Representative Bishop Perkins (Kansas), speaking homologically to Senator Dawes, argued that American Indians "should be enabled and required to qualify themselves for the duties of American citizenship, and to support themselves by industry and toil."<sup>217</sup> Though such aims of self-support seemingly emancipated American Indians from dependent characterization, the aims "failed to elevate" Native identities to sovereignty.<sup>218</sup> That is, as allotted Natives "learned the habits of thrift and industry" through their labor, they were expected to do so "by associating with the white man" especially as whites possessed the ideal character for citizenship.<sup>219</sup> They were also to be treated as monolithic through the Dawes bill, as the "policy under examination" would "totalize" all Native communities as allotted

“workers” under the proposed legislation. Nowhere included in the House deliberations were indications of individuality among Native nations.<sup>220</sup> In fact, Skinner railed that the bill allowed the “Indian to shake off the shackles of tribal authority” and that they could work for the “United States without the hindrance from the tribe to which he belongs.”<sup>221</sup> Seemingly, associations with the U.S. economy were supplanting connections to Native nations and commanding a pledge of nationalism in exchange for their use of the land.

Furthermore, representatives worked from pre-Dawes discourse in terms of reifying dependent/warden identities for American Indians and the U.S. government. Joseph Dolph (Oregon) reminded fellow legislators that “there are some 250,000 Indians in the United States who are the wards of the government.” Not only were Native communities considered childlike, here, but also the government could oppress them at whim as a republican father. For, as Dolph concluded, “We control their persons, to a certain extent, and their property.”<sup>222</sup> The government’s paternal control would not change with the administration of the Dawes bill – a similarity to the removal era. Rather, governmental influence would increase, despite the policy’s prospects of American Indian autonomy. James Weaver (Iowa) thought that the government could only “guide” its “wards” by reducing their land through allotment. So unable were Natives, he asserted, that “[we] will sooner civilize them if [we] confine them to less area.”<sup>223</sup> To this effect, confining Natives to smaller tracts of land, forcing them to live among whites, and assimilating them through farming could only be decided by the U.S. government as a paternal figure. As Skinner argued, “we, as [Natives’] guardians must choose for him” what his “destiny is.”<sup>224</sup> In the end, these decisions were to be made and

carried through by the Bureau of Indian Affairs, thus enhancing executive power in administrating Native affairs.<sup>225</sup>

### *Rhetoric of the Dawes Act of 1887*

The House passed Senator Dawes' allotment bill without much substantive debate beyond funding specifics. However, the Dawes Act of 1887 – the finished product of some seven years of deliberation on allotment – came to represent the new shape of Native affairs and of the U.S.-Native relationship. Overall, the act demarcated for American Indians an enforced move away from traditional indigenous roaming, hunting and gathering subsistence. It also signified the cessation of communally owned tribal lands.<sup>226</sup> Instead, the Dawes Act compelled an assimilationist commitment that led to a “compulsory turning toward white social and economic values and laws to which the individual Indian was to be increasingly subjected.”<sup>227</sup> The brief analysis that follows explores how the Dawes Act combined the reduction of American Indian identities to commodities and wards into a policy that, ultimately, left the U.S. government in control of Native territories as a paternal administrator and republican father, ultimately segregating American Indians in ways counterintuitive to the assimilationist logic underscoring the bill's justification.

The Dawes Act allowed the executive branch through the Bureau of Indian Affairs and the Interior Department the authority to “cause said reservations, or any part thereof, to be surveyed ... and to allot the lands in said reservation in severalty to any Indian located thereon.”<sup>228</sup> Severalty involved a “trust” process wherein the federal government enacted paternalism by overseeing the conversion of American Indian “wards” to assimilated agricultural laborers. According to Clark, the severalty dimension

of the Dawes Act should have cemented the notion that Native communities were never fully granted citizenship and autonomy through the allotment policy.<sup>229</sup> Instead, the severalty process provided that: “the United States does and will hold the land thus allotted for a period of twenty-five years, in trust for the sole use and benefit of the Indian.”<sup>230</sup> American Indians, thus, remained dependent on the U.S. government for a period of no less than twenty-five years – about the length of time needed for an American boy to mature.<sup>231</sup> Only following the patenting of lands after the trust period – and with proof that an individual Native “has adopted the habits of civilized life” – could American Indians be considered U.S. citizens.<sup>232</sup> Moreover, the executive through the Bureau of Indian Affairs and Interior Department might decide, following the trust period, to extend the interlude should Natives “not have achieved productive and respectable” status as a republican farmer.<sup>233</sup>

Overall, the severalty clause upon which the Dawes Act relied channeled the paternal and administrative identities constituted by pre-Dawes rhetoric in 1881 and the Dawes bill debates of 1886 and 1887 into a hybridized and hierarchical relationship. American Indians were alluded to as unfit to occupy their newly allotted lands without governmental intervention; they were treated as infants in terms of their civic preparedness and were forced to toil minimally for 25 more years in order to demonstrate their citizen suitability. As the Dawes Act’s header noted, allotment would “extend the protection of the laws of the United States ... over the Indians.”<sup>234</sup> In the meantime, the U.S. government was characterized as an administrator of both Native cultures and territories – the government “executed,” “contracted,” “conveyed,” and “regulated” all of “the lands in Indian Territory” and the “rights of any such Indian.” Concomitantly, the



Department of the Interior and the Bureau of Indian Affairs were to “direct,” “foster,” “guide,” and “manage” the new policy, as well as to “protect” those “Indians within jurisdiction.”<sup>235</sup>

An extension of the Dawes Act – the Burke Act of 1906 – emboldened the hybridized administrative and paternal identities enjoining American Indians and the U.S. government. Ostensibly, the Burke Act codified that the executive could extend the severalty trust period for “longer” than twenty-five years “as deemed necessary.”<sup>236</sup> The Act claimed that the administrative and paternal duties of the U.S. government over American Indians would exist “until the issuance of fee simple” or until the government gave Natives a controlled deed to their allotments. Again, though, until the government decided that citizenship was earned “all allottees to whom trust patents” were offered would be “subject to the exclusive jurisdiction of the United States.”<sup>237</sup>

According to Wilkins, the Dawes Act’s severalty clause and its permutations blighted the movement of American Indians toward citizenship.<sup>238</sup> Hybridizing a paternal relationship between the U.S. government and American Indians, the Dawes Act also diminished indigenous sovereignty by reifying Native dependency on a parental and managerial Bureau of Indian Affairs and Interior Department. In the process, the Dawes Act concurrently homogenized American Indians as a static group sharing the same needs of protection, management and guidance.

#### *Indian Commissioners and Assimilation*

During deliberations over the Dawes Act, Congress punctuated the significance of allotment with the necessity of shedding “the old Indian.”<sup>239</sup> Indian communalism on reservations, in particular, was argued to have “dwarfed [Natives’] minds and ...

clog[ged] his energies.”<sup>240</sup> As Indian Commissioners gauged the implementation of the Dawes Act, they averred that American Indian assimilation could be hastened by breaking up Native communalism, therefore linking American Indian loyalty to the U.S. government and occluding any future tribal influence. Such assimilation with white citizens, the logic suggested, would help foster enlightened individuals laboring for citizenship rights and privileges. According to Indian Commissioner Thomas Morgan’s 1889 annual report, for instance, “tribal relations should be broken up and socialism destroyed.”<sup>241</sup> The thought, here, was that tribal influence on a mass scale challenged allotment and its attendant goal of assimilating American Indians.<sup>242</sup> This also undergirded Roosevelt’s desire to assimilate European immigrants into a “bold and hardy” American nation.<sup>243</sup> The government reckoned that such influences could be diminished with the strengthening of assimilation through the allotment of lands constituting one part of the incongruous bind of U.S. citizenship. As Roosevelt was fond of commenting: “Allotment ... is a vast pulverizing engine to break up this tribal mass.”<sup>244</sup> And, yet, the government still channeled its hybrid relationship with Natives into a segregated and contained citizenship as the allotted lands functioned as the spaces of control.

Indian Commissioners fortified the dependent/ward relationship by tying assimilation to a weakening of Native communalism. Speaking one year after the passage of the Dawes Act, Commissioner John H. Oberly, for instance, asserted that the “guardian must act for the ward ... The Government must then, in duty to the public, compel the Indian to come out of his isolation ... and into assimilation with the masses.”<sup>245</sup> Here, the executive possessed a hierarchical identity in directing the childlike

Native toward “American life.” This guidance worked by diminishing the power of Native nations. That is, American Indians were to be “imbued with the exalting egoism of American civilization.”<sup>246</sup> The government sought to banish tribalism – especially as Native unification became popular among Native communities – thus reducing indigenous influences that otherwise clouded assimilation. Moreover, the “breaking up of the tribal mass” allowed American Indians to “find pleasure in the consummation of that patriotic enjoyment which is always to be found in the exercise of the high privilege of contributing to the general welfare.”<sup>247</sup> In this way, Clark contends, capitalistic production of the allotted lands would dually assimilate Native individuals and “add” to the U.S. nation’s “wealth.”<sup>248</sup> In this instantiation, American Indians were reduced to their labor and, though the government intimated at Native “individuality,” American Indians were nonetheless homogenized through a blanket assimilation program.<sup>249</sup>

To the issue of American Indian assimilation through allotment, Indian Commissioners and Interior Secretaries also predicated the reduction of tribal structures on Natives’ agricultural work as republican children. Therefore, just as in the Dawes bill discussions in the House, American Indians could only show the promises of assimilating and becoming citizens if they contributed to the U.S. national economy. U.S. leaders supported allotment by asserting that Natives be “trained to habits of industry, thrift and self reliance.”<sup>250</sup> According to Interior Secretary Ethan Allen Hitchcock, labor preserved Natives “from extinction, not as an Indian but as a human being.”<sup>251</sup> They could only be viewed as worthy “human beings” and as “participants” by “abolish[ing] tribal relations . . . and in the sweat of his brow and by the toil of his hands, carry out, as his white [neighbor] has done, a home for himself and his family.”<sup>252</sup> In this quotation, American

Indian culture was eschewed in favor of western conceptions of work and homesteading. This construction also homogenized Native identities.

Again, labor worked both to assimilate American Indians and to enhance the government's wealth. Indian Commissioner William A. Jones wrote to this effect in 1901, claiming that the American Indians would "discover the dignity in labor." This pride involved "uplifting ... his race" but also understanding that "the more useful he is the more useful he will be to society."<sup>253</sup> And, the hybrid identities created between the paternally administrative U.S. government and dependent Natives undergirded American Indians' transformations to commodified laborers: "he must have aid and instruction ... until he can get a start and his labor become[s] more productive ... we will teach him how to work and how to live."<sup>254</sup> Native citizenship could only be attained through their labor and productive use of the land. As a republican father, the executive emphasized the connection between the two as vital to Native uplift. This identity construction predicated on capitalistic conversion, and their status as wards, reduced American Indian agency to their labor. Furthermore, the identities of American Indians as problems similarly inhered in the plan to assimilate Native communities through allotment. According to Morgan, "[Indians would] be removed from the contaminating influences of tribal life"<sup>255</sup> The Dawes Act solved the "Indian problem" – which tribalism and Natives, themselves, propagated. Communal subsistence and tribal culture had "proven inadequate" for the uplift of American Indians.<sup>256</sup> Moreover, tribal customs had "shown themselves to be a hindrance to the progress of the Indian ... an obstruction in the pathway of civilization." Indian Commissioners, therefore, requested that tribal connections "be utterly destroyed and entirely swept away."<sup>257</sup> American Indians, here,

were constituted as problematic; and, the federal government garnered the administrative identity and acuity to remedy the situation by codifying an assimilationist decree. After all, the government orchestrated “the great forces of legislation, administration and institutions” necessary to eradicate the problem by allotting American Indians and severing their tribal loyalties.<sup>258</sup>

Despite the clear areas of agreement, there did exist some ruptures in Bureau of Indian Affairs rhetoric surrounding the Dawes Act’s efficacy. And, as with institutional removal rhetoric, these moments simultaneously generated from American Indian viewpoints and provided entrees for Native communities to resist allotment.<sup>259</sup> In arguing for the “destroy[ing] of tribal relations” and of dealing with American Indians “not as nations or tribes or bands,” Morgan also alluded to Native agency.<sup>260</sup> First, he made explicit that American Indian communities may have – even if in the past – held the promise of sovereignty. This was born out by his inclusion of “nations” among those structures he wanted to eliminate. In the end, that he sought to destroy these “nations” weakened American Indian sovereignty. But, Morgan’s admission that Natives may have once been considered sovereign allowed Natives an opening to resist allotment. Morgan also claimed that the supplanting of tribalism pledged to move American Indians into the status of “American citizen” and granted “full participation in all the riches of our civilization.”<sup>261</sup> Such questions of citizenship were a predictable outgrowth once the Natives were living within the spaces of the expanded U.S. nation in the West rather than on the farthest reaches of the nation’s border.

In the end, Indian Commissioner reports worked through a hybrid hierarchy to facilitate the Dawes Act, diminishing in the process Native sovereignty by eliminating

tribal authorities and homogenizing American Indian identities as assimilative. Overall, Dawes Act deliberations and the Dawes Act and Indian Commissioner reports reduced American Indian identities to commodities whereby they could only appear part of the U.S. nation if they produced on the land as republican children. In this vein, the government fortified its administratively paternal hybrid relationship that provided assimilation and citizenship to American Indians in exchange for what Natives could produce for the U.S. nation. Again, this modeled the father-son relationship of nineteenth century families.<sup>262</sup> Also, the Dawes Act's focus on a "severalty," or trust, clause diminished American Indian identities to childish, thereby further limiting sovereignty. Finally, Bureau of Indian Affairs reports punctuated the hybrid relationship by assimilating Natives, hence separating them from tribal structures and moving them towards labor and prospective citizenship as individualized citizens producing upon the small tracks of land.

#### JUDICIAL RHETORIC & THE CODIFICATION OF HYBRIDITY

The Dawes Act, however, never fulfilled Native citizenship promises. Instead, the executive capitalized on the homogenized constructions of American Indians as dependent, commodified and assimilated to expand into Native territories.<sup>263</sup> In the process, the government constituted itself as paternal and administrative in deciding American Indian affairs. These identity constructions reflected the ideology of republican fatherhood, which allowed the paternal figure to permanently restrict the independence of his wards who were not allowed to achieve a level of independent and thus surpass the threshold of citizenship in the initial decades following the Act's codification.

This section contends that the Supreme Court codified dependent and homogenized American Indian identities by allowing for the government as a republican father figure to reign supreme in directing all future U.S.-Native relationships. The Court's encroachment into American Indian communities and its solidifying of the *plenary doctrine* divided American Indians from any vestiges of independence and U.S. citizenship. While congressional and executive discourse suggested that American Indians *might* be sovereign, the high court reified the diminished and dependent Native identities assumed by the removal era. With sovereignty hindered by the allotment policy's assimilative edicts, American Indians were basically left with a wholesale dependence on the U.S. government and with an empty promise of citizenship based on a hierarchical and hybridized relationship with its republican father. This section explores, first, how the U.S. government heightened its interventions into allotted Native territories, by way of the Court, even though American Indians who acceded allotment were said to be "independent" and "immune" from federal encroachment.<sup>264</sup> Then, a reading of the *Lone Wolf v. Hitchcock* case demonstrates how the government – via the high court – channeled its hybrid relationship with American Indian communities into a codified hierarchy of dominance-to-subjugation. In the end, American Indian citizenship was shown to fail as Natives were reified as dependent, commodified, and ill-equipped for citizenship rights, once again segregating them from the spaces of citizenship. *Lone Wolf*, thereby, further weakened American Indian sovereignty.

#### *Assimilation and Legal Hierarchy*

According to Schmekebrier, the end of treaty-making marked a pivotal moment in U.S.-Native interactions. What had once been a mutual "supreme law in the relations

between Indians” and the government was suddenly superseded by Congressional, Interior Department and Bureau of Indian Affairs directives.<sup>265</sup> American Indian agency was quelled as the government could administrate Native policy with very little American Indian input. To the latter, the Congress only “considered” American Indian opinions, but the executive retained the definitive “say” in codifying policies.<sup>266</sup> The end of treaty-making, therefore, ushered in a number of intrusive laws that consequentially reified the dependent/warden hybridity between American Indians and the U.S. government. Such laws, supported by the Supreme Court, also homogenized Native identities as submissive republican children and, similarly, raised suspicions about whether the citizenship promises included in the Dawes Act were viable.

One of the first legal cases that threatened American Indian sovereignty during the allotment era was *Elk v. Wilkins* (1884). In the case, John Elk (Omaha) was denied voting privileges in Nebraska, despite his claims of assimilation through agricultural labor and assumptions of citizenship based on his tax revenue and contributions to the nation’s economy.<sup>267</sup> The question for the Court remained: “whether an Indian born a member of one of the Indian tribes within the United States” having engaged in productive use of the land was protected “by the first section of the Fourteenth Amendment.”<sup>268</sup> The Fourteenth Amendment stated that “all persons born ... in the United States ... are citizens of the United States” and that “no State shall make or enforce any law which shall abridge the privileges or immunities of citizens.”<sup>269</sup> Indeed, Elk satisfied the “republican” demands of “citizenship” and appeared eligible for protection under both the Fourteenth Amendment and the Fifteenth Amendment, which secured voting rights for citizens.<sup>270</sup> However, the high court ruled that Elk could not vote



because American Indians were held as “no more ‘born in the United States’ than children of subjects of any foreign government born within the domain” of the United States.”<sup>271</sup> The plaintiff, “not being a citizen of the United States” was denied such status due to his Native identity.”<sup>272</sup> In this instance, American Indians were constituted as outside the spaces of political participation in the U.S. nation even though they held claim to the physical properties of what became the nation-state. Such ruling exemplified the incongruous bind of U.S. citizenship whereby the executive and Congress pushed for assimilation while the U.S. Supreme Court reified segregationist precedents, an inconsistency of the hybridization presaged in the government’s assimilation demands.

Moreover, Native identities were equated with both childishness and “foreign governments.” According to Clark, this case set the stage for the denial of American Indian citizenship rights during the allotment era, despite the Dawes Act’s insistence that assimilated Natives could attain citizenship.<sup>273</sup> The case, combined with *Plessy v. Ferguson* (1896), also indicated how the government committed to the assimilation of persons of color yet did so through the principles of segregation. In the case of American Indians, this segregation meant cordoning them off onto allotted lands outside the scope of the U.S. nation – but close enough to be controlled by the republican father overseeing their agricultural production.

Next, the Supreme Court ruled that the federal government could justifiably seize and try Natives for crimes per federal law, hence limiting the autonomous character of American Indians who had begun to assimilate to the U.S. nation. In *United States v. Kagama* (1886), Kagama (Hoopa) was accused of murder and had been tried under the Major Crimes Act of 1885, which subjected American Indian criminals “either within or

without an Indian reservation” to federal criminal law.<sup>274</sup> With the act, American Indians committing murder, manslaughter, rape, assault with intent to kill, arson, burglary and larceny were “tried in the same manner . . . and with the same penalties as are all other persons charged with the commission of said crimes.”<sup>275</sup> The inconsistency of the law, however, clouded the act’s vitality. That is, American Indians could not be considered citizens or enjoy the “privileges” of “American law” but could be tried and punished under this very legal system.<sup>276</sup> Kagama brought his case to the Supreme Court to challenge the act’s contradictions. Ultimately, the high court ruled that the Major Crimes Act was equitable because “Indians are *wards* of the nation . . . They are communities dependent on the United States.”<sup>277</sup> Therefore, the U.S. government owed a duty to protect those “wards” who might be threatened by such Native criminals. The Supreme Court’s language, in addition to constructing American Indians as dependent, reified governmental identities as dominant and paternal. “The power of the General Government . . . over the . . . now weak and diminished [Indians],” the court averred, “is necessary to their protection.” The right of criminal intercession was extended to the government – above the sovereignty of American Indians and their supposed autonomous territories – because such power “never has existed anywhere else . . . the government . . . alone can enforce its laws on all tribes.”<sup>278</sup> Such monolithic holdings weakened the agency of American Indians to retain independence.

Simultaneously, the federal government was granted the dominant identity to control Natives at whim.<sup>279</sup> As Native land was apportioned, the boundaries between whites and American Indians were maintained, reminiscent of the Indian Removal Act. Granted, Native communities were in closer contact with whites in the late nineteenth

century. However, removal's precedent of excluding Natives from the spaces of citizenship continued into the allotment era as American Indians were still cordoned onto demarcated and limited territories. The U.S. government, thus, commanded assimilation while creating the boundaries necessary for such citizenship integration.

Finally, two more decisions heightened the ability of the U.S. government to intervene in Native affairs following the Dawes Act. In *Cherokee Nation v. Southern Kansas Railway Company* (1890), the Supreme Court ruled that the government could allow railroads to traverse Native allotments without American Indian consent. This was so, writes Clark, because the allotment policy still left American Indian lands in the government's hands through the severalty, or trust, clause. Thus, the government "could uphold eminent domain through Indian reserved lands."<sup>280</sup> The hybridized paternal relationship between the government and American Indians was clarified, once again, as the court argued that Congress and the executive "could exercise the power of eminent domain ... in a territory occupied by an Indian nation or tribe [because] the members ... are wards of the United States, and directly subjected to its political control."<sup>281</sup> This same type of supremacy was enacted in *Stephens v. Cherokee Nation* (1899) wherein the high court affirmed the Dawes Act's severalty clause. The judgment claimed, "we repeat that in view of the paramount authority of Congress over the Indian tribes" that the federal government can hold Native property and decide who was "entitled to citizenship" and when.<sup>282</sup> American Indian land, allotted through the Dawes Act, was not "owned" by Native individuals; rather, "the lands and moneys of these tribes are public lands and public moneys and are not held in individual ownership."<sup>283</sup> Both the *Kansas*

*Railway* and *Stephens* cases revealed how the Dawes Act's pledges of autonomy and citizenship for American Indians fell short of the allotment policy's goals.

*Lone Wolf v. Hitchcock and Plenary Power*

The Supreme Court clarified the limited reach of American Indian independence and citizenship – as well as governmental supremacy over Native affairs – in *Lone Wolf v. Hitchcock* (1903). The 1903 decision ended all challenges to the Dawes Act as intrusive and granted Congress – at the executive's behest – the ultimate “plenary power” to abrogate Indian treaties without any limits or duties. The Court also ruled that American Indian communities had to rely on the federal government in “good faith” as a republican father. The high court averred that “protecting [Natives] is within the competency of Congress. These Indian tribes are the wards of the nation. They are communities dependent on the United States ... The power of the general government ... is necessary to their protection.”<sup>284</sup>

Many have questioned the plenary doctrine, which constituted American Indians as dependent and the federal government as, once again, supervisory. For instance, Estin charges that the case allowed Congress to impulsively enlarge the nation's territory. To this effect, “the plenary power rule ... effectively [left] the tribes at the mercy of shifting congressional moods and majorities ... the rule's function was to facilitate continued congressional appropriation of tribal lands and resources.”<sup>285</sup> Moreover, Clark asserts that plenary power solidified eternally the dependent/warden identities of Natives and the government; he notes that *Lone Wolf* is “the hallmark of federal paternalism over the Indian.”<sup>286</sup>

The analysis that follows considers the *Lone Wolf* decision for the ways that Native autonomy and citizenship were throttled by the plenary doctrine. In the end, the Dawes Act's promise of independence and participation in the U.S. nation for American Indians fell short of its aim. As Senator Matthew Quay commented in 1903 after the *Lone Wolf* ruling, "It is the *Dred Scott* decision number two, except that in this case the victim is red instead of black. It practically inculcates the doctrine that the red man has no rights, which the white man is bound to respect, and, that no treaty or contract made with him is binding."<sup>287</sup> Ultimately, the case solidified the identity constructions instantiated by institutional discourse in the removal era.

The case derived from a Kiowa Nation challenge to the Dawes Act. In June 1900 Congress ratified the Jerome Agreement between the federal government and the Kiowa community for the allotment of their reservation. According to *Lone Wolf* (Kiowa), the agreement violated a provision of the earlier 1867 Treaty of Medicine Lodge that required three-fourths of all Kiowa men to agree on allotment. *Lone Wolf* asserted that "[this] act of Congress is unconstitutional and void because it will deprive [the Kiowa] of their lands without their consent and against their protest."<sup>288</sup> *Lone Wolf* contended that Congress had forged Indian signatures and "tricked" leaders into signing the allotment agreement. This tactic, of course, alluded to the power of Native agency in resisting the Dawes Act. That Congress had to resort to spurious tactics meant that allotment suffered only partial complicity from Natives.<sup>289</sup> *Lone Wolf* took his protest to the high court to determine if the Jerome Agreement was "a null and void act of Congress ... upon the ground that the agreement was procured from the Indians by fraud and deception" and

whether Natives had “vested rights” and autonomous use of their land or whether they simply held “the right to occupy [their] land at the will of the government.”<sup>290</sup>

The Supreme Court responded that it could not confront Congress when it came to “wardship” issues with American Indians. Of this, Justice Edward White wrote, “plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one, not subject to be controlled by the judicial department of the government.”<sup>291</sup> With the Kiowa Nation’s legal challenge quashed, White suggested that “all Indians” (this phrase demonstrated the Court’s view of Native identities as monolithic) had to have “good faith” in Congress as “protectors” and “possessors” of “plenary power.”<sup>292</sup> Given this hierarchical identity construction, Congress retained the right to abrogate the Treaty of Medicine Lodge if the executive deemed this action necessary for the safety of American Indian communities.<sup>293</sup> In the process of cementing the plenary doctrine, the high court supported a dominant/subjugated relationship for the federal government and Native communities. White asserted that, “the power exists to abrogate the provisions of an Indian treaty [when] ... the interest of the country and the Indian themselves, indicates that it should do so.” Due to Congress’s benevolent character, the Court “never doubted that the power to abrogate existed in Congress ... particularly if [it was] consistent with perfect good faith towards the Indians.”<sup>294</sup> At the suggestion of the executive, then, Congress could change Native policy, including older treaties negotiated with American Indians.

Moreover, congressional identity was constituted as celebrated and moral. White’s holding claimed that “it is to be presumed that in this matter the United States would be governed by such considerations of justice as would control a Christian people

in their treatment of a ... dependent race ... a moral obligation rested upon Congress to act in good faith in performing” its ratification of the Jerome Agreement.”<sup>295</sup> The federal government, here, was considered benevolent and controlling; American Indians, oppositely, were characterized as “dependent” and susceptible to congressional and executive privilege. To the latter, Clark laments, “Indians’ state of pupilage in the eyes of the justices necessitated the guardian’s use of stern measures to lift the Indian charges” in line with the government’s assimilation program.”<sup>296</sup> Indeed, claiming a self-righteous and morally superior character assisted the Court in justifying plenary power and, more generally, the ideology of paternalism. What is more, the ratification of the Jerome Agreement and the high court’s championing of plenary authority were shrouded in the rhetoric of “good faith” – a legal tenet that remained difficult to disprove.<sup>297</sup>

Meanwhile, the Supreme Court’s plenary doctrine reduced American Indian territoriality to tenancy, therefore solidifying the diminished identity constructions inherent in the Dawes Act’s severalty clause. White relied on this construction to justify Congress’s abrogation of the Treaty of Medicine Lodge. He argued, “Such lands and reservations are held by the Indians subject to the control and dominion of the United States, and such Indian tribes ... have no title in the lands they occupy ... their right is simply to occupy, at the will of the Government and under its protection.”<sup>298</sup> Ostensibly, American Indians were legitimate for the ease with which the government could remove them if more settlers came along looking for western land. Like a cipher that can be manipulated to “mean different things at different times”<sup>299</sup> for economic advantage, Natives were used as tenants, producing goods for the American economy (even if Indians did not sell produce, they would consume goods, thus reducing the Bureau of

Indian Affairs's subsistent food programs to reservations) until a rightful white settler with vested rights moved westward.

Even with the promises of independence for American Indians through allotment, the Court nonetheless ensured that “the will of the government” would always trump Indian occupancy rights. Throughout the *Lone Wolf* decision, White reminded the Kiowa that no “Indian [could] assert any individual right as a vested right in the lands against the Government.”<sup>300</sup> In the end, the federal government’s power to manipulate American Indian communities and their lands weakened the promise of independence and citizenship.<sup>301</sup> Citizenship was difficult to maintain if Native identities were never elevated to self-governance. Instead, as White noted, the Jerome Agreement was really “a mere change in the form of investment of Indian commodity.”<sup>302</sup> The allotted territories functioned then as spaces of further control of Native agency and political power.

Ultimately, *Lone Wolf* – representing all American Indians – was unsuccessful at overturning the Jerome Agreement. In the process of the case American Indians were demonstrated to possess little protection against a dominant republican father. And, the promise of independence and citizenship through allotment and its attendant republican farming was obscured by the ease with which the Supreme Court allowed the executive branch to encroach on American Indian lands. As Wildenthal puts it, the *Lone Wolf* decision suggested “plenary on steroids.”<sup>303</sup> That is, the case simply announced a policy of governmental supremacy without checks or balance. Even Congress, the most representative branch of government, was granted the power to constitute American Indian citizenship rights and identities while providing limited access for a redress of



grievances, exemplifying the substance of the hybrid relationship. As a whole, judicial discourse supporting the Dawes Act cemented dependent and homogenized Native identities and elevated the U.S. government's identity as perpetually controlling and paternalistic. The Supreme Court's incursions into American Indian affairs through *Elk*, *Kagama*, *Southern Kansas Railway* and *Stephens* along with the plenary doctrine, itself, severed Native communities from any vestiges of sovereignty and citizenship – a residue of the Indian Removal Act.

### CONCLUSION

In the end, the allotment policy clarified the place of American Indian identities in the newly expanded U.S. nation. The government, especially the executive branch, took on the role of republican father and sought to train American Indians for citizenship. But, inclusion in the U.S. citizenry could only manifest through the proper use of land for the benefit of the republican father's larger family. The Dawes Act promised autonomy and citizenship if Natives accomplished their republican tasks on the allotted land, but these promises fell flat. In fact, the Dawes Act seemingly bolstered a hybrid and hierarchical relationship through which the government retained dominance in controlling American Indian affairs, thereby reifying the weakening of Native sovereignty and identities instigated by the government's removal discourse. Simultaneously, the Dawes Act privileged – and emboldened – the executive branch as the quintessence of republican fatherhood. The enlargement of presidential influence into the Interior Department and the Bureau of Indian Affairs remained an entailment of the Indian Removal Act's legacy of shoring up executive power over American Indian affairs.

Moreover, land during the allotment era existed as a space of commodification which, when produced upon, constituted a corridor to citizenship for Native communities. The Jacksonian era doctrine of discovery was supplanted in 1880s, changing instead to conceptions of territory that included productivity and citizenship for American Indians. Ostensibly, the change indicated the conflation of citizenship and territory, which was crucial to discourse surrounding the Indian Removal Act. Concurrently, the prospect of Native labor on their allotments and, subsequently, the possibility that they could qualify as U.S. citizens showed how Natives' moral inheritance influenced the policies and identity formations of the Dawes era.

Ultimately, the allotment era opened up the question of whether or not American Indians could attain citizenship and exemplified the identity duality of U.S. citizenship logic for persons of color wherein the government posited a rhetoric of assimilation alongside a policy of segregation. This question was answered by the Supreme Court in its decision to block Native empowerment through full inclusion in the U.S. civic sphere. And, the further reduction of American Indian land to isolated (and allotted) areas of the U.S. nation underlined this segregation. The high court, instead, solidified hybrid identities that linked American Indians and the U.S. government by way of a familial hierarchy – a structure that remained entrenched until 1924 when Congress passed the Indian Citizenship Act.<sup>304</sup> Such hybridity held out promises of Native citizenship, but in the end was precluded by racism fundamental to U.S. nationalism that sought American Indian separation from the U.S. *civis*. However, the executive's and legislature's suggestions of American Indian assimilation through yeoman farming and a republican commitment to the soil – even if anemic – empowered Native communities with a sense

that they could attain some veneer of sovereignty. The issue of land, thus, was envisioned as a pathway toward citizenship for Natives, too.

The next chapter explores how American Indian communities questioned the Dawes Act by employing various pan-Indian strategies and by challenging the firmness of identities heartened by the U.S. government's allotment policy.

#### END NOTES

---

<sup>1</sup> George Harkins, "Farewell Letter to the American People (1832)," *The American Indian* vol. 1:3 (December 1926), 7, 12.

<sup>2</sup> R. David Edmunds, "Native Americans and the United States, Canada and Mexico," in *A Companion to American Indian History*, eds. Phillip Joseph Deloria and Neal Salisbury (Malden, MA: Blackwell, 2002), 401.

<sup>3</sup> Frederick Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: U of Nebraska P, 1984), xviii.

<sup>4</sup> Grover Cleveland, "Second Annual Message," December 6, 1886 in *A Compilation of the Messages and Papers of the Presidents*, vol. 8, comp., James D. Richardson (Washington, D.C.: Bureau of National Literature and Art, 1937), 519.

<sup>5</sup> Ibid.

<sup>6</sup> Frederick Jackson Turner, *The Significance of the Frontier in American History*, ed. S.P. Langley, Annual Report of the American Historical Association for the Year 1893 (Washington, D.C.: Government Printing Office, 1894): 200.

<sup>7</sup> Hoxie, *A Final Promise*, xviii.

<sup>8</sup> It is not my intention to report on the history of the "Indian Wars" between the 1850s and the 1880s. Historians have done a great deal of thorough and archival research

---

in this area. For more information on the military confrontations of the U.S. government and American Indian nations west of the Mississippi, see Dee Brown, *Bury My Heart at Wounded Knee: An Indian History of the America West* (New York: Henry Holt, 2000); William Osborn, *The Wild Frontier* (New York: Random House 2000); Robert M. Utley, *The Indian Frontier of the American West, 1846-1890* (Albuquerque: U of New Mexico P, 1984); and Bill Yenne, *Indian Wars: The Campaign for the American West* (Yardley, PA: Westholme, 2005).

<sup>9</sup> William T. Sherman, "End of the Indian Problem" in *House Executive Document* no. 1, 48<sup>th</sup> Congress, 1<sup>st</sup> session, serial 2182, pp. 45-46.

<sup>10</sup> Henry Dawes, "Solving the Indian Problem," in Fifteenth Annual Report of the Board of Indian Commissioners (1883), pp. 69-70.

<sup>11</sup> Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Lawrence: U of Kansas P, 1982), 142.

<sup>12</sup> Dawes, "Solving the Indian Problem," 69.

<sup>13</sup> Dippie, *The Vanishing American*, 141.

<sup>14</sup> Hoxie, *A Final Promise*, xviii.

<sup>15</sup> William Medill, "Annual Report of the Commissioner of Indian Affairs," November 30 1848, *House Executive Document* no. 1, 30<sup>th</sup> Congress, 2d session, serial 537, pp. 385-89.

<sup>16</sup> Medill, "Annual Report, 1848," 385-89.

<sup>17</sup> Hoxie, *A Final Promise*, xviii.

<sup>18</sup> David M. Ricci, *Good Citizenship in America* (Cambridge, UK: Cambridge U P, 2004), 70.

---

<sup>19</sup> Henry Dawes, "Solving the Indian Problem," 69-70.

<sup>20</sup> Blue Clark, *Lone Wolf v. Hitchcock: Treaty Rights and Indian Law at the End of the Nineteenth Century* (Lincoln: U of Nebraska P, 1994), 4-5.

<sup>21</sup> "Indian Extermination or Civilization?," *Republic*, vol. 2 (May 1874): 316.

<sup>22</sup> Donald L. Fixico, "Federal and State Policies and American Indians" in *A Companion to American Indian History*, eds. Phillip Joseph Deloria and Neal Salisbury (Malden, MA: Blackwell, 2002): 384.

<sup>23</sup> "Skinner's comments - Congressional Debate on Bill To Provide Lands in Severalty, December 15-16, 1886 (House) and January 18, 25, 1887, in *The American Indian and the United States: A Documentary History – Volume III* (Senate), ed. Wilcomb E. Washburn (New York: Random House, 1973): 1849.

<sup>24</sup> General Allotment Act (1887), *U.S. Statutes at Large*, vol. 24, pp. 388-391.

<sup>25</sup> Francis Paul Prucha, *The Indians in American Society: From the Revolutionary war to the Present* (Berkeley: U of California P, 1985), 3.

<sup>26</sup> Fixico, "Federal and State Policies," 384.

<sup>27</sup> Plenary power refers to the "ultimate decision making capacity" of Congress over a group of people (See Blue Clark, "*Lone Wolf v. Hitchcock*: Implications for Federal Indian Law at the Start of the Twentieth Century." *Western Legal History* 5 [1992]: 10-11).

<sup>28</sup> Joy Porter, "Native Americans: The Assertion of Sovereignty and the Negotiation of Citizenship and Identities," in *Federalism, Citizenship, and Collective Identities in U.S. History*, eds. Cornelis A. Van Minnen and Sylvia Hilton (Amsterdam: VU Boekhandel U P, 2000): 181-182.

---

<sup>29</sup> Speaking of such hybridized inconsistencies of U.S. citizenship, Stuckey recently argued that Progressive Era presidents, like Woodrow Wilson, issued “seemingly inclusive” constructions of citizenship, even going so far as to demand a “universalizing” of the U.S. citizenry regardless of ethnic hyphenated identities. In the end, though, this institutional discourse “served as a mean for silencing” people of color and immigrants, thereby demonstrating how a “universal” conception of U.S. citizenship could “nonetheless be an exclusionary one” (Mary Stuckey, “‘The Domain of Public Conscience’: Woodrow Wilson and the Establishment of a Transcendent Political Order,” *Rhetoric and Public Affairs* 6:1 [2003]: 2).

<sup>30</sup> Dorsey and Harlow make a similar argument about immigrants, though not necessarily focusing their analysis on American Indians. Of Theodore Roosevelt’s citizenship rhetoric, they assert that his progressive nationalism “deplored those ‘hyphenated’” immigrants and, instead, “based . . . predications of immigrants’ potential for assimilation on generalization about ethnicity.” However, these so-called “inclusive immigrants” were still restricted to full inclusion by “patently racist” mandates that heralded whiteness and European-ness as the measure of U.S. citizenship (Leroy G. Dorsey and Rachel M. Harlow, “‘We Want Americans Pure and Simple’” Theodore Roosevelt and the Myth of Americanism,” *Rhetoric and Public Affairs* 6:1 [2003]: 61; 73; 75).

<sup>31</sup> I consider the Dawes Era – designated as the period between 1879 and 1903 – as the epoch that ushered in assimilation and the government’s so-called “civilization projects” through the allotment policy. Both my use of the expression “Dawes Era” and

---

the swath of time associated with the phrasing derive from D.S. Otis, *The Dawes Act and the Allotment of Indian Lands* (Norman: U of Oklahoma P, 1973).

<sup>32</sup> The population west of the Mississippi grew substantially from seven to eleven million in the 1870s alone; these numbers increased four-fold by the dawn the twentieth century (Hoxie, *A Final Promise*, 43).

<sup>33</sup> Turner, *The Significance of the Frontier*, 3.

<sup>34</sup> Leroy G. Dorsey, "The Frontier Myth in Presidential Rhetoric: Theodore Roosevelt's Campaign for Conservation," *Western Journal of Communication* 59 (1995): 5. For more on the rhetorical dynamics of the frontier myth, see Janice Hocker Rushing, "The Rhetoric of the American Western Myth," *Communication Monographs* 50 (1983): 14-32.

<sup>35</sup> Treaty of Guadalupe Hidalgo, February 2, 1848, in *Treaties and Conventions between the United States of America and Other Power since July 4, 1776* (Washington, D.C.: Government Printing Office, 1871), n.p.

<sup>36</sup> The Oregon Treaty, June 14, 1846, in *Treaties and Conventions between the United States of America and Other Power since July 4, 1776* (Washington, D.C.: Government Printing Office, 1871), n.p.

<sup>37</sup> Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, abnd. (Lincoln: U of Nebraska P, 1986), 118.

<sup>38</sup> Peter Nabokov, *Native American Testimony: A Chronicle of Indian-White Relations From Prophecy to the Present, 1492-2000* (New York: Penguin Books, 1999), 260.

<sup>39</sup> Medill, "Annual Report, 1848," 386.

---

<sup>40</sup> George Manypenny, “Annual Report of the Commissioner of Indian Affairs,” November 22 1856, *Senate Executive Document* no. 5, 34<sup>th</sup> Congress, 3d session, serial 875, pp. 571-75.

<sup>41</sup> Charles Mix, “Annual Report of the Commissioner of Indian Affairs,” November 6 1858, *Senate Executive Document* no. 1, 35<sup>th</sup> Congress, 2d session, serial 974, pp. 354-59.

<sup>42</sup> This was so because federal authority in the West was “weakened ... as regular troops were withdrawn” from western fronts and reassigned to the war’s southern campaigns (Prucha, *The Great Father*, 137).

<sup>43</sup> Report of the Doolittle Commission, January 26, 1867, in *Senate Report* no. 156, 39<sup>th</sup> Congress, 2d session, serial 1279, pp. 3-10.

<sup>44</sup> *Ibid.*

<sup>45</sup> Prucha, *The Great Father*, 152.

<sup>46</sup> Report of the Indian Peace Commission, January 7, 1868, in *House Executive Document* no. 97, 40<sup>th</sup> Congress, 2d session, serial 1337, pp. 15-17.

<sup>47</sup> Theodore Roosevelt, “Duty of American Citizenship, January 26, 1883” found at the *Archive of the Presidential Rhetoric Program* at Texas A&M University, online at <http://comm.tamu.edu/pres/speeches/trduties.html> [accessed 12 January 2006].

<sup>48</sup> Rose Stremmlau, “‘To Domesticate and Civilize Wild Indians’: Allotment and the Campaign to Reform Indian Families, 1875-1887,” *Journal of Family History* 30 (2005): 272.

<sup>49</sup> Stephen M. Frank, *Parenthood and Masculinity in the Nineteenth Century American North* (Baltimore: Johns Hopkins U P, 1999), 139.



---

<sup>50</sup> John Bodnar, *The Transplanted: A History of Immigrants in Urban America* (Bloomington: U of Indiana U, 1985), 208-209.

<sup>51</sup> Roosevelt, "Duty of American Citizenship."

<sup>52</sup> The Homestead Act, May 20, 1862, 37<sup>th</sup> Congress, 2d session, Chapter 75.

<sup>53</sup> Columbus Delano, "Report of the Secretary of the Interior, November 23, 1874, *House Executive Document* no. 1, part 5, 43-2, serial 1639, pp. v, vii.

<sup>54</sup> Found in Brad Agnew, "Voices from the Land Run of 1889," *The Chronicles of Oklahoma* 67 (1989): 4

<sup>55</sup> Prucha, *Great Father*, 256.

<sup>56</sup> David M. Ricci, *Good Citizenship in America* (U.K.: Cambridge U P, 2004), 112.

<sup>57</sup> Hispanic (Latino/a) communities also experienced difficulty in attaining citizenship and demonstrating to the federal government their desire to participate in the U.S. nation. According to Takaki, because Hispanic (Latino/a) groups shared a European ancestry with the United States, they often did not suffer as much as African Americans and Asians (Ronald Takaki, *Iron Cages: Race and Culture in Nineteenth-Century America* [Boston: Little, Brown, 1979], 154). For more on the plight of these communities in the late nineteenth century West, see the following: John Bodnar, *The Transplanted: A History of Immigrants in Urban America* (Bloomington: U of Indiana P, 1987), 22-23; Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in America* (New York: Perennial, 2002), 307-327; Lisa A. Flores, "Constructing Rhetorical Borders: Peons, Illegal Aliens, and Competing Narratives of Immigration," *Critical Studies in Media Communication* 20:4 (2003): 362-387; and

---

Matthew Frye Jacobson, *Barbarian Virtues: The United States Encounters Foreign Peoples At Home and Abroad, 1876-1917* (New York: Hill and Wang, 2000), 239-241.

<sup>58</sup>Asian communities were likewise typically shunned from consideration as U.S. citizens. Though numerous Chinese nationals, as a case in point, helped build the transcontinental railroads, they were seen to threaten the Christian and republican precepts of the nineteenth century United States. A type of Euro-centric nativism vis-à-vis Chinese workers ascended as expanding white settlers organized the trans-Mississippi frontier (Gail M. Nomura, “Significant Lives: Asia and Asian Americans in the U.S. West,” in *A New Significance: Re-Envisioning the History of the American West*, ed., Clyde Milner [New York: Oxford U P, 1996], 142). Chinese communities, averred the U.S. government, “endangered the good order of certain localities” in the West (Chinese Exclusion Act, May 6, 1882, 47<sup>th</sup> Congress, 1<sup>st</sup> session, Chapter 126). According to Jacobson, this endangerment boiled down to increased competition with white settlers, thus straining the economic success of the West’s white citizenry (Jacobson, *Barbarian Virtues*, 80-81). To rectify this Congress passed the conspicuous Chinese Exclusion Act in 1882 to “suspend” Chinese immigration to the United States. Thereafter, no state or federal court could “admit Chinese [sic] to citizenship.” When Chinese persons attempted to prove their “whiteness” and “Americanism” as evidence of their assimilation, state courts – especially California’s system through *In re Ah Yup* (1878) and *In re Hong Yen Chang* (1900) – denied them citizenship (See *In re Ah Yup*, 1 F. Cas. 223 [1878] and *In re Hong Yen Chang*, 83 Cal. 163 [1900]). The episode of Chinese exclusion further reified the singularity of white communities as the quintessential U.S. citizenry.

- 
- <sup>59</sup> The Constitution of the United States, Fourteenth Amendment in *A Documentary History of the United States*, ed., Richard Heffner (New York: Signet, 2002), 33.
- <sup>60</sup> Takaki, *Iron Cages*, 196-200.
- <sup>61</sup> *Dred Scott v. Sandford*, 60 U.S. 393 (1857).
- <sup>62</sup> David Delaney, *Race, Place and the Law, 1836-1948* (Austin: U of Texas P, 1998), 98-99. Jim Crow refers to “the laws designed to segregate blacks from whites and to disenfranchise black voters” which served to replace slave era practices made illicit by the Thirteenth, Fourteenth and Fifteenth amendments to the U.S. Constitution (See Mark Grossman, *The Civil Rights Movement Companion* [Santa Barbara, CA: ABC-CLIO, 1993], 105).
- <sup>63</sup> *Plessy v. Ferguson*, 163 U.S. 537 (1896).
- <sup>64</sup> *Ibid.*
- <sup>65</sup> Quintard Taylor, “Through the Prism of Race: The Meaning of African-American History in the West,” in *A New Significance: Re-Envisioning the History of the American West*, ed., Clyde Milner (New York: Oxford U P, 1996), 295.
- <sup>66</sup> Langston, *The Native American World*, 70.
- <sup>67</sup> Prucha, *Great Father*, 110.
- <sup>68</sup> Otis, *The Dawes Act*, 9-16.
- <sup>69</sup> Hoxie, *A Final Promise*, 34.
- <sup>70</sup> Hoxie, *A Final Promise*, 34; 39.
- <sup>71</sup> Prucha, *Great Father*, 181.

---

<sup>72</sup> Jason Edward Black, "Authoritarian Fatherhood: Andrew Jackson's Early familial Lectures to America's 'Red Children,'" *Journal of Family History* 30:3 (2005): 248.

<sup>73</sup> John Demos, "The Changing Faces of Fatherhood: A New Exploration in family History," in *Father and Child: Developmental and Clinical Perspectives*, eds. Stanley Cath, Alan Gurwitt and John Munder Ross (Boston: Little and Broen, 1982), 427.

<sup>74</sup> Linda Kerber, "The Republican Mother: Women and the Enlightenment – An American Perspective," *American Quarterly* 28:2 (1976): 205.

<sup>75</sup> Vanessa Beasley, *You the People: American National Identity in Presidential Rhetoric* (College Station: Texas A&M U P, 2004), 137.

<sup>76</sup> Linda Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: U of North Carolina P, 1980), 229-230.

<sup>77</sup> Rosemary Zagari, "Morals, Manners and the Republican Mother," *American Quarterly* 44:3 (1992): 196-197.

<sup>78</sup> Prucha, *Indians in American Society*, 28-41.

<sup>79</sup> Shawn Parry-Giles and Diane M. Blair, "The Rise of the Rhetorical First Lady: Politics, Gender Ideology and Women's Voice, 1789-2002," *Rhetoric and Public Affairs* 5:4 (2002): 565.

<sup>80</sup> Mary R. Jackman, *The Velvet Glove: Paternalism and Conflict in Gender, Class and Race Relations* (Berkeley: U of California P, 1993): 13.

<sup>81</sup> Ibid.

<sup>82</sup> Shawn Johansen, *Family Men: Middle Class Fatherhood in Early Industrializing America* (New York: Routledge, 2001), 11.

---

<sup>83</sup> Michael Paul Rogin, *Fathers and Children: Andrew Jackson and The Subjugation of the American Indian* (New York: Knopf, 1975), 10.

<sup>84</sup> David Wilkins, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice* (Austin: U of Texas P, 1999), 64.

<sup>85</sup> Beasley, *You the People*, 137.

<sup>86</sup> Prucha, *Indians in American Society*, 40-41.

<sup>87</sup> Theodore Roosevelt, "True Americanism," in *The Forum Magazine* (April 1894): 3.

<sup>88</sup> Dorsey and Harlow, "'We Want Americans Pure and Simple,'" 58.

<sup>89</sup> Recall that Jefferson first promoted the assimilation – versus the removal – of American Indians as the foundational Native policy of the United States. His policies focused on "leading them [American Indians] to agriculture, to manufactures and civilization . . . and in preparing them ultimately to participate in the benefits of our Government" (Thomas Jefferson, "On Indian Trading Houses," January 18, 1803 in *A Compilation of the Messages and Papers of the Presidents*, vol. 1, comp., James D. Richardson [Washington, D.C.: Bureau of National Literature and Art, 1937]), 340.

<sup>90</sup> Prucha, *Great Father*, 217.

<sup>91</sup> Ronald Carpenter, "Frederick Jackson Turner and the Rhetorical Impact of the Frontier Thesis," *Quarterly Journal of Speech* 63 (1977): 122.

<sup>92</sup> Luke Lea, "Annual Report of the Commissioner of Indian Affairs," November 27, 1850, *Senate Executive Document* no. 1, 31st Congress, 2d session, serial 587, pp. 35-37.

---

<sup>93</sup> Sidney Lens, *The Forging of American Empire: From the Revolution to Vietnam – A History of U.S. Imperialism* (Chicago: Haymarket Press, 2003), 178-179.

<sup>94</sup> Ivan Musicant, *Empire By Default: The Spanish-American War and the Dawn of the American Century* (New York: Henry Holt), 656.

<sup>95</sup> “The Platt Amendment,” in *Treaties and Other International Agreements of the United States of America, 1776-1949*, vol. 8, ed. C. I. Bevins (Washington, D.C.: United States Government Printing Office, 1971), 1116-7.

<sup>96</sup> General James Rusling, “Interview with President William McKinley,” *The Christian Advocate* 22 (January 1903): 17.

<sup>97</sup> Kristin L. Hoganson, *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine American Wars* (New Haven, CT: Yale U P, 1998), 201.

<sup>98</sup> George Manypenny, “Annual Report of the Commissioner of Indian Affairs,” November 22 1856, *Senate Executive Document* no. 5, 34<sup>th</sup> Congress, 3d session, serial 875, pp. 571-75.

<sup>99</sup> Ulysses S. Grant, “First Annual Message, December 6, 1869,” in *A Compilation of the Messages and Papers of the Presidents*, vol. 7, comp., James D. Richardson (Washington, D.C.: Bureau of National Literature and Art, 1937), 38-39.

<sup>100</sup> Creation of an Indian Peace Commission, July 20, 1867, in *U.S. Statutes at Large*, 15: 17.

<sup>101</sup> Ibid.

<sup>102</sup> Wilkins, *American Indian Sovereignty*, 64.

---

<sup>103</sup> The Board was to act as a quasi-cabinet for the Commissioner of Indian Affairs, a position situated within the Bureau of Indian Affairs in the Department of the Interior. For more on the organizational particulars of the Board of Indian Commissioners, the Bureau of Indian Affairs and the Department of the Interior – the latter as it related to American Indian communities – see Langston, *Native American World*, 337; Theodore Taylor, *Bureau of Indian Affairs* (Boulder, CO: Westview Press, 1984); and Wilcomb E. Washburn, *Red Man's Land, White Man's Law: The Past and Present Status of the American Indian* (Lincoln: U of Nebraska P, 1997), ii-ix.

<sup>104</sup> Authorization of the Board of Indian Commissioners, April 12, 1869, in *U.S. Statutes at Large*, 16: 40.

<sup>105</sup> Nathaniel G. Taylor, “Annual Report of the Commissioner of Indian Affairs,” November 23, 1869, *House Executive Document* no. 1, 40<sup>th</sup> Congress, 3d session, serial 1366, pp. 476-479.

<sup>106</sup> Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley: U of California P, 1997), 2.

<sup>107</sup> 30 U.S. 1 (1831), *Cherokee Nation v. State of Georgia*.

<sup>108</sup> Ely Parker, “Annual Report of the Commissioner of Indian Affairs,” December 23, 1869, *House Executive Document* no. 1, 41<sup>st</sup> Congress, 2d session, serial 1414, pp. 448.

<sup>109</sup> Laurence F. Schmeckebier, *The Office of Indian Affairs: Its History, Activities and Organization* (Baltimore: Johns Hopkins U P, 1927), 65.

<sup>110</sup> Abolition of Treaty Making, March 3, 1871, *U.S. Statutes at Large*, 16: 566. It should be noted that the Abolition of Treaty making did not – legally – “invalidate or

---

impair the obligation of any treaty heretofore” (Ibid.). Instead, past treaties would be recognized, though – as will be shown – oftentimes were not followed as allotment sought to redistrict territorial lines previously set in pre-1871 treaties.

<sup>111</sup> Edward Smith, “Letter of the Commissioner of Indian Affairs,” May 29, 1873, in *Documents of United States Indian Policy*, 2d, ed., Francis Paul Prucha (Lincoln: U of Nebraska P, 1990), 143.

<sup>112</sup> Francis Paul Prucha, *The Indians in American Society: From the Revolutionary War to the Present* (Berkeley: U of California P, 1985), 1-28.

<sup>113</sup> John Q. Smith, “Annual Report of the Commissioner of Indian Affairs,” October 30, 1876, *House Executive Document* no. 1, 44<sup>th</sup> Congress, 2d session, serial 1749, pp. vii-xi.

<sup>114</sup> Ibid.

<sup>115</sup> Ezra Hayt, “To Secretary of the Interior Carl Schurz,” January 24, 1879, *House Report* no. 165, 45<sup>th</sup> Congress, 3d session, serial 1866, pp. 2-3.

<sup>116</sup> Ibid.

<sup>117</sup> Rutherford B. Hayes, “Third Annual Message, December 1, 1879,” in *Great Debates in American History, Civil Rights*, part two, volume VIII., ed. Marion Mills Miller (New York: Little and Ives, 1913), 287.

<sup>118</sup> Ibid.

<sup>119</sup> Walter Russell Mead, *Special Providence: American Foreign Policy and How It Changed the World* (London: Routledge, 2002), 245.

<sup>120</sup> Ibid.

<sup>121</sup> Prucha, *Great Father* abd., 194-195.



---

<sup>122</sup> Otis, *The Dawes Act*, 17.

<sup>123</sup> Hayt, "To Secretary of the Interior Carl Schurz," 2-3.

<sup>124</sup> Ibid.

<sup>125</sup> Carl Schurz, "Annual Report of the Secretary of the Interior," December 7, 1879, *House Executive Document* no. 1, part 5, 46<sup>th</sup> Congress, 2d session, serial 1910, pp. 5-6.

<sup>126</sup> Board of Indian Commissioners, "Twelfth Annual Report," November 1, 1880 in Carl Schurz, "Annual Report of the Secretary of the Interior," November 1, 1880, *House Executive Document* no. 1, 46<sup>th</sup> Congress, 3d session, serial 1959, pp. 7-9.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> See 30 U.S. 1 (1831), *Cherokee Nation v. State of Georgia*; and 31 U.S. 515 (1832), *Worcester v. State of Georgia*.

<sup>131</sup> Ibid.

<sup>132</sup> Dippie, *The Vanishing American*, 141; 162.

<sup>133</sup> Carl Schurz, "Present Aspects of the Indian Problem," *North American review* CXXXIII (July 1881): 6.

<sup>134</sup> Carl Schurz, "Annual Report of the Secretary of the Interior," November 1, 1880, *House Executive Document* no. 1, 46<sup>th</sup> Congress, 3d session, serial 1959, pp. 3-4; 11-13.

<sup>135</sup> Hiram Price, "Annual Report of the Secretary of the Interior," October 24, 1881, *House Executive Document* no. 1, 47<sup>th</sup> Congress, 1st session, serial 2018, pp. 1-3.

---

<sup>136</sup> Chester A. Arthur, "Annual Message to Congress," December 6, 1881, in *A Compilation of the Messages and Papers of the Presidents*, vol. 8, comp., James D. Richardson (Washington, D.C.: Bureau of National Literature and Art, 1937), 54. Emphasis mine.

<sup>137</sup> Prucha, *The Indians in American Society*, 3.

<sup>138</sup> Otis, *The Dawes Act*, 9.

<sup>139</sup> See Langston, *The Native American World*, 371.

<sup>140</sup> According to Prucha, by the 1870s and 1880s, the executive branch, through the Interior and its bureaus, overwhelmingly administrated the U.S.-Native relationship and Native policies (Prucha, *Great Father* abd., 224-228).

<sup>141</sup> Arthur, "Annual Message to Congress," 54.

<sup>142</sup> Schurz, "Present Aspects of the Indian Problem," 6.

<sup>143</sup> Black, "Authoritarian Fatherhood," 257-259.

<sup>144</sup> Carl Schurz, "Annual Report of the Secretary of the Interior," 3-4; 11-13.

<sup>145</sup> Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, unabd. (Lincoln: U of Nebraska P, 1986), 664.

<sup>146</sup> Hoxie, *A Final Promise*, 71.

<sup>147</sup> Representative Russell Erret in U.S. Congress, House, Committee on Indian Affairs, *Lands in Severalty to Indians: Report to Accompany H.R. 5038*, 46<sup>th</sup> Congress, 2d session, May 28, 1880, H. Report, 1576, 7-10.

<sup>148</sup> The Coke Bill ultimately failed the House due to difficulties in solidifying a timeline for allotment, versus the efficacy of the policy (Hoxie, *A Final Promise*, 71-72).

---

<sup>149</sup> Colin G. Calloway, *First Peoples: A Documentary Survey of American Indian History* (Boston: Bedford/St. Martens, 1999), 355-356.

<sup>150</sup> Coke Bill of 1881, in Henry S. Pancoast, *Indian Land in Severalty As Provided For By the Coke Bill*, 46th Congress, 1st session, S. 48 (Philadelphia, 1884), 3-7.

<sup>151</sup> Ibid.

<sup>152</sup> Wilkins, *American Indian Sovereignty*, 64.

<sup>153</sup> Coke Bill of 1881, in Henry S. Pancoast, *Indian Land in Severalty As Provided For By the Coke Bill*, 46th Congress, 1st session, S. 48 (Philadelphia, 1884), 3-7.

<sup>154</sup> Ibid.

<sup>155</sup> Otis, *The Dawes Act*, 9.

<sup>156</sup> Coke Bill of 1881, in Henry S. Pancoast, *Indian Land in Severalty As Provided For By the Coke Bill*, 46th Congress, 1st session, S. 48 (Philadelphia, 1884), 3-7.

<sup>157</sup> Richard Coke, in U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session, as reprinted in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1700-1704.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

<sup>160</sup> Ibid.

<sup>161</sup> George Vest, in U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session, as reprinted in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1700-1704.

---

<sup>162</sup> Ibid.

<sup>163</sup> Hoxie, *A Final Promise*, 71.

<sup>164</sup> Coke Bill of 1881, in Henry S. Pancoast, *Indian Land in Severalty*, 3-7.

<sup>165</sup> Alvin Saunders, in U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session, as reprinted in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1700-1704.

<sup>166</sup> Benjamin Sevitch, "The Rhetoric of Paternalism: Elbert H. Gary's Arguments for the Twelve-hour Day." *Western Speech Journal* 35 (1971): 15.

<sup>167</sup> Alvin Saunders, in U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session, as reprinted in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1700-1704.

<sup>168</sup> Richard Coke, in U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session, as reprinted in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1700-1704.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

<sup>171</sup> Frederick E. Hoxie, *Talking Back to Civilization: Indian Voices from the Progressive Era* (Boston: Bedford/St. Martens, 2001), viii.

<sup>172</sup> Hoxie, *A Final Promise*, 71.

---

<sup>173</sup> Henry Teller, in U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session, as reprinted in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1700-1704.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.

<sup>176</sup> Prucha, *Great Father*, abd., 225-226.

<sup>177</sup> John Morgan, in U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session, as reprinted in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1700-1704.

<sup>178</sup> Richard Coke, in U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session, as reprinted in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1700-1704.

<sup>179</sup> John Morgan, in U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session, as reprinted in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1700-1704.

<sup>180</sup> Hoxie, *A Final Promise*, 71.

<sup>181</sup> See Otis, *The Dawes Act*, 9; and Prucha, *Great Father*, abd., 225-226

<sup>182</sup> Calloway, *First Peoples*, 355.

---

<sup>183</sup> Grover Cleveland, "First Inaugural Address," March 4, 1885 in *The Inaugural Addresses of the Presidents*," ed., John Gabriel Hunt (New York: Gramercy, 1997), 247.

<sup>184</sup> See Andrew Jackson, "First Inaugural," March 4, 1829, in *A Compilation of the Messages and Papers of the Presidents*, vol. 2, comp., James D. Richardson (Washington, D.C.: Bureau of National Literature and Art, 1937), 438.

<sup>185</sup> J.D.C. Atkins, "Report of the Commissioner of Indian Affairs," October 5, 1885, in *The American Indian and the United States: A Documentary History*, vol. 3, ed., Wilcomb Washburn (New York: Random House, 1973), 357

<sup>186</sup> Ibid.

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> Wilkins, *American Indian Sovereignty*, 65.

<sup>190</sup> Dippie, *The Vanishing American*, 178-179.

<sup>191</sup> Prucha, *Great Father*, abd., 226.

<sup>192</sup> Utley, *The Indian Frontier of the American West*, 213.

<sup>193</sup> Wilcomb E. Washburn, *The Assault on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887* (Philadelphia: J.P. Lippincott, 1975), 3-4.

<sup>194</sup> Dippie, *The Vanishing American*, 141.

<sup>195</sup> General Allotment Act (1887), *United States Statutes at Large*, 24, 388-391.

<sup>196</sup> Demos, *Changing Faces of Fatherhood*, 427.

<sup>197</sup> Henry L. Dawes, "Senate Arguments, December 15, 1886" reprinted in *Proceedings of the Fifth Annual Meeting of the Lake Mohonk Conference of the Friends of the Indian*, 1887 (Philadelphia, 1887), 12-13; 63-69.

---

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

<sup>200</sup> Ibid.

<sup>201</sup> Ibid.

<sup>202</sup> Ibid.

<sup>203</sup> Prucha, *The Indians in American Society*, 3.

<sup>204</sup> Hoxie, *A Final Promise*, 71.

<sup>205</sup> Dawes, "Senate Arguments," 13.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>209</sup> Theodore Roosevelt, *The Winning of the West: An Account of the Exploration and Settlement of Our Country from the Alleghanies to the Pacific*, vol. 8 in *The Works of Theodore Roosevelt* (New York: Scribner's Sons, 1926), 88.

<sup>210</sup> Ibid.

<sup>211</sup> Hoxie, *A Final Promise*, 71.

<sup>212</sup> Ibid.

<sup>213</sup> Thomas Skinner, Debate on Bill to Provide Lands in Severalty, December 15-16 and January 18, 25, 1887, in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1849.

<sup>214</sup> Skinner, Debate on Bill, 1852.

<sup>215</sup> Ibid.

---

<sup>216</sup> Skinner, Debate on Bill, 1850.

<sup>217</sup> Bishop Perkins, Debate on Bill to Provide Lands in Severalty, December 15, 1886, in *Congressional Record*, 49<sup>th</sup> Congress, 2d session, 191.

<sup>218</sup> Prucha, *Great Father*, abd., 226.

<sup>219</sup> Skinner, Debate on Bill, 1851.

<sup>220</sup> William Springer, Debate on Bill to Provide Lands in Severalty, December 15-16 and January 18, 25, 1887, in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1863.

<sup>221</sup> Skinner, Debate on Bill, 1850.

<sup>222</sup> Joseph Dolph, Debate on Bill to Provide Lands in Severalty, December 15-16 and January 18, 25, 1887, in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1878.

<sup>223</sup> James Weaver, Debate on Bill to Provide Lands in Severalty, December 15-16 and January 18, 25, 1887, in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1857-58.

<sup>224</sup> Skinner, Debate on Bill, 1849.

<sup>225</sup> Ibid.

<sup>226</sup> The Dawes Act of 1887, initially, did not extend allotment “to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws ... or Seminoles” (General Allotment Act [1887], *United States Statutes at Large*, 24, 388-391). This was so, writes Schmeckebier, because they were already on their way toward agricultural assimilation. (Schmeckebier, *The Office of Indian Affairs*, 132). Over time, however, the government



---

sought to “draw up rolls and allot lands to Indians on the rolls” to speed up assimilation among the Five Civilized Tribes (Prucha, *Documents of United States Indian Policy*, 197). This extension of the Dawes Act – the Curtis Act of 1898 – provided that expediting allotment for the Cherokees, Creeks, Choctaws, Chickasaws and Creeks would grant “protection of the people of the Indian Territory” by “transfer[ing] to the United States” a paternal identity in administrating American Indian “assimilation” (Curtis Act [1898], 174 *U.S. Reports*, 445, 488-89).

<sup>227</sup> Washburn, *The Assault on Indian Tribalism*, 68.

<sup>228</sup> General Allotment Act (1887), *United States Statutes at Large*, 24, 388-391.

<sup>229</sup> Clark, “*Lone Wolf v. Hitchcock*,” 10.

<sup>230</sup> General Allotment Act (1887), *United States Statutes at Large*, 24, 388-391.

<sup>231</sup> Demos, “The Changing Faces of Fatherhood,” 427.

<sup>232</sup> *Ibid.*

<sup>233</sup> Otis, *The Dawes Act*, 6.

<sup>234</sup> General Allotment Act (1887), *United States Statutes at Large*, 24, 388-391.

<sup>235</sup> *Ibid.*

<sup>236</sup> Schmeckebier, *The Office of Indian Affairs*, 87.

<sup>237</sup> General Allotment Act (1887), *United States Statutes at Large*, 34, 182-83.

<sup>238</sup> Wilkins, *American Indian Sovereignty*, 64-68.

<sup>239</sup> Dawes, Senate Arguments, 63-69.

<sup>240</sup> Skinner, Debate on Bill, 1850.

<sup>241</sup> Thomas Morgan, Report of Commissioner of Indian Affairs, October 1, 1889, in *House Executive Document* no. 1, 51<sup>st</sup> Congress, 1<sup>st</sup> session, serial 2725, 3-4.

---

<sup>242</sup> Langston, *Native American World*, 352.

<sup>243</sup> Roosevelt, *Winning of the West*, 84.

<sup>244</sup> Theodore Roosevelt, "A Proclamation: June 23, 1902," in *Indian Affairs: Laws and Treaties*, vol. 1, ed., Charles J. Kappler (Washington, D.C.: Government Printing Office, 1904).

<sup>245</sup> John H. Oberly, Report of the Commissioner of Indian Affairs, December 3, 1888, in *The American Indian and the United States: A Documentary History*, vol. 1, ed., Wilcomb Washburn (New York: Random House, 1973), 422-423.

<sup>246</sup> *Ibid.*

<sup>247</sup> *Ibid.*

<sup>248</sup> Clark, "*Lone Wolf v. Hitchcock*," 10.

<sup>249</sup> Francis Leupp, Annual Report of the Commissioner of Indian Affairs, September 30, 1905, in Francis Paul Prucha, *Documents of United States Indian Policy*, 2d. (Lincoln: U of Nebraska P, 1990), 205.

<sup>250</sup> Thomas J. Morgan, Report of the Commissioner of Indian Affairs, October 1, 1889, in *The American Indian and the United States: A Documentary History*, vol. 1, ed., Wilcomb Washburn (New York: Random House, 1973), 429.

<sup>251</sup> Ethan Allen Hitchcock, Annual Report of the Department of the Interior, June 30, 1903, in *Indian Affairs: Laws and Treaties*, vol. 18, ed., Charles J. Kappler (Washington, D.C.: Government Printing Office, 1904), 2-3.

<sup>252</sup> *Ibid.*

---

<sup>253</sup> William A. Jones, Annual Report of the Commissioner of Indian Affairs, October 15, 1901, in Francis Paul Prucha, *Documents of United States Indian Policy*, 2d. (Lincoln: U of Nebraska P, 1990), 202.

<sup>254</sup> William A. Jones, Annual Report of the Commissioner of Indian Affairs, October 15, 1901 in *The American Indian and the United States: A Documentary History*, vol. 1, ed., Wilcomb Washburn (New York: Random House, 1973), 700.

<sup>255</sup> Morgan, Report of the Commissioner of Indian Affairs, October 1, 1889, 429.

<sup>256</sup> Ibid.

<sup>257</sup> Thomas J. Morgan, Annual Report of the Commissioner of Indian Affairs, October 1, 1889 in *The American Indian and the United States: A Documentary History*, vol. 1, ed., Wilcomb Washburn (New York: Random House, 1973), 531.

<sup>258</sup> Morgan, Annual Report of the Commissioner of Indian Affairs, October 1, 1889, 528

<sup>259</sup> Maureen Konkle, *Writing Indian Nations: Native Intellectuals and Politics of Historiography, 1827-1863* (Chapel Hill: U of North Carolina P, 2004), 45.

<sup>260</sup> Thomas J. Morgan, Annual Report of the Commissioner of Indian Affairs, September 5, 1890 in *The American Indian and the United States: A Documentary History*, vol. 1, ed., Wilcomb Washburn (New York: Random House, 1973), 435.

<sup>261</sup> Ibid.; Thomas J. Morgan, Annual Report of the Commissioner of Indian Affairs, October 1, 1891 in *The American Indian and the United States: A Documentary History*, vol. 1, ed., Wilcomb Washburn (New York: Random House, 1973), 529.

<sup>262</sup> Frank, *Parenthood and Masculinity*, 135-140.

<sup>263</sup> Clark, "*Lone Wolf v. Hitchcock*", 10.

- 
- <sup>264</sup> Dawes, Senate Arguments, 63-69.
- <sup>265</sup> Schmeckebier, *The Office of Indian Affairs*, 66.
- <sup>266</sup> Sidney L. Haring, “Indian Law, Sovereignty and State Law: Native People and the Law,” in *A Companion to American Indian History*, eds. Phillip Joseph Deloria and Neal Salisbury (Malden, MA: Blackwell, 2002), 452.
- <sup>267</sup> Prucha, *Documents of United States Indian Policy*, 166.
- <sup>268</sup> 112 U.S. Reports, 98-99, 102, 109, *Elk v. Wilkins*.
- <sup>269</sup> The Constitution of the United States, Fourteenth Amendment in *A Documentary History of the United States*, ed., Richard Heffner (New York: Signet, 2002), 33.
- <sup>270</sup> Ricci, *Good Citizenship in America*, 112.
- <sup>271</sup> 112 U.S. Reports, 98-99, 102, 109, *Elk v. Wilkins* (1884).
- <sup>272</sup> *Ibid.*
- <sup>273</sup> Clark, “*Lone Wolf v. Hitchcock*,” 10.
- <sup>274</sup> Major Crimes Act, *U.S. Statutes at Large*, 22, 385.
- <sup>275</sup> *Ibid.*
- <sup>276</sup> Wilkins *American Indian Sovereignty*, 65.
- <sup>277</sup> 118 U.S. Reports, 375, *United States v. Kagama* (1886).
- <sup>278</sup> *Ibid.*
- <sup>279</sup> Bryan H. Wildenthal, *Native American Sovereignty on Trial: A Handbook with Cases, Laws and Documents* (Santa Barbara, CA: ABC-CLIO, 2003), 56.
- <sup>280</sup> Blue Clark, *Lone Wolf v. Hitchcock: Treaty Rights and Indian Law*, 16.
- <sup>281</sup> 135 U.S. 641, *Cherokee Nation v. Southern Kansas Railway Company* (1890).

- 
- <sup>282</sup> 135 U.S. 641, *Stephens v. Cherokee Nation* (1899).
- <sup>283</sup> *Ibid.*
- <sup>284</sup> 187 U.S. 553, *Lone Wolf v. Hitchcock* (1903).
- <sup>285</sup> Ann Laquer Estin, “*Lone Wolf v. Hitchcock: The Long Shadow,*” in *The Aggressions of Civilization: Federal Indian Policy Since the 1880s*, ed. Sandra Cadwalader and Vine Deloria, Jr. (Philadelphia: Temple U P, 1984), 216-217.
- <sup>286</sup> Blue Clark, *Lone Wolf versus Hitchcock: Treaty Rights and Indian Law at the End of the 20<sup>th</sup> Century* (Lincoln, NE: U of Nebraska P, 1999), 3.
- <sup>287</sup> Senator Matthew Quay, “*Lone Wolf Comments, 1903,*” in Russell L. Brash and James Y. Henderson, *The Road: Indian Tribes and Political Liberty* (Berkeley: U of California P, 1980), 95.
- <sup>288</sup> 19 App. D.C. 315, *Lone Wolf v. Hitchcock* (1902).
- <sup>289</sup> Siobhan Senier, *Voices of American Indian Assimilation and Resistance* (Norman: U of Oklahoma P, 2001), 20.
- <sup>290</sup> 18 App. D.C. 515, *Lone Wolf v. Hitchcock* (1901).
- <sup>291</sup> 187 U.S. 553, *Lone Wolf v. Hitchcock* (1903).
- <sup>292</sup> *Ibid.*
- <sup>293</sup> Clark, *Lone Wolf v. Hitchcock*, 6-10.
- <sup>294</sup> *Ibid.*
- <sup>295</sup> *Ibid.*
- <sup>296</sup> Clark, *Lone Wolf v. Hitchcock*, 6.
- <sup>297</sup> Wilkins *American Indian Sovereignty*, 65.
- <sup>298</sup> 187 U.S. 553, *Lone Wolf v. Hitchcock* (1903).

---

<sup>299</sup> See Kent A. Ono and Derek Buescher, “Deciphering Pocahontas: Unpackaging the Commodification of a American Indian Woman,” *Critical Studies in Media Communication* 18 (2001): 26.

<sup>300</sup> 187 U.S. 553, *Lone Wolf v. Hitchcock* (1903).

<sup>301</sup> Clark contends that the commodification of American Indian labor and land was predicated on seizing more land for white settlers: “In *Lone Wolf* the high court directly addressed the issue of treaty-related Indian property rights for the first time ... Setting a precedent, the Court held that Indian consent was no longer necessary and that Congress could unilaterally diminish Indian reservations. In effect, Congress was given a green light to force allotment in severalty upon reluctant Indian wards. Tribal property rights an tribal political authority became commodities that Congress controlled” (Clark, “*Lone Wolf v. Hitchcock*,” 10-11).

<sup>302</sup> 187 U.S. 553, *Lone Wolf v. Hitchcock* (1903).

<sup>303</sup> Wildenthal, *Native American Sovereignty on Trial*, 56.

<sup>304</sup> Prucha, *Great Father*, unabd., 793.

---

## CHAPTER FIVE

### PAN-INDIANISM AND CHALLENGES TO U.S. AND NATIVE IDENTITIES: THE ALLOTMENT ERA

The ratification of the Dawes Act amplified American Indian responses to the government's policies, but Native nations had been employing their voices throughout the course of the pre-Dawes reservation system. The primary point of contention for American Indian communities at that time was the growth of governmental influence over protected reservations. Many disagreed with relocating to reservations and suffering the federal government's paternal supremacy in its hybridized relationship with American Indians. In 1854, Quinney (Mohican) argued that the U.S. government had promised autonomous reservations in exchange for Native removal: "A residence was given – territory offered – and covenants of friendship exchanged."<sup>1</sup> In the end, however, Quinney lamented the ways that the government had violated its pledges by remaining involved as a "Great Father" and limiting Native sovereignty as U.S. states or as separate nations. He asserted that governmental intervention into indigenous affairs, "convey to my mind the recollection of the transfer of the miserable weakness and dependence of my race from one great power to another." Quinney surmised that the government's deceitful identity and "vacillations of policy" on the reservations were "hurrying" American Indians into subjugation.<sup>2</sup>

Moreover, some Native communities railed against the government for allowing settlers to encroach on reservation lands and for providing miners and railroads traversal rights through preserved Native territories. Red Cloud (Oglala Sioux), speaking at a

lyceum in 1870, told his audience that his nation was “already ... driven onto a [sic] very little land” and that to allow “strange people” to violate reservation boundaries only made American Indians “even more poor and ignorant.”<sup>3</sup> As a result, Red Cloud pleaded to the government to prevent settlers and industries from intruding further: “I don’t want any more such men sent out there ... [to] fill their own pockets; he ultimately called for “preserv[ation] ... and autonomy ... in our reserves ... we want honest men, and we want you to help to keep us in the lands that belong to us.”<sup>4</sup> His discourse, in this iteration, pointed to the manner in which American Indians reconstituted themselves as independent – even in the wake of their forced removal – while simultaneously portraying the U.S. government as untrustworthy.

Still other American Indians averred that the end of the treaty system limited their access to self-determination and, therein, provided the U.S. government with an unchecked privilege to decide Native affairs. In 1871, Satank (Kiowa) asserted that the government – who “once came to trade” reservation land for peace – had “come now to fight” for the occlusion of American Indian influences within Native policies.<sup>5</sup> Because it eradicated the treaty system’s tenets of Native consent, the U.S. government was characterized, here, as unjust. For instance, Satank opined that the government “tells us to begone [sic] ... as the offended master speaks to his dog.” He considered the absence of treaties debilitating to Natives and maintained that the government’s respect for American Indian consent “like the wind ... soon dies away and leaves the sullen calm of unheeded oppression.”<sup>6</sup> According to Hoxie, such American Indian rebukes to the reservation system helped motivate the government to reform its Native policy.<sup>7</sup> In this



vein, American Indian discourse retained the power to, in the least, slow down the deleterious consequences of the government's identity constructions.

Assessing American Indian voice for its discursive power is crucial to understanding the allotment era. Reading these Native rhetorics for resistance highlights Rich's assertion that "although documents from the late nineteenth century provide access to the ways in which an emerging American identity depended on a particular history and a specific perception of American Indian people," they also exemplify how Native discourses boldly faced down "the colonial record and challenged it."<sup>8</sup> One of the ways that American Indian discourses confronted the government's policies and identity constructions was through the reconstitution of these identities. Overall, Native dissent obligated the U.S. government to reconfigure the rationales for allotment and to reassess the hybrid U.S.-Native relationship. And, this hybrid relationship exposed the *identity duality* of U.S. citizenship that promised independence and citizenship, yet segregated American Indians (and other persons of color) from the *civis*. To this effect, American Indian rhetoric added to the larger discussion of the Dawes Act that occurred within the executive, legislative and judicial branches. As the ensuing analysis reveals, indigenous responses to the allotment policy also complicated the implementation of the Dawes Act, thereby necessitating that the government revert to lying, wheedling and forcing allotment.

Governmental discourse surrounding the Dawes Act continued the paternal and hybrid identities of the U.S.-Native relationship stimulated by the Indian Removal Act. And, just as they had done with the removal policy in the 1830s, American Indians likewise challenged the implementation of allotment during the late nineteenth and early

twentieth centuries. Hoxie argues that one of the most widespread myths that “distorts our understanding of the Native American experience” is that the allotment policy “caused the destruction of the Indians’ culture” and the eradication of Native voice.<sup>9</sup> This mythic conception of the “vanishing” Native is an erroneous generalization that typifies American Indian agency as diluted and invisible.<sup>10</sup> Contrary to this mythos, the following analysis demonstrates that American Indians neither disappeared nor lost their voices to oppose the U.S. government’s policies and hybrid identity constructions during the Dawes era.<sup>11</sup>

This is not to say that American Indians faced few difficulties in empowering themselves against the government’s policies and identity constructs. Maddox argues that the “combination of social and legal controls” placed over Native communities encumbered their abilities to “speak and act for themselves.” Indeed, the government’s “manipulations of Indian people made increasingly necessary a public articulation of Indian perspectives and responses.”<sup>12</sup> As the U.S. government enacted the allotment policy through hybridized identity structures, American Indians faced a seismic rhetorical situation. That is, as American Indians were constituted as wards, the U.S. government commensurably deemed their rebuttals childlike and peripheral. Ironically, though, the government’s insistence on supporting such a relationship opened up spaces for Native protest. This breach gave them a foothold and an audience by prompting a “breakdown or defiance of the monolithic system of order” supported by the government’s Native policies. This empowered American Indians to respond to a policy and relationship that many Natives considered “oppressive.”<sup>13</sup>

This chapter analyzes American Indian rhetoric regarding the allotment policy by contextualizing it at the interstices of the late nineteenth century ideologies of expansion, assimilation, citizenship, republicanism, territoriality and paternalism. The chapter opens by exploring Dawes era discourse in the form of Native petitions and memorials to Congress.<sup>14</sup> American Indians' choice of Congress as the key audience for these petitions and memorials underscored the primacy of Congress' role as the "peoples' representative."<sup>15</sup> And, memorials and petitions as an "official" genre of discourse served, in part, to highlight Natives' acuity in addressing Congress on its own terms. Ostensibly Native nations worked through appeals to the government's identity duality, or the inconsistency of insisting on assimilation while segregating American Indians. Importantly, these direct remonstrations to Congress reflected the differing conceptions of "pan-Indianism"<sup>16</sup> and Native citizenship extant between the Five Civilized Tribes and western and northwestern American Indian nations.

First, the Five Civilized Tribes – because of their long relationship with the U.S. government and their efforts of assimilation – exhibited a rhetoric of pan-Indianism that strengthened their positions as prospective citizens. The Choctaws, Creeks, Chickasaws, Cherokees and Seminoles unified to craft republican appeals. Their goal was accommodationist in the sense that they were willing to assimilate further and take on the duties of U.S. citizenship. Their goal was also resistive as they contested allotment as a means to citizenship. The Five Civilized Tribes' appeals constructed American Indians as worthy in fulfilling their duties as republican tenants and occupants of their own land, while the U.S. government was depicted as untrustworthy in failing their own republican tenets.

In contrast, western and northwestern Native nations – because of their limited contact with the government compared to the Five Civilized Tribes – championed a pan-Indianism that advocated separatism. Their conception of sovereignty involved American Indians as entities outside the scope of the U.S. government. These petitions and memorials endorsed a separatist pan-Indianism based on the trope of oppression that punctuated how allotment endangered Native traditionalism.

Next, the chapter explores the ways that Native rhetoric in the form of pan-Indian popular publications reprobated identity dualism and protested the Dawes Act through collective memories. According to Konkle, these public appeals were meant to complement American Indian rhetoric geared toward the government.<sup>17</sup> The strategy therein was to capitalize on the caché of the public’s renewed interest in “safe” Natives to garner support for indigenous autonomy. Two genres of popular publications – biographical and literary accounts – produced varying collective memories, which encumbered the Dawes Act’s implementation by appealing directly to the American public. Working through non-governmental means, these publications reconstituted a resistive Native history in the mass market for both themselves and the U.S. public.

Pan-Indian memories in biographies employed familialism as a way to advocate for equal citizenship with other U.S. communities. Familial appeals followed hegemonically from the ideology of republican fatherhood, especially as Natives consented to familial hierarchies supported by the federal government. However, these appeals simultaneously displayed a resistive strategy by appropriating the government’s language and using it against itself. Meanwhile, biographies contested identity duality by harkening to the Indian Removal Act as a way of analogizing removal and the negative

consequences of the Dawes Act. In the process, these memories unmasked how both policies fortified diminutive constructions of Native identities. Native biographies suggested to the U.S. public that the government could fulfill its ideology of republican fatherhood by granting a familial citizenship. Appropriating and hybridizing the government's monolithic view of American Indians, biographies expressed to the public that pan-Indian Native identities were strong.

Oppositely, memories depicted through Native literary publications enacted a pan-Indianism that sought a separatist break from U.S. citizenship. Biographies, perhaps because they were tied to authors' personal character, called into question identity duality through amiable familialism. However, literary publications – as fictional expressions – held more leeway in the magnitude of their reproaches to identity duality, and thus centered their severance from the polis on the government's past ungodliness and violence. Literary memories also memorialized Native autonomy—an idealism expressed in the creative imaginations of the authors—thereby suggesting for Natives' popular audiences that allotment was unnecessary.<sup>18</sup>

Furthermore, public oratory (both external and internal) interrogated the identity duality of U.S. citizenship by working through economic appeals and radical separatism. The section, first, assesses how integrationist American Indian speeches to the executive, in particular, scolded the presidency and its cabinets for violating the ownership of land promised by the Dawes Act. Here, moral inheritance was once again called upon – as it had been during the removal era – and the U.S. government was shown to be thieving in its encroachment of Native territory. This contestation on economic grounds demonstrated both Natives' demands for a remedy to the relationship by granting

citizenship and the ascendancy of the executive as the principal governmental agent in administering Native policy. Land, thus, functioned as key pathway to citizenship in the imaginary of Native nations as well. Moreover, these Native speeches highlighted the unified identities underscoring pro-citizenship Native protest.

Alternatively, pan-Indianism was shaped into a radical separatism by the internal rhetoric of the Ghost Dance Movement, a collective that sought inter-tribal strength by working constitutively to build concordance across Native nations. Here, the section focuses on how Ghost Dance leaders challenged the Dawes Act through the language of internal unity and through governmental devil terms. Finding power in unanimity, internal Ghost Dance rhetoric went so far as to advocate a violent resistance in order to separate from the U.S. citizenry. Pan-Indianism was a larger framework for the Ghost Dance movement than for other unified Native groups. The movement linked the past, present and the future – working through moral inheritance – while other pan-Indian groups worked through the present alone.

Ultimately, the chapter argues that American Indian resistance to allotment worked through pan-Indianism and challenged the identity duality of U.S. inclusion. Vitality, such discourse evidenced the presentism and the empowerment of Native voices in the co-construction of U.S.-Native identities as pan-Indian rebuttals infiltrated the allotment debate. American Indians gave voice to the dualism at work in identity constructions, signifying both the hybrid relationship between Native communities and the U.S. government and the power of indigenous voice in exposing nationalist contradictions. Puncturing the myths of republicanism and paternalism, American

Indians revealed the incongruity in assimilating Native communities for possible citizenship, only to segregate them from the centers of U.S. public life.

At the same time, American Indians came to view territory as a rationale and means to achieve either citizenship or sovereignty outside the scope of the U.S. *civis*. The use of territoriality as a *topoi*, here, was similar to the U.S. government's suggestion that land existed as a corridor to civilization. Of course, the difference was that American Indians predicated their rationale of land as a pathway on a moral inheritance that was exhibited in arguments during the removal era. For the government, land was distinctly connected to notions of U.S. citizenship and commitments to commodification of homelands – the latter of which was also visible during the removal era.

In the end, American Indian responses to the Dawes Act checked the expediency and influence of the allotment policy and its alleged citizenship promises – promises that were contested about and within the spaces of territoriality. During the Dawes era, the government's discourses of allotment and (empty) citizenship offered a rupture for American Indians to forward their protests. In this vein, Hoxie asserts that “Indians began to talk back ... Natives made it clear that they rejected the self-serving nationalism” they heard from the federal government.<sup>19</sup> Concomitantly, American Indian rhetoric alluded to the hybrid structures of discourse as their arguments affected the Dawes milieu.

Indeed, Native pan-Indianism resituated the homogenizing impact of governmental rhetoric. This unification, writes Prucha, aimed at enhancing the independent identities of American Indians.<sup>20</sup> But, the ends of such sovereignty were not always similar among Native groups. One side enacted pan-Indianism to encourage the

government to extend to them citizenship akin to U.S. residents. These Natives hoped that the Dawes Act's pledge of citizenship would empower them with equal status among other American communities – status derived, at least in part, from their moral inheritance to the land. The other side, a more nationalist gathering of American Indians, employed pan-Indianism in the service of separating from the U.S. government. These Natives encouraged autonomy grounded in traditional identities and did not aspire to U.S. citizenship.<sup>21</sup> Their moral inheritance to the land justified independence for Native nations. A discussion of key changes in Native discursive spaces is necessary to contextualize these varying forms of American Indian agitation against the Dawes Act.

#### CHANGING CONDITIONS IN NATIVE DISCURSIVE SPACES

A number of contextual strands intersected during the late nineteenth century to transform the powerful spaces through which American Indians communicated with both the U.S. government and public. Moving beyond tribe-specific discourse – as was the archetype of Native rhetoric in the removal era – American Indians in the late nineteenth century addressed the government and public as pan-Indian groups and often through means such as petitions, memorials, biographies, literatures and performances.<sup>22</sup> Public speeches were, indeed, still employed during the Dawes era, but forays into different rhetorical mediums diversified Native messages.<sup>23</sup> The allotment policy and its entailments of indigenous assimilation created new opportunities for Native agency that were, during the removal era, limited or absent altogether. The following discussion highlights the changing conditions in Native discursive spaces due, in part, to the government's assimilative efforts, the homogenization of Native nations, the public's fascination with the “taming” of American Indians,<sup>24</sup> and progressive reform efforts



underlining the late nineteenth century. These conditions motivated pan-Indianism as Natives found themselves in closer contact with each other, in similar predicaments and empowered with new entrees into the *civis*. This section also sketches the differences in American Indian conceptions of citizenship. Some American Indians – those integrationists – sought independence based on U.S. citizenship. Others pursued sovereignty outside the scope of the U.S. government; this latter group desired a separatist autonomy. Regardless of their views on citizenship, the legacy of their presumed moral inheritance of the land inspired their political positions.

Though the assimilative goals and homogenous residues of the Dawes Act weakened American Indian sovereignty, they also ironically empowered Native communities to communicate their dissent of the allotment policy to the U.S. government. Hoxie asserts that such “talking back” created a rupture in the government’s allotment discourse. He clarifies that “by criticizing the actions of the government, using the lessons they had been forced to learn, these Natives turned the table on their tormentors.”<sup>25</sup> Therefore, American Indians hybridized the paternalistic dynamics of allotment – including the government’s persistence in assimilating Native communities to the English language, yeoman farming, American domesticity as republican children, and land as a pathway to citizenship – into a rhetorical strategy of protest. Senier concurs, noting that American Indians, “some of whom had been forced to learn how to speak, read and write in English” as a part of the assimilative efforts surrounding the Dawes Act, “capitalized on this strategy.”<sup>26</sup>

The government’s propensity to homogenize American Indians by “dealing” with the “Indian problem” as monolithic and eliding individual tribal identities also,

paradoxically, worked to the advantage of Native communities.<sup>27</sup> Recall that, with the passage of the Dawes Act, the “American government ... sought to apply a single model of transformation to all tribes, regardless of their differences.”<sup>28</sup> As once-disparate American Indian nations mingled in closer proximities to each other, some developed a bond that increased their argumentative and collective power. The U.S. government’s insistence on dismantling tribal structures actually helped American Indian communities “come together ... after they were confined to a reservation.”<sup>29</sup> The result of homogenizing American Indians under one wholesale allotment policy was a pan-Indianism that – though eclipsing individual tribal identities – transformed the weakening of Native agency through the very construction that tore down such sovereignty. In the process, the allotted lands, which placed them in close proximity to one another, functioned as a key mobilizing force for pan-Indianism.

Thus, integrationist Native communities seeking citizenship were able to challenge the Dawes Act’s inconsistent identity duality by using the very contrivances that the allotment policy forced upon them. And, these American Indians complicated the government’s diminutive constructions of indigenous identities and paternal characterizations of the U.S. nation by emphasizing their new status as “possible citizens,” republican participants and a people “worthy of assimilation.”<sup>30</sup> This type of inclusive authority could not be enacted during the removal era, as American Indians in the 1830s were pushed away to the far reaches of the U.S. nation and were, likewise, considered “a race not admitted to be equal to the rest of the community.”<sup>31</sup> Their continued occupancy of the land further enhanced their rights to citizenship, especially as the larger *civis* began to envelop the Native reservations.

Similarly, separatist Native groups challenged the Dawes Act and called into question the identity duality of U.S. citizenship by alluding to the government's implied admission that American Indians could sustain themselves. These Native nations argued not from republican appeals to citizenship, but to the autonomy that the allotment policy carved out for American Indians to support their own land holding, economies and social life. This separatist argument was part of the removal era's legacy wherein Native nations sought a detached independence from the U.S. government. Separatist American Indians, therefore, supported pan-Indian unification to organize their own governments outside the aegis of the U.S. nation-state, working the lands that were rightfully theirs.

At the same time, new mediums for American Indians opened up during the late nineteenth century. Part of this derived from the expansion of white settlers into the West. As American Indians experienced both the government's assimilative plans and local settler cultures they were brought into closer contact with schools, courts, art museums, publishing houses, newspapers and stage performances.<sup>32</sup> Consequently, these institutions of the U.S. nation "inspired Indians to explore new forms of communication and cultural expression."<sup>33</sup>

The U.S. public in the late nineteenth century also was intrigued by American Indian cultures, identities and representations. This was so because American Indians were looked upon as "safe" subjects for study and inquiry. Just as allotment and assimilation could only begin once the "Indian wars" (1850s-1886) had ended and Native communities were cordoned onto pronounced reservations, so too did public consumption of the "safe" American Indian flourish during the late nineteenth century.<sup>34</sup> As permanent wards of the U.S. government – dependent and nearly assimilated – the

public felt secure in approaching, what Frederick Jackson Turner called, the “conquered” and “accounted for ... Indians” as a part of the mystique reverberating throughout the “taming of the West.”<sup>35</sup> American Indian dangers, averred Theodore Roosevelt, had been eliminated with the end of the Indian wars, the advent of reservationism and the policy of allotment. Native threats were, he wrote, “gone, gone with the lost Atlantis ... gone to the isle of ghosts and of strange dead memories.”<sup>36</sup> With an increase in public attention toward Native expressions, American Indians held the eyes and ears of both the U.S. government and the citizenry. Therefore, Native communities were able to exert their voices more resonantly than they could in the removal era during which they were constituted as isolated and undeserving “anomalies.”<sup>37</sup>

This discursive opening granted integrationist American Indians the license to command an audience that consumed their allotment protests and calls for republican citizenship. And, this promise of citizenship legitimated their abilities to talk back. Overall, the public’s attraction to Native issues permitted integrationist American Indians to articulate their desire for citizenship through popular means of communication. They were, as Bakhtin argues, able to use “within a single discourse,” one voice to “unmask another.”<sup>38</sup> In the end, the new discursive forms available to integrationist American Indians along with the public’s intrigue about the “safe Indian” led to changes in communicative venues and Native agency.

American Indians seeking separatism also benefited from the additional governmental and public attention. According to Senier, indigenous nationalists parleyed their desires for autonomy “into white terms” which was a “necessary rhetorical strategy for securing some kind of cross-cultural sympathy and respect for Indians.”<sup>39</sup> This is not

to say that separatist pan-Indianism was unequivocally successful in convincing the U.S. government to abandon the Dawes Act and allow for detached Native communities. It was, however, instrumental in demonstrating Native agency. As Shanely concludes, challenging the dominant public was a “prerequisite to redefining that space – actual and intellectual – as Native American.”<sup>40</sup> Overall, nineteenth century popular channels of communication allowed American Indians – both integrationist and separatist – to do just that: reconstitute their places in the expanding nation and punctuate the identity duality of U.S. nationalism. To that end, American Indians helped debunk the mythos of republican rhetoric surrounding U.S. citizenry. To that end, American Indians helped debunk the mythos of republican rhetoric surrounding U.S. citizenry, insisting that their rights to the land likewise parlayed into their rights as citizens or separate nations.

Finally, the ascendance of progressivism as a socio-political movement changed Natives’ rhetorical spaces. Gould demarcates the time period between 1890 and 1914 as the “Progressive Era,” an epoch that ushered in an ideology of “social critique and reflexivity” on the part of the U.S. government and public.<sup>41</sup> According to Hoxie, the Progressive Era was a backlash to the industrialization of the United States and the government’s emphasis on work and business.<sup>42</sup> Communities, he argues, were made dilapidated and tangential to the throes of commerce and industry at the end of the nineteenth century. Consequently, a group of “farmers, industrial workers and urban activists” gathered to “demand changes” to the commodification of American life.<sup>43</sup> Part of these changes involved reforms to the American economy and labor system thriving under the Industrial Revolution. Another plank of progressivism was social change, which loosened immigration restrictions, increased suffrage for African Americans and

women, restructured the work day and minimum wage for laborers, urged a graduated income tax and prohibited alcohol and other social “sins” (i.e., gambling, prostitution).<sup>44</sup> Overall, the progressives sought new ways to “solve social problems,” which also included how the U.S. government would treat allotted American Indians as the twentieth century dawned.<sup>45</sup>

Historians often trace American Indians as a “subject” of reform during the Progressive Era to the 1881 publication of Helen Hunt Jackson’s *A Century of Dishonor*, an exposé on the state of Native communities throughout the whole of the nineteenth century. Jackson argued in her book that “the history of the United States Government’s repeated violations of faith with the Indians thus convicts us, as a nation ...of having outraged the principles of justice ... and of having laid ourselves open to the accusation of both cruelty and perfidy.”<sup>46</sup> Her critique of broken treaties and “robberies done by our Government” opened the door to “friends of the Indians” type of groups around the nation.<sup>47</sup> These groups enriched the U.S. government’s ideology of republican fatherhood and efforts to assimilate Native communities through yeoman farming, American domestic life, Christianity, the English language and capitalism.<sup>48</sup> Indian reformers adopted the basic tenet of the Society for American Indians, an all-white organization created to “transform ...the condition of a savage nomad to that of an industrious American citizen.” The group based its purpose on the justification that it “should break up the tribal mass, destroying the binding force of savage tribal custom, and bring families and individuals into the freer, fuller life where they shall be directly governed by our laws, and should be in touch with all that is good in our life as a people.”<sup>49</sup> Clearly, the progressive movement to “kill the Indian and save the man” – an

oft-quoted slogan of Richard Henry Pratt, a progressive and founder of the reformist Carlisle School for Indians – reified, and fed into, the U.S. government’s construction of a dependent American Indian population.<sup>50</sup> The discourse of progressives, here, represented the popular view that assimilation would cloud, and perhaps also erase, Native national identities. Concomitantly, progressive reformers characterized the federal government as a dominant force in motivating assimilation.<sup>51</sup>

Though the “friends of Indians” groups only fortified the government’s identity constructions of Native communities, the progressives’ concerns left “an opening for critique on the part of Native intellectuals and political leaders of the nineteenth century.”<sup>52</sup> Integrationist American Indians, at least, capitalized on the additional wave of reform to combat the policies and interrelated identity formations of the Dawes Act. The advent of the Progressive Era, combined with the influx of new rhetorical venues for American Indian discourse and the public’s interest in Native subjectivities, to draw attention to American Indian issues. As the U.S. government, the public and reform organizations sought to resolve the “Indian problem,” the necessity for American Indian voices “to communicate with white audiences, especially with those white elites with access to forms of political power, was pressing and acute.”<sup>53</sup>

For American Indians seeking sovereignty outside the scope of U.S. citizenship, the progressive movement’s assimilationism did not help them, and actually seemed to work against a separatist pan-Indianism. For instance, Konkle argues that such reform efforts did not necessarily “make life easier for Native people” or solve the problem of lost sovereignty.<sup>54</sup> However, Progressivism did “provid[e] a mechanism for resistance to

EuroAmerican authority.” The climate of social change allowed separatist Natives a breach to critique the allotment policy.<sup>55</sup>

For all the changes in discursive spaces, pinning down Native responses to the Dawes Act – whether integrationist or separatist – is complicated due, primarily, to the government’s homogenization of Native identities. As a result, argues Warrior, uncovering both Native agreements to “become citizens” and tribal “forms of nationalism” that compete with and “counter the dominant ideology of integration” remain “hard to find.”<sup>56</sup> Hence, the totalizing of several distinct Native nations complicates the task of studying discourse by specific nations (i.e., Seminole versus Kiowa).<sup>57</sup> To this end, the analysis that follows examines Native remonstrances by *rhetorical forms* that transcended tribal discursive (and physical) boundaries. Just as the government’s monolithic constructions of American Indians forced Natives to work through pan-Indianism, so too do these constructions necessitate the study of Native responses by alternatives to tribally-specific rhetoric.<sup>58</sup>

#### REPUBLICANISM, CITIZENSHIP, OPPRESSION & SEPARATISM:

##### PAN-INDIANISM IN PETITIONS & MEMORIALS

The Dawes Act commenced through a battery of agreements between the executive and Native nations. As the law was ratified, allotments were to “be selected by the Indians” and decided in a land-tenant “contract” between the Interior Department and American Indians.<sup>59</sup> However, Wilkins argues that this sense of self-selection was a “legal mask” added to the Dawes Act to make allotment appear contractual and consensual.<sup>60</sup> His assertion is supported by the inclusion of plenary articles in the Dawes Act. American Indians, for instance, were forced into allotment regardless, for if “they



failed to make an [allotment] selection within four years ... the Secretary of the Interior may direct the agent of such tribe ... for that purpose.”<sup>61</sup> Moreover executives seized and allotted Native territories if in their “opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes.”<sup>62</sup> The executive, as a republican father, held the power to enact this seizure without Native approval.

In sum, the so-called agreements for allotment were futile and unnecessary. The government had its way, writes Dippie, in spite of Native opinions. Layering the promise of Native decision-making over the government’s plenary implementation reveals how “internally inconsistent, ill-conceived and short-sighted” the deterministic policy was in practice.<sup>63</sup> With the government’s plenary power codified by both the Dawes Act and the *Lone Wolf v. Hitchcock* decision, Indian Commissioner Francis Luepp ensured the Interior Department in 1910 that “the Indian problem has now reached a stage where its solution is almost wholly a matter of administration.”<sup>64</sup>

Still, the Dawes Act’s clause requiring American Indians’ consent to participate in the allotment policy – along with the act’s pledge to bestow “the benefit of” citizenship upon “Indians ... who ha[ve] adopted the habits of civilized life” – alluded to an empowered status for American Indians.<sup>65</sup> Whereas during the removal era American Indians were asked to relocate to the far stretches of the U.S. nation or remain on their lands and suffer from “dire extirpation,” late nineteenth century American Indians were viewed as potentially fit for, though ultimately unworthy of, citizenship.<sup>66</sup> And though treaties as a form of Native voice were eliminated by the allotment era, the Dawes Act’s pledge of contractual agreements heightened the Native agency. Such permeability in the policy’s language, and the legacy of the moral inheritance rights to U.S. land, allowed

Native nations an entrée into the public discussion about allotment.<sup>67</sup> With this new opportunity American Indians found hybridized investitures into the government's Native policies. And, they used these openings to interpose the inconsistencies of the government's identity duality related to inclusion and citizenship.

This section explores American Indian protests of the Dawes Act through petitions and memorials to Congress. Congress was chosen as an audience because it purportedly represented the "voice of the people" and because it worked outside the executive channels with which Natives disagreed.<sup>68</sup> American Indians' choice of memorials and petitions, a bureaucratic genre of governmental discourse, demonstrated their integrationist approach to calling for change. The following analysis argues that American Indians refuted the allotment policy by maneuvering through appeals to the government's inconsistencies, demonstrating how Native communities had fulfilled the promise of civilization and, yet, were still considered dependent and segregated. In the process, pan-Indianism was employed to counteract the government's negative identity constructions of American Indians.

First, the anti-allotment rhetoric of the Five Civilized Tribes is assessed for the fashion in which they employed republican appeals to question the U.S. government's allotment promises. Throughout their objections to the Dawes Act, these nations constructed themselves as worthy, just and unified in contrast to their depictions of the U.S. government as untrustworthy and sinful. Nations within the Five Civilized Tribes chastised the government for violating its promises of Native sovereignty. Furthermore, they desired a citizenship equal to U.S. citizens residing in states – a right granted to them by the land upon which they lived within the nation-state. Next, the section considers the

petitions and memorials of western and northwestern Native nations for their use of an appeal to oppression that resisted the allotment policy and worked through pan-Indianism. Their conception of sovereignty involved a separate autonomy outside the bounds of U.S. citizenship. Peppered throughout these rebuttals are negative constructions of the U.S. government as fraudulent and devious as well as images of American Indians as unified.

*Republicanism and Citizenship in the Five Civilized Tribes' Protests and Memorials*

The Dawes Act, initially, excluded the Five Civilized Tribes from the allotment policy.<sup>69</sup> This was so, writes Prucha, because the nations had confirmed to the U.S. government that they had assimilated as agricultural and republican wards since the 1830s.<sup>70</sup> Arguments of the Five Civilized Tribes, therein, demonstrated the impact that their initial resistance had on complicating and slowing the Dawes Act's implementation. Thereafter, the government became far more concerned with assimilating western and northwestern American Indians who had only recently – following the Indian wars – come under the U.S. government's tutelage.

Conditions for the Five Civilized Tribes changed in 1889, however, as white settlers, railroads, progressives and entrepreneurs urged the Interior Department to reduce their territories. Hoxie contends that “there were thousands of settlers gathered on these unassigned lands ... and these ‘boomers’ and the business men who supported them demanded that Washington open up the land to white settlement.”<sup>71</sup> Industrialists argued that the Five Civilized Tribes were being deprived of “controlled” assimilation by existing outside the bounds of the Dawes Act. For instance, David Payne, a “land boomer,” justified the extension of allotment by working through the government's

paternal hierarchy: “the highest obligation of a government towards a helpless, conquered people ... is to infuse into them the spirit of self-reliance and industry which underlies all civilization.”<sup>72</sup> Progressives even agreed with this paternal need to “uplift” the Five Civilized Tribes. At a gathering in 1895, the Lake Mohonk group argued that the United States “possesses a supreme sovereignty over every foot of soil ... and it is under the sacred obligation to exercise its sovereignty” over Native lands.<sup>73</sup> Of note, here, is the construction of a superior U.S. identity through the plenary doctrine.

Capitulating to pressures from expansionists, Congress passed the Curtis Act in 1898, which pledged citizenship for those of the Five Civilized Tribes who offered proof of “civilizing.”<sup>74</sup> At the consummation of citizenship, however, “the laws of the various tribes or nations of Indians shall not be enforced” and “tribal structures shall be” eliminated.<sup>75</sup> Seemingly, the Five Civilized Tribes would lose their sovereignty through the Dawes Act, as would other Native communities.

The Five Civilized Tribes disagreed with the U.S. government’s assessment that they needed to assimilate further; they claimed to be assimilated already. For instance, a Choctaw memorial to Congress in 1894 appealed that “We are doing well, we are progressing; we are pressing on to higher education; we are following in the way of progress.” The memorialists concluded by asking, “Why not just let us alone [as citizens]?”<sup>76</sup> These nations already considered themselves civilized and assimilated, and could prove their case with evidence of learning English, adopting Christianity, working the land, memorizing U.S. citizenship exams and instituting their own state-like courts and legislatures based on the American model.<sup>77</sup> For this reason, they crafted their remonstrations against forced allotment with references to their own republicanism.

Republican appeals, *prima facie*, may appear to demonstrate an acute accommodationism on the part of anti-allotment Native communities. Considering the tactical importance of aligning their rhetoric – both in homology and in venue – with that of the U.S. government, however, Native discourse can also be judged as strategically resistive in its accommodation. At first glance, argues Konkle, “invoking civilization looks like a capitulation to EuroAmericans’ ideas about their inherent superiority.” Such a tactic, though, served “as a means for Native peoples to disrupt U.S. political authority and, once the historical contradictions” of the allotment policy were “taken into account, reject it altogether.”<sup>78</sup> That the Five Civilized Tribe’s republican rhetoric was contained in petitions and memorials also demonstrated the hybrid resistance visible in their anti-allotment discourse.<sup>79</sup>

A primary way that the Five Civilized Tribes protested allotment through republican appeals involved reiterating to the government that reservation treaties promised Native autonomy derived from the land that they now occupied. The Creek and Choctaw nations banded together and reminded the government in 1889 that, “the United States gave and guaranteed us, forever, [our] country west.” They continued, “we were told that [if we removed] that no white man would molest us . . . We was [sic] to live long as the grass grow [sic] and the sun stand [sic] and the water runs.”<sup>80</sup> Having discussed the government’s promises, they contended that they would “not agree to allotment. If they [U.S. government] allot our lands this is breaking the treaties.”<sup>81</sup> In these quotations, the Creek and Choctaw nations held the U.S. government – along with its republican ideals of honor and justice – accountable to its pledge of allowing a “country for a future residence forever,” as well as citizenship.<sup>82</sup>

Similarly, an 1890 memorial to Congress sent by the Creek and Seminole nations openly called into question the U.S. government's fulfillment of republicanism. Akin to the Creek and Choctaw nations' petition, these memorialists reminded the government that "the right of unrestricted self-government has been guaranteed to our people" throughout the nineteenth century. "You have recognized and respected that guarantee for many years," they argued. The groups worried that allotment would "affect the autonomy of our governments."<sup>83</sup> Clearly, the Creeks and Seminoles constructed themselves as sovereign and self-governing in this iteration. Moreover, the groups attempted to persuade Congress that they had already amalgamated and, thus, were not in need of forced assimilation and allotment through the Dawes and Curtis Acts. They contended, "our people have advanced in all arts of civilization ... our people are making commendable and satisfactory progress, and [our] pride and ambition are stimulated to increased efforts for higher and greater achievements."<sup>84</sup> The Creeks and Seminoles proclaimed that they had followed the government's mandates and should be "given citizenship" as U.S. residents, especially their republicanism had been "encouraged by the example of your liberal institutions."<sup>85</sup> Thus, the Dawes Act's involuntary demands for allotment seemed to them only "intended to destroy our local governments."<sup>86</sup>

Also, the Five Civilized Tribes targeted the Dawes Act itself, directly confronting the citizenship promises therein enshrined. Such empty guarantees seemed to the Choctaw, in 1897, a lapse in the U.S. government's republicanism. The Choctaw community had witnessed how allotment failed to elevate other American Indians to citizenship. Instead, the Dawes Act fell short in providing "for the future welfare and upbuilding" of Native people.<sup>87</sup> According to Lewis, this was so as allotment faltered on

the “barren soil of the reservations” and proved futile to hunting and gathering cultures, therefore forcing many Native communities to sell their lands to white settlers.<sup>88</sup> In the end, opines Utley, the allotment policy weakened American Indian sovereignty by both forcing them to depend on the federal government and swindling them into selling their reserved territories.<sup>89</sup> Because of the inconsistencies related to the Dawes Act’s promises of citizenship, the Choctaw Nation was reluctant to accept land allotments. They decided to hold out until they “could enjoy all the rights, privileges and immunities of other citizens of the United States.” This enjoyment involved “independence” and “freedom of action” as state-like residents – both of which could only be obtained with the U.S. government’s recognition of Native independence and the historical notion that land constituted the guarantee of U.S. citizenship.<sup>90</sup>

Some members of the Five Civilized Tribes addressed republicanism through forced agriculture. A different Choctaw memorial worried that making “a few dollars [from Native farming] weigh[ed] more with U.S. officials than the breach in the honor and common honesty of any Nation as a result of breaking treaties.”<sup>91</sup> Involuntary allotment, in this instance, characterized the government as looking inward. Not only did the Choctaw think that U.S. leaders desired allotment for monetary advantages to the economy and white settlers, but they also suspected an “impurity of their [government’s] intentions.” These petitioners concluded that allotment supporters had “a secret or mental reservation that Indian treaties are not part of the laws of the United States.” As such, they perceived that the Dawes Act allowed the government to “put her judicial arms around us ... with the ultimate view of securing our lands.”<sup>92</sup> The Choctaw Nation, in this quotation, openly interrogated the government’s role as republican father. Recall that

allotment was justified, in part, with protection for American Indians against “white ... acts of violence.”<sup>93</sup> According to the Choctaw Nation, the government’s purpose with allotment was “to fix our lands in severalty so that we can never be robbed.” Instead, the Choctaw continued, “you [government] had not kept ... your solemn obligations,” reiterating images from the removal era of the U.S. government as robbers of the land.<sup>94</sup>

Furthermore, this Choctaw memorial exemplified the fashion in which the Five Civilized Tribes reconstituted their republican identities. First, the Choctaw Nation conveyed a sense of pan-Indian strength. In “firmness” and “stubbornness,” they asserted, “we have a combination that cannot be moved.” Such fortitude inhered in “any Indian” whether “Choctaw or full blood or half breed.”<sup>95</sup> For these reasons, it was “no idle word or boast when the Indian says that we are opposed to land in severalty or sectionizing [sic].” Maneuvering through the general figures of “Indian” and “we,” the Choctaw Nation demonstrated to the government that the Five Civilized Tribes were united against any further endorsements of the Dawes Act. They continued that the government might be able to convince individuals “to divide their personal property” or “to work instead of hunt,” but “no Indian” would consent to allotment. Rather, “whenever you touch our ‘land in common’ we will meet you with all the opposition in [our] power.”<sup>96</sup> In this memorial, the Choctaw Nation appropriated the government’s homogenization of Native identities to empower American Indians in their resistance to allotment. Their arguments were also steeped in an implied moral inheritance to the land that dominated the removal era.

A Seminole Nation memorial in 1897 echoed the Choctaw’s republican sentiments. Seminole leader John F. Brown argued therein, “the Indians are a patriotic,



religious, industrious and self-supporting people, loyal and faithful to the United States.”<sup>97</sup> They claimed to “have given the United States no cause of complaint.” Therefore, the Five Civilized Tribes questioned what it was about their republican identity and its fulfillment of governmental expectations that led U.S. leaders to “deeply wound” them with “punitive legislation” when they “had done nothing to justify harsh or ungenerous treatment.”<sup>98</sup> This “wicked waste” – as a Cherokee memorial dubbed allotment in 1897 – conflicted with the government’s duty “to protect our people” from the “grave wrongs” of denying assimilated Native nations any semblance of sovereign U.S. citizenship, as codified in the Dawes Act. The Seminole Nation asked that a “fair opportunity for [citizenship] be given our people.”<sup>99</sup>

Overall, the petitions and memorials of the Five Civilized Tribes worked through republican appeals to question allotment’s citizenship promises. Appealing to the government’s republican sensibilities, these nations influenced the Dawes Act by delaying its implementation in their territories for eleven years, until the passage of the Curtis Act.<sup>100</sup> Simultaneously, they reconstructed pan-Indian identities as unified and strong; they argued that they were united in their pursuit of U.S. citizenship based on their assimilation. Meanwhile, the government was asked to remedy the ways it had “departed from the trust” bridged between itself and “the worthy Indians.”<sup>101</sup>

#### *Oppression and Separatism in Western and Northwestern Protests and Memorials*

The U.S. government also expected assimilation of the western and northwestern Native nations, who were the most recent indigenous communities cordoned off onto reservations.<sup>102</sup> The reservation system expanded in large part prior to the Dawes Act because the government sought a way to control these so-called “hostile” Natives.<sup>103</sup>

Reservationism was to, in the words of Indian Commissioner George Manypenny, “designate suitable tracts for reservations of land, in proper localities, for permanent homes for, and provide the means to colonize, them, thereon.”<sup>104</sup> The reservation system magnified in importance and swelled in scope during the course of the Indian wars. Consequently, as the western and northwestern nations were “subdued by warfare” they were removed to constricted areas under the paternal eye of the U.S. government.<sup>105</sup> According to Hoxie, by the time the Dawes Act was passed, the western and northwestern Native nations were relatively “new” wards of the U.S. nation; the wounds from decades of intercultural warfare with the U.S. military were barely healed when allotment ascended as a “solution” to the “Indian problem.”<sup>106</sup>

Because the U.S. government was convinced that the Five Civilized Tribes were relatively “safe” they were considered immune from the Dawes Act, as first passed in 1887. The western and northwestern nations, however, were the primary targets of the allotment policy.<sup>107</sup> With allotment, these indigenous communities would “conform to the white man’s ways, peaceably if they will, forcibly if they must.” Indian Commissioner Thomas Morgan certified that allotment was “the best the Indians can get. They can not [sic] escape it, and must either conform to it or be crushed by it.”<sup>108</sup> This context, especially the Dawes Act’s temporal proximity to the Indian wars and forced reservationism, explains why western and northwestern nations protested allotment by enacting a pan-Indianism that sought separatist sovereignty.<sup>109</sup> To them U.S. citizenship, as espoused by the Dawes Act, would reify the government’s paternal hierarchy. These Native nations’ rebuttals included appeals through a trope of oppression and, thus, reconstructed the government as fraudulent and damaging. Overall, western and

northwestern American Indians based their separatism on the inconsistency of the allotment policy regarding Native sovereignty and their continued belief in a moral and autonomous inheritance to the land.

One component of the Native rhetorical strategy of labeling allotment oppressive involved analogizing the government's disastrous reservationism to similar conditions of allotment. The Winnebago Nation's petition to Congress in 1889, for instance, linked the reservation system to the Dawes Act through a negative perception of the U.S.-Native relationship. Instead of lauding the paternal identities constituted by the federal government, the community asserted that the treatment of "the Winnebagos [since reservationism] as it related to the dealings of the government ... has been for the most part one of *oppression*, wrongs and fraud." Why then, the petitioners asked, should the Winnebago Nation assume the allotment policy would lead to different results? Though the reservation system sought to "promote civilization by giving them [Winnebagos] a fixed habitation ... the course of that has been a reverse of that intended, and has tended to make them more nomadic, illiterate and lazy – to degenerate instead of regenerate them."<sup>110</sup> Here, the Winnebago resisted allotment by saddling the government with an oppressive identity.

Partly scrutinizing the "justness of Congress" and couching resistance in reservationism's shortcomings, the Winnebago Nation next argued against allotment because the thought of further oppression – especially propagated through U.S. citizenship – would be disastrous. Allotment, they avowed, would "keep and maintain the Indians in a state of serfdom and hence, [the U.S. government] would neglect" the Winnebago Nation.<sup>111</sup> They continued that the "evils and wrongs snffered [sic] and

endured” on the reservations would percolate through the Dawes Act, henceforth shunning the sovereignty “to which their [Winnebago] conditions, needs, law and justice require.”<sup>112</sup> This quotation demonstrates how the Winnebago Nation challenged the U.S. government’s “just” character by linking governmental identity to the failures of previous Native policies. In the end, the government was depicted as a degenerative leader. And, the Winnebago demanded that “all Indians” have a right to retain their autonomous tribal governments on their own land outside the scope of U.S. citizenship. They wanted the autonomy to engage in their “own labor in agricultural pursuits” and thought that giving them “our own fixed habitation” was what the government’s “equity and good conscience require.”<sup>113</sup>

Such separatism was also carried into western and northwestern nation’s characterizations of the U.S. government as oppressive and deceptive in securing allotment contracts. These contracts, writes Wilkins, were supposed to place American Indians on an “equal plane” with allotment negotiators.<sup>114</sup> Governmental plenary power, though, trumped any decision contrary to the Dawes Act made by American Indians.<sup>115</sup> However, the Dawes Act’s insinuation of a contract allowed the pan-Indian Kiowa, Comanche and Apache nations in 1903, for instance, to refute the government’s persistence that they take up allotted lands.<sup>116</sup> These moments of resistance, in fact, oftentimes complicated the Dawes Act’s implementation by forcing the government to resort to lying and inveigling.<sup>117</sup> To this governmental strategy, the Kiowa, Comanche and Apache nations exhorted the government: “[we] were induced by false interpretations and misrepresentations to sign what purported to be an agreement between [us] and the United States.”<sup>118</sup> This agreement – what would become the “Jerome Agreement” that

Lone Wolf (Kiowa) later challenged in his Supreme Court complaint<sup>119</sup> – included forged American Indian signatures and redacted territorial terms that benefited both the government and white settlers.<sup>120</sup> Because of U.S. leaders’ fabrication of the Jerome Agreement, the Kiowa, Comanche and Apache nations deemed the government “oppressive” in “forcing against the Indians” a harmful act that diminished Native sovereignty.<sup>121</sup> Then they rejected the Dawes Act and, instead, demanded an independent status akin to foreign nations, asserting that they desired territory “in common ... of validity and force.”<sup>122</sup>

The Rosebud Sioux, writing for the Hunkpapa Sioux and Minneconjou Sioux nations, enacted a similar pan-Indian separatism in an 1897 petition in response to allotment’s oppressive residues. In 1889 the government promised the Sioux that they would never be displaced again following their removal to a reservation.<sup>123</sup> However, as the allotment policy gained steam, Brown notes, the government demanded that the Rosebud Sioux “slice off ... a fifty mile strip” of land, participate in yeoman farming and assimilate to U.S. customs and ways of living.<sup>124</sup> The Rosebud Sioux responded that “our treaties provide that our lands shall not be taken from us without our consent ... yet these *oppressive* provisions of law [allotment contract] ignore our rights, and appropriate portions of our land to others ... without our consent.”<sup>125</sup> They wanted an “independent ... holding” of territory outside the “arm” of the United States.<sup>126</sup> The Bureau of Indian Affairs’ abrogation of these territorial rights, wrote the Sioux, “stood there as a disturbing cause to our people.” In the process of their admonishment of the government’s promotion of “disquietude and unrest,” the Rosebud Sioux depicted the U.S. government as “unconcerned” with Native “lands and rights.” In fact, the government’s character

was argued to be “counter” to and “against” the “work of improving our condition upon the lands that have been set apart for our use.”<sup>127</sup> Although they communicated a continued entitlement to the land, citizenship through allotment, to these nations, would spell out further oppressive control on the Interior Department’s part. Congress, as an audience, garnered importance here as it became an alternative governmental sounding board outside the aegis of the executive, with whom Natives conflicted.

Some pan-Indian western and northwestern nations likewise demanded separate autonomy by calling into question the government’s benevolence as oppressive. Congress rationalized allotment, and its related aim to assimilate American Indians as commodity farmers, based on the objectives of “uplifting Indians to the exalted egoism” of U.S. citizenship.<sup>128</sup> To Native nations like the Leech Lake, the Dawes Act’s purposes were spurious. And, as the government supported the allotment policy so fervently, American Indians linked the federal government’s republican fatherhood to the hollowness of identity duality. The Leech Lake Nation asserted in 1898 that “we firmly believe that the proposed [allotment] of our land is more in the interests of a certain Rail Road [sic] corporation than in the interests of our people.”<sup>129</sup> According to Prucha, the Leech Lake Nation was onto something. He writes that lands throughout Minnesota – where the Leech Lake settled – were targeted as prime railroad real estate.<sup>130</sup> The Leech Lake Nation worried that consolidating their territories through the Dawes Act “would deteriorate” their tribal “value” and that the government would benefit most from “the standing pine timber” and “railway land” made available from the surplus land siphoned off through allotment. In this petition, the government was constituted as “oppressive” in its pursuits of “devouring” the Leech Lake’s territory. Citizenship, they averred, would

not help “Indians’ conditions” (note the pan-Indian construction) but rather would “harm us further.”<sup>131</sup> Only separate statuses as sovereign political bodies controlling their own land and borders would prevent such damage to Native culture, identity and agency. They argued that “we singly and collectively offer our strongest protest” against integration.<sup>132</sup>

Furthermore, the federal government’s enactment of plenary power – codified by both the Dawes Act and the *Lone Wolf v. Hitchcock* decision – was an impetus for western and northwestern Native nation’s separatist demands. For instance, a memorial from a Pueblo confederation – representing some nineteen Pueblo sub-groups in New Mexico – protested that the government’s intrusion into Native lands lacked “fair play and justice” – it was “oppressive.”<sup>133</sup> The government’s identity duality, herein, was represented as caustic: “this *oppressive* bill will deprive us of our happy life by taking away our lands ... [it] will destroy our Pueblo government and our customs which we have enjoyed for hundreds of years.”<sup>134</sup> Simultaneously, the Pueblo demonstrated how allotment, and the government’s paternalism, was demoralizing to their sovereignty as separate nations. “The bill will take away our self-respect,” they contended. “We cannot understand why the Secretary of the Interior have [sic] deserted us and failed to protect us this time.” Finally, the pan-Indian confederation surmised that the government, reminiscent of the removal era, was a “killer” of “common life” and a “robber” of “everything we hold dear; our lands, our customs, our traditions.”<sup>135</sup> They no longer wanted to be “dependent on the government” and instead wanted to be “self-supporting,” to regain “self-respect” and to “keep our old customs” as sovereigns.<sup>136</sup>

Ultimately, American Indian petitions and memorials to Congress summoned pan-Indian unity to refute the allotment policy by revealing the government’s

incongruence in extending further jurisdiction over Native lands despite contrary treaties. The Five Civilized Tribes maneuvered through republican appeals to the federal government's foundational tenets. Throughout these appeals, they affirmed their actualizations as assimilated, and insisted on citizenship in the vein of state residency. Western and northwestern Native nations also dissented from the Dawes Act by pointing to the discrepancies inhering in the government's identity duality. These nations, however, moved directly to a separate autonomy in their response to the government's oppressive character. Instead, these nations banded together and protested through a pan-Indian nationalism outside the parameters of U.S. citizenship. Both derived their arguments about citizenship and autonomy, though, from moral rights to the land that were the underpinnings of Native resistance.

#### MEMORIES, CITIZENSHIP & SEPARATISM:

#### PAN-INDIANISM IN BIOGRAPHIES AND LITERATURE

The identity duality present in the U.S. government's allotment policy did not escape American Indians who expressed their discontent with the Dawes Act in print. Senier argues that American Indians' printed remonstrances garnered attention and popularity as white settlers came into closer contact with the recently domesticated – or, in the least, “safer” – Native communities in the West.<sup>137</sup> To this latter point, Roosevelt claimed that by the turn of the century “peace” had been secured in the West “by imposing” on the “barbarian races ... the armed force of a superior race.”<sup>138</sup> American Indians – once conceived by the American public and U.S. government as dangerous – therefore became subjects of interest for the United States. During the late nineteenth century, in particular, alternatives to direct American Indian resistance through petitions



and memorials attracted the masses and were “influential” in representing Native cultures and identities.<sup>139</sup>

American Indians took advantage of this new-found agency and public curiosity to express their disapproval of the government’s treatment of Native communities, especially through the enactment of the Dawes Act. American Indians also used the popularity of their viewpoints in print to reconstruct their own identities and those of the U.S. government. This was accomplished through a reconstitution of their histories by addressing non-governmental audiences, freeing them from the constraints of formality and possible repercussions. Concerning this new opportunity for published protest, Warren asserts that American Indians “shaped their performances to subvert, reinforce, or otherwise influence American ideas of Indianness.”<sup>140</sup>

The primary way that American Indian publications articulated their dissent of the allotment policy, and took umbrage with the government’s constitution of a dependent/paternal relationship, was through the production of collective memories. Collective memory, according to Zelizer, refers to “recollections that are instantiated beyond the individual by and for the collective ... [it] comprises recollections of the past that are determined by the group.”<sup>141</sup> In this way, memory served a constitutive function for indigenous communities protesting the allotment policy. American Indian memories summoned past events of the U.S.-Native relationship to shape Native “ethos and sense[s] of identity” as resistive.<sup>142</sup> In addition, indigenous resistance to the Dawes Act inspired an “atemporal” sense of history that eschewed a linear flow of time for a “mingling of amorphous memories.”<sup>143</sup> Remembrances of past Native policies and conditions evoked “a past to frame a present,” thereby allowing American Indians to

analogize and challenge the U.S. government's questionable identity constructions during the allotment era with historically similar examples.<sup>144</sup>

Memory as a site of resistive rhetoric was familiar to nineteenth century American Indian communities. According to Lake, Native discursive struggles have always been “infused with temporal concerns: thoroughly (and painfully) cognizant of the history of native/Euramerican [sic] relations on this continent.”<sup>145</sup> American Indian rhetorics of the past, though, were not solely “consummatory” or reflective.<sup>146</sup> In addition to helping build community, identity and a shared vision, collective memories were simultaneously “pragmatically utile.”<sup>147</sup> That is, Native collective memories appealed to the U.S. government for change. Not only did Native voices reorganize a shared U.S.-Native past linked to images of ancestry and homeland – they also constructed Native and governmental identities. One historical era, Rich argues, can stand “for the pattern of abuses by the U.S. government of American Indian groups, it identifies a common ground ... that powerfully calls into question assumptions about the interests guiding U.S. colonial expansion.”<sup>148</sup> In this way, Native resistive memories during the allotment era illustrated how “one story becomes discredited as a new narrative takes over” while jointly restructuring identities.<sup>149</sup>

This section explores how American Indians responded to the Dawes Act and its weakening of Native autonomy through collective memories targeted to the public in the form of popular publications. These memories capitalized on the U.S. public's fascination with Natives, and worked through pan-Indianism to challenge the implementation of the allotment policy by resituating positive Native identities throughout the span of U.S.-Native relations. These identity formations included the

unified character of American Indian nations. Concurrently, these memories also configured governmental identities as fraudulent, thus further exposing the identity duality of U.S. citizenship. Additionally, the notion that the government had stolen Native territories during removal only to replicate the same transgression during the allotment period resonated throughout these memories.

The first genre considered – biographical accounts – hearkened to memories of the Indian Removal Act as a way of linking the disparaging impact of removal to the prospective dangers inherent in the allotment policy. Natives offering these pan-Indian accounts enacted familial appeals to argue for a Native citizenship equal to citizens residing in U.S. states. Such appeals punctuated the hegemony of the republican fatherhood ideology, as American Indians came to consent to the government’s familial hierarchies. Familial appeals also, however, exhibited a Native resistive strategy by using the government’s language against itself.<sup>150</sup> Another genre – literary publications – employed memories and pan-Indianism to advocate for separatist sovereignty.<sup>151</sup> In the process, these literary memories, working through fictional accounts, centered their separation from the U.S. nation on the government’s past ungodliness and violence.

#### *Familialism and Citizenship in Printed Biographical Memories*

American Indian biographical accounts and opinions were especially resonant during the late nineteenth century. This is so, writes Scheckel, because Native communities were seen as such anomalous “liminal figures” that many in the U.S. nation wondered how American Indians viewed their own ambiguous conditions in the West. She continues that Natives were “neither citizens nor aliens, at once symbolically central and politically excluded.”<sup>152</sup> Because of this unique position, the public viewed them as

worthy topics of interest necessary to reconciling their own understandings of the “tame frontier West.”<sup>153</sup>

The resurrection of Native citizenship questions, part and parcel to the Dawes Act, only heightened the public’s desire to learn about these “American wards.”<sup>154</sup> American Indians used this discursive opportunity to protest allotment by crafting collective memories of the Indian Removal Act and correlating the injurious impact of the removal policy with the Dawes Act. Ostensibly, they did this by championing a pan-Indian unity that called for a consummation of the Dawes Act’s citizenship promises. Because this sub-genre of Native publications tied protests to personal identities biographies tended to work through amicable appeals, such as familialism, to secure U.S. citizenship for American Indian communities. These familial appeals evidenced the hegemony of republican fatherhood while concomitantly alluding to Native resistance in appropriating the government’s domestic language.

One strategy that American Indians employed through biographical memories was the questioning of the government’s republican father role and its self-professed paternal goals in sustaining allotment. The Dawes Act was related to the deleterious Indian Removal Act in these memories as a way to show how Native citizenship had yet to unfold. The promise was there, however, if Natives could be included as residents equal to other U.S. citizens. For instance, Young Joseph (Nez Perce) emphasized in a *North American Review* article that the removal policy was falsely benevolent to “all of us Indians.” The U.S. government had given protection to American Indians for sure, but – said Young Joseph – “our father [executive] did not say anything about white men wanting to settle on our lands [afterward].”<sup>155</sup> Suddenly, Young Joseph wrote that,

regardless of removal treaty stipulations of Native autonomy, “a number of white people came into your children’s country and built houses and lands” during the late nineteenth century. Within the removal era the Nez Perces found that “the white men were growing rich very fast, and were greedy to possess everything the Indian had.”<sup>156</sup> The Nez Perce’s consent to the promises of republicanism exhibited both the hegemonic components of republican fatherhood and the emptiness that such familial promises contained, especially in offering Natives new and permanent homelands during the removal era.

With the coming of allotment Young Joseph and others worried that their graven memories of removal would come to life in the 1880s. “I have learned,” he grieved, “that we are but few, while the white men are many ... We are contented to let things remain. They are not and would change the rivers and mountains if they did not suit them.”<sup>157</sup> Young Joseph suggested that U.S. citizenship would set Natives on an “equal ... level” with these “white brothers.” Appealing to a sense of familialism and fairness with the land, he asked “my father in Washington” to consider allowing the Dawes Act’s promise to come to bear as “we all in your family” had assimilated as the executive requested. Young Joseph’s father-child metaphors and familial strategy suggested that he considered American Indians part of the government’s family.<sup>158</sup>

His resistance also showed how strong and unified Native communities were despite being threatened by another wave of land encroachers supported by the allotment policy. Recall that Section Five of the Dawes Act allowed “the United States the sole purpose of securing homes to actual settlers” by taking up the surplus land left by Native allotments.<sup>159</sup> This clause threatened the sanctity of American Indian lands initially protected by removal treaties. In the 1880s, the government abrogated its promises of

protection with the implementation of the allotment policy. Native citizenship, and the parity it engendered, was thought to salve this inequity among “red brothers” and “white brother.”<sup>160</sup>

Young Joseph’s interrogation of the Dawes Act through memories of the government’s dubious republican fatherhood during the removal era resonated in Simon Pokegon’s (Pottawattamie) biographical resistance. He started by crafting familial metaphors in his call for a salving of the “Great Father’s” wrongs. He noted that U.S. citizenship was the benefit traded by the government for Native lands and that this was the “proper” exchange between “child and father.”<sup>161</sup> Without citizenship fulfillment, he said the government would appear as “strangers” demanding that Natives “‘Give us gold, give us gold.’ ‘Where find you gold? Where find you gold?’”<sup>162</sup> The image of the government failing its promises as a republican father by surrounding Natives as “strangers” without the extension of U.S. citizenship, the Dawes Act was anything but benevolent. Also unmistakable in Pokegon’s discourse were capitalist constructs that, he averred, “led” the government to “pursue” allotment.<sup>163</sup> In sum, the government’s aim to usurp white violence and to assimilate Natives seemed a sham, especially as citizenship guarantees fell flat. But, wrote Pokegon, the inclusion of American Indians as “family members” and citizens of the U.S. *civis* could alleviate this problem.<sup>164</sup>

However, he then shifted his discussion of U.S.-Native relations from familialism to a rhetoric of home-wrecking on the part of the government. To accomplish this Pokegon employed natural metaphors – once popular in the government’s own removal discourse – throughout his removal memories. Pokegon, though, refracted the U.S. government’s use of natural imagery in a more conspicuous way. He overtly pinned

these metaphors back on the government. For instance, reflecting on the removal era he said of the government: “locust-like they swarmed on all our coasts . . . then they robbed our homes of fathers, mothers, sons and daughters.”<sup>165</sup> The period of the Indian Removal Act, it appeared to Pokegon, had shown American Indians just how pestilent the government had acted throughout its expansive errand and encroachment on Indian land. His memory also suggested that, in spite of paternal and familial promises of benevolence, the government managed ironically to destroy the Native family unit. Here, his appropriation of familial language revealed a resistive strategy of turning the government’s paternal rhetoric around on itself through notions of moral inheritance to the land. Therefore, Pokegon was suspicious of the U.S. government’s allotment policy with its purported benevolent aims. The United States was not being helpful in allotting Native land, said Pokegon, if U.S. citizenship was not extended to American Indians (his totalizing of Natives pointed to a pan-Indian expression of indigenusness). Of inclusion in the U.S. citizenry he noted that “so we stand upon the seashore, chained hand and foot” waiting for “the incoming tide of the great ocean of civilization” to “welcome us.”<sup>166</sup> Like the U.S. government, integrationist American Indians conflated their land rights with their rights of citizenship.

Some biographical memories hearkened to how American Indians remained strong and united even in the direst conditions of the removal era. Because Native communities had survived removing from their original homelands, these memories intimated that American Indians as a pan-Indian family could also survive the late nineteenth century challenges of allotment. Such memories bolstered the strength of unified Native communities in their contemporary protests of the Dawes Act. For

instance, Carlos Montezuma's (Pima) essay in the *Quarterly Journal* insisted that the removal policy and its subsequent reservationism had done nothing but "debar us as a race from acquiring that knowledge to appreciate our property."<sup>167</sup> Removal did "not make them [Natives] free any more than you can ... free those prisoners who are in the penitentiary."<sup>168</sup> However, American Indians were able "to free themselves" by binding together as "brothers" and fighting back further white encroachments. He continued, "Our peoples' heritage is freedom. Freedom reigned in their whole make-up."<sup>169</sup> He insisted that Native resistance had slowed down the destructive impact of the removal and reservation policies. And, working as a family, across Native nations, helped these efforts.

Similarly, in his autobiographical experiences with the Dawes Act, Montezuma perceived the allotment policy to continue a similar denigration of autonomy within Native territories. Though Natives had consented to the hegemonic ideology of republican fatherhood, they were still denied rights. Therefore, he configured the government as a greedy "father" by denying U.S. "citizenship": "the Indian Department has drifted into commercialism at the expense of our poor benighted people. So, the father [goes] on and [says] 'let us not allot those Indians on that sweet flowing water because there are others who will profit by damming it up and selling it to white newcomers.'" In this quotation, Montezuma referred to the government's emblematic tactic of allotting Natives to barren or undesirable lands.<sup>170</sup> Though threatened by the Dawes Act, he exhorted American Indian nations as a whole (his use of "us," "we" and "all Indians" alluded to his pan-Indianism) to resist further allotment and assimilation. He wrote, "being caged up and not [able] to develop *our* facilities has made us a



dependent race.” The paternal government looked upon them “as hopeless to do anything for ourselves” and, therefore, justified taking more Native lands.<sup>171</sup>

Montezuma, then, urged American Indians to take up their forebears’ mantle to be independent “in the whirl” of allotment and to aspire to equal citizenship with “other Americans.” He suggested that they unite and “get into [the land] ... and use it ... and live up to its requirements and take our chances” as sovereign “family” and “residents” of the United States, clearly conflating ties to the land with the rights of citizenship.<sup>172</sup> In the end, his rhetoric pointed to a deconstruction of the identity duality surrounding the allotment policy and its attendant negative depictions of Native character. That is, Montezuma called into question the uniformity of the government’s support of both assimilation and segregation. However, he also “reconstructed” American Indian empowerment through unification and strength.<sup>173</sup> He left his Native family with a final thought to this end: “We must be independent!”<sup>174</sup> In this memory, Montezuma clarified for his public audience how, despite the devastation of allotment – and the government’s caustic identities and aims – that American Indians remained strong and worthy of independence akin to other U.S. citizens. But, the memory also suggested that American Indians could exist as a part of the U.S. family, as long as it could boast some semblance of “independence” outside the scope of infantilization. Their continued moral and ancestral ties to the land were integral components of their identity.

Finally, biographical memories linked together the removal and allotment eras to demonstrate how the Indian Removal Act’s failed promises of civilization for American Indians were similarly reified by the Dawes Act’s pledge of Native citizenship. In the process of this resistive strategy, the government’s paternalism was resituated as

conniving, while American Indians were shown to be united and accommodating, despite the apparent fraudulence of Native policies. Native communities also constituted themselves as savvy in recognizing the “Great Father’s” cycle of broken promises first instantiated during removal and potentially visible, once again, during the allotment era.<sup>175</sup>

Arguing against allotment, for instance, Hollow Horn Bear (Oglala Sioux) said that in the 1840s his ancestors “had believed what the white people told him.” The government promised civilization and money in exchange for Native self-sustenance on their new reservations. But, the government – as a “father” – had “lied” and “forgotten” its part of the bargain during the removal period.<sup>176</sup> Constructing the government – both during removal and allotment – as fatherly and yet specious, he continued: “this [allotment] is only another trick ... to take our land away from us, and they have played these tricks before ... They come to us with sweet talk, but they do not mean it. We will not sign any papers for these white men.”<sup>177</sup> Hollow Horn Bear reminded his Native and white audiences that the “father’s” promises of money and “civilized things” never materialized during the removal and reservation eras. Consent to the ideology of republicanism had yielded American Indians little in the way of independent and equal rights. Why then, he wondered, should American Indians believe the Dawes Act’s guarantee of U.S. citizenship? He chided the government: “You have not fulfilled any of the old treaties. Why do you now bring another one to us? Why don’t you pay us the money you owe us first? Then, bring another treaty.”<sup>178</sup> Seemingly, Hollow Horn Bear worked through the language of familialism – therein using the government’s own language – to resist allotment.

Hollow Horn Bear linked the government's removal era duplicity to the allotment policy's aim of Native citizenship, thereby both poisoning and resisting the Dawes Act. In the process, he reconceived Native and governmental identities contrary to those constructions offered by U.S. leaders in the Dawes Act deliberations. Though he desired to "be like others" in "equal" citizenship with ties to U.S. territory, he protested an allotment policy that failed to follow its own republican promises. Furthermore, he did not rebuke familialism, but rather suggested that "we ... and the white brothers" could be united as independent kin-like citizens.<sup>179</sup> Again, he channeled familial language into a way to contest the theretofore empty promises of the government as a republican father.

Overall, the comparison of the removal era's lapsed promises with the allotment era – through lived memories and familial connections – offered a route of protest for American Indians. And, in some cases, these biographical memories affected the larger public debate over the condition of American Indians. In this vein, Konkel concludes that American Indian anti-allotment rhetoric influenced progressives, Indian reformers and the U.S. government: "[Natives] redefine[d] public and institutional spaces by first establishing their ability, and their right, to inhabit these spaces alongside other Americans."<sup>180</sup> In so doing, they "changed the nation" and perceptions of American Indianness for themselves and the broader American public. Moreover, they demonstrated that they desired sovereignty as U.S. citizens and landholders, but that the Dawes Act had, thus far, faltered in this assurance of inclusion into the U.S. "family."<sup>181</sup> Written from a unified stance, American Indian biographies taught the U.S. public that pan-Indian groups demanded citizenship as a requisite of acceding to allotment and the U.S. family.

*Ungodliness, War and Separatism in Printed Literary Memories*

As American Indians in the West assimilated further throughout the late nineteenth century, they also learned the value of disseminating their viewpoints through literature. According to Harjo and Bird, literature allowed American Indians to “reinvent the enemy’s language” by assembling resistance in a form that was accepted by the masses as art or entertainment. They assert that “to speak, at whatever cost” was, for Dawes era Native communities “to become empowered rather than victimized by [the] destruction” inhering in the allotment policy.<sup>182</sup> Literary accounts – or, what Nabokov deems, “personal recoveries of native [sic] histories” – also allowed American Indians to reconfigure the U.S.-Native relationship through collective memories to their joint pasts.<sup>183</sup> Literary channels provided for higher degrees of radicalism as individual authors’ identities were not tied directly to such invective and separatism. Thus, working outside of familialism – which Native biographies utilized as a palpable tactic – literature was freer from governmental constraints and could actually discuss the topic of separation with an external public audience.

Given this freedom, American Indian rebuttals to allotment worked through literature to brand the government’s side of the U.S.-Native relationship ungodly and violent. The memories enacted therein reshaped the identities of Native communities and the U.S. government within the context of the Dawes Act’s dismal consequences for American Indian sovereignty. American Indians promoted a pan-Indian resistance in these literatures that demanded a separatist sovereignty. That is, whereas biographical accounts pursued U.S. citizenship, literary memories sought independent tribal status outside the aegis of the government and U.S. citizenship.

Women penned most of American Indian literary resistance to allotment. The proliferation of women's literary accounts was prompted by two primary factors. First, government-run boarding schools during the allotment era tended to teach Native men agricultural and mechanical skills while instructing Native women in domestic projects such as sewing, cooking, housekeeping and child rearing. According to DeJong, part of the "child rearing" project involved teaching American Indian children how to read.<sup>184</sup> Boarding schools taught American Indian women to read in order for them to train their children in a mastery of the English language. This certainly demonstrated the impact of republican motherhood on Native families. Literature became a primer of sorts for literacy and, hence, women were familiar with literature as a discursive form. Second, Native women who published literature tended to be considered "safe" subjects.<sup>185</sup> Publishers often approached women – versus their male counterparts – to give their accounts of U.S.-Indian affairs. This is so, writes Nabokov, because Native men, especially those of western and northwestern nations who were recently "conquered," were still linked to the "warrior" persona in the American popular imaginary.<sup>186</sup> Thus, Native women were looked upon as "tame" compared to men who might resist storytelling or cooperating with the white public.<sup>187</sup>

The inclusion of Native women only as literary voices undoubtedly underscores the diminutive gendered dynamics of the late nineteenth and early twentieth centuries. However, literature demonstrated a new turn in Native resistance for women. During the removal period Native women were rarely given the chance to speak against governmental policies. With literary accounts, though, Native women held a crucial role in engaging the American public.<sup>188</sup> To this effect, women speaking against allotment

(typically the daughters of chiefs or husbands of tribal leaders) employed literature as a way to resist the Dawes Act and the identity duality it inspired. They did this by crafting narrative memories surrounding spiritual and familial issues. These substantive topics certainly reflect an overlap of American Indian women's voices with what Dow and Tonn call the *feminine style*, or "a synthesis of form and substance that works to promote an alternative political philosophy reflecting traditionally family values."<sup>189</sup> Part of the feminine style includes a reliance on examples and anecdotes regarding the personal sphere, which includes subjects such as spirituality and family. Whether deriving from the feminine style, memories of the familial U.S.-Native relationship or a conscious resistance using the government's paternal language against itself, American Indian women punctuated the power of indigenous voice, especially in support of separatism – the more radical Native conception of sovereignty.

These literary memories characteristically reflected back to creation and U.S.-Native contact myths to reconstruct the government as ungodly, while reshaping Native identities as affable. According to Hoxie, authors spotlighted optimistic Native characteristics as a way to persuade the U.S. public that involuntary allotment was not needed.<sup>190</sup> Instead, American Indians, they averred, could support themselves by sustaining economies, governments and tribal traditions. These myths were used to evidence how allotment and assimilation violated both providential mandates and harmonious relationships between the United States and American Indian communities. As a case in point, Sarah Winnemucca (Piute) illustrated in her 1883 denunciation of proposed allotment just how dastardly the U.S. government had breached God's covenant of peace and Native friendship. She ironically pointed out:

Of, for shame! ... Yes, you, who call yourselves the great civilization; you who have knelt upon Plymouth Rock, covenanting with God to make this the land of the free and brave. Ah, then you rise from your bended knees and seizing the welcoming hands of those who are the owners of this land, which you are not, your carbines rise upon the bleak shore, and your so-called civilization sweeps inland ... but, oh, my God! leaving its pathway marked by crimson lines of blood, and strewn by the bones of two races: the inheritor and the invader.<sup>191</sup>

This passage reveals how Winnemucca connected her present exigence of allotment to a memory of the U.S. government's encroachment into Native lands. She argued that allotment and U.S. citizenship would only embolden this oppression. In the process, she invoked removal era assumptions of the Natives' moral inheritance to the land that was inexcusably stolen from her ancestors. Her commentary, like most in this genre, claimed that the United States seemingly defied its precepts of republicanism as the "land of the free and brave" over time, demonstrating the means by which Natives spotlighted the identity duality inherent in U.S. nationalism.<sup>192</sup>

Concurrently, Winnemucca juxtaposed the identities of American Indians and the U.S. government. Native peoples were "welcoming" and "godly" and had, as "owners" of North American lands, offered the United States the aids of subsistence and territory. Puncturing the mythos surrounding a national imaginary predicated on providence, the U.S. government, she charged, rewarded such friendship with "violence" and "ingratitude."<sup>193</sup> So-called "equal status with whites" would not change this; rather, a "return" to separate nationhood as the only way to refurbish Native sovereignty.<sup>194</sup> When Winnemucca wrote, "we beg of you to give us back our people" and "let us have our own

homes” she spoke of such separatism. These arguments evidence the sustenance of the U.S.-Native hybrid relationship, as Natives served to challenge the image of the exceptional and moral U.S. nation.

Dawes era memories of the federal government’s godly depravity in its relations with American Indians potentially resonated with U.S. audiences for a number of reasons. Recall that the United States bolstered its “assumptions of racial and cultural superiority as well as an insatiable desire for land, expansion and empire” with providential permission and heavenly support of its “errand” into the wilderness.<sup>195</sup> That is, the U.S. government viewed American Indians and their territories through the lens of *terra nullis*, the notion that Native land was “an uninhabited or unimproved wasteland” that God wanted to be populated by Europeans, versus “inhabited by aboriginal peoples.”<sup>196</sup> Winnemucca appropriated the “manifest” argument by authority steeped in moral inheritance, here, in order to demonstrate to the U.S. government how providence could likewise turn away from the United States in the face of the government’s violence. This rhetoric retains vivacity, especially considering that, first, the United States honored the Christian tradition and might have found difficulty refuting Native claims to a God. Second, the conversion of American Indians to Christianity relied on “proving to Indians” that the Christian God would never allow harm to befall indigenous people.<sup>197</sup> And finally, the U.S. government rooted its republican fatherhood in these Christian principles; to violate God’s guidelines was, then, to violate the U.S. nation’s “own foundational ideologies.”<sup>198</sup>

American Indian literary memories also indicated a sober guardedness toward, and separation from, the violent government as a way to protest the allotment policy. This



distrust rested on Native interpretations of their bellicose historical relationship with the government. Zitkala Sa (Yankton Sioux), for instance, wrote in her 1900 “Impressions of an Indian Childhood” that prior to allotment “we were once happy.” She referred, here, to her own Yankton Nation and its neighboring Sioux groups. Following the Dawes Act, though, she argued, “there is what the paleface has done! ... [He] has stolen our lands and driven us hither ... and has killed.”<sup>199</sup> Sa contextualized her resistance to allotment in the forced reservation system and the historical images of the U.S. government as a land thief. “Having defrauded us of our land” and “hurt us” and “forced us” to assimilate, she said, “[now] the paleface is forcing us away [again].”<sup>200</sup> Sa’s caginess regarding allotment rested on this tale of a mother imparting to her daughter the importance of refusing allotments and the assimilation that resulted from farming and the elision of American Indian cultural traditions. Citizenship, she argued, would only “make strong” the government’s continued “violent” control.<sup>201</sup>

In her literary classic, *Wynema*, S. Alice Callahan (Muscogee/Creek) reverberated Sa’s suspicion of the U.S. government’s benevolent intentions in the Dawes Act due to past violence and thievery of Native homeland. And, she glossed her mistrust of the government’s scurrilous identity with hints of a sturdy and bold pan-Indianism. Her 1891 fictionalized account of a Creek woman’s uncertainty over choosing assimilation predicated Callahan’s resistive doubts of the Dawes Act on the wisdom of other Native elders. Writing of an aged Cherokee neighbor’s advice on dealing with the U.S. government, Callahan’s protagonist (Wynema) recounted, “[t]hey told me we had suffered long enough at the *hands* of the white man ... they told me to fight the palefaces ... but, they told me to *never*, NEVER listen to a tale of peace, even if told by a friend.

Peace! Let those talk of peace who live in quiet homes . . . peace is no watchword of the oppressed.”<sup>202</sup> In this quotation Wynema refused to negotiate with allotment officials based on other Natives’ rebukes of assimilation and its dire effects on American Indian well-being. Instead, she promoted independence in the form of a separate pan-Indian group that would exist apart from U.S. citizenship and the violence that came with struggles to achieve it. According to Senier, Callahan hoped to persuade other American Indians – through cultural identification – to reject allotment.<sup>203</sup> Callahan said that Natives desired “a home like unto the one of [sic] your forefathers owned before the form of the white man came upon the scene and changed your quiet habitations into places of business and strife.”<sup>204</sup> Natives were already, Callahan insinuated, self-sufficient and “solid”; increasing their reliance on a violent federal government – by way of citizenship – would only bolster Native “suffering” and victimization.<sup>205</sup>

The empowerment spotlighted in Callahan’s narrative of diverse Native communities coming together to resist the Dawes Act demonstrated her persistence in working through the government’s monolithic American Indian identity constructions. Moreover, Callahan’s pan-Indian sentiments reminded the U.S. public and federal government that American Indians possessed unified identities in their fused reprobations of the allotment policy. According to Callahan, for all the benevolence the U.S. government’s allotment plans promised, there was levied upon American Indians, as a whole, only “oppression” and “violence” – precipitations of identity duality. Callahan also indicated the power dynamics of peace. That is, it remained far easier for those in a comfortable position (i.e., U.S. leaders) to call for harmony. Peace was more difficult for

American Indians to support because they were not, wrote Callahan, “surrounded by friends and loved-ones [and] the happiness and affection ... of the American people.”<sup>206</sup>

Native anti-allotment literature also restructured American Indian identities through a memory of warfare. Warfare was not a safe subject in biographical accounts, as biographies sought citizenship through familialism; memories of violence would hinder such arguments. Reservationism – and the need to assimilate “Indians by piecemeal”<sup>207</sup> through the Dawes Act – was predicated on the (past) violent character supposedly inhering in Native people.<sup>208</sup> To this stereotypic identity formation, Winnemucca appealed that American Indians were usually drawn into battle by the government. She wrote, “Now you must not suppose that my people are weak or uncourageous. They are not what you call ‘slouches’ ... We helped the Bannacks and the Umatillas in war, because we are all kindred. They are our cousins ... Now you say, Why [sic] did they make war? I will tell you: You white men are too greedy.”<sup>209</sup> In this iteration, Winnemucca revised the history of U.S.-Native warfare and did so by reconstituting American Indian identities as united while portraying the government as gluttonous. Akin to Callahan, she emphasized the empowerment of American Indians as they gathered in numbers as “Indians,” revealing to her audiences how resistance to allotment was shared among previously separate nations. Simultaneously, her rhetoric alluded to the power of appropriating the government’s homogeneous construction of Native identity to the ends of fortifying rebuttals to the Dawes Act.<sup>210</sup>

Winnemucca continued that assimilation, especially allotment, was therefore not needed. Such a policy was not so much a matter of controlling “so called blood-seeking savages” as it was a precipitation of the government lying to the public and violating

Native communities. “Year after year,” she lamented, “they [Americans] have been told of the wrong doings of different tribes of Indians. Yet it goes on, just the same as if they did not know it.”<sup>211</sup> Citizenship, she wrote, would not help end these lies; instead, it would only increase denigration “year after year.” Instead of citizenship, she demanded: “give us homes to live in, for God’s sake and for humanity’s sake” apart from “the [Indian] agency system.”<sup>212</sup> Ostensibly, she saddled the government with administering a corrupt system that maligned Native identities to motivate encroachment on the reservations. The Bureau of Indian Affairs was said to employ agents “who easily get corrupted, and can be hired by [the government] to do or say anything.”<sup>213</sup> Sa, similarly, considered such governmental agents “bad palefaces . . . sickly shams.”<sup>214</sup>

To contest these disputed identities of Native bellicosity circulated by the government as a justification for allotment and assimilation, Winnemucca appealed directly to her audience through a memory of historical amicability: “we have always been good friends to you people.”<sup>215</sup> Therefore, she implored her audience: “oh, dear friends, I am pleading for God and humanity” that allotment would not “commit . . . horrible outrages” and “drive [us] around like dogs.”<sup>216</sup> Breaking from familial metaphors and, instead, employing friendship and animal imagery, Winnemucca illustrated her view that Natives were not part of the U.S. citizenry – the American family. Instead, they were united as their own separate family. If the government continued to occlude American Indians, then – she asserted – we will “be together” as sovereign kin.<sup>217</sup>

Overall, American Indian memories fashioned through popular publications challenged the allotment policy and its diminution of Native identities. Publications

allowed American Indians a form of protest by providing “an opportunity to address the public outside the scope of the federal government” and by parleying “a resistant counterstatement” against the Dawes Act through agencies that the U.S. public’s interest in Native issues afforded.<sup>218</sup> Memories in biographical accounts of allotment functioned by hearkening to the Indian Removal Act as a way of analogizing the negative consequences of removal with the Dawes Act’s shortcomings. In so doing, Natives developed a united rhetoric that demanded U.S. citizenship based on appeals to familialism. Native memories found in literature employed historical evidence to argue against the allotment policy as just and the government’s identity as ungodly, violent, and robbers of Native ancestral rights to the land. In the process, they fashioned a pan-Indianism dedicated to achieving separatist independence from the government.

Throughout both forms of publications, the U.S. government (especially the executive branch) was shown to be in violation of its own republican fatherhood promises by promoting allotment. Seemingly, in both biographical and literary memories, Natives appropriated the government’s homogenization of indigenous identities to empower American Indian resistance to the Dawes Act. In the process, such discourse posited the identity duality at work in the U.S. government’s citizenry constructs, evidencing the empowering and hybrid contribution of Native voices.

#### ECONOMIC APPEALS, CITIZENSHIP, RADICALISM & SEPARATISM: PAN-INDIANISM IN PUBLIC ORATORY AND GHOST DANCE RHETORIC

As with Native responses to the Indian Removal Act during the 1830s and 1840s, American Indian anti-allotment discourse also coalesced through oratory. Some of these speeches were externally directed to the executive as the principal republican father. Whereas Native communities in the removal era typically accessed the executive through

Indian agents and translators, though, American Indians in the late nineteenth century took their messages directly to the Bureau of Indian Affairs and the Interior Department.<sup>219</sup> Another type of oratory was issued to internal Native audiences and involved the building of core aims to “raise the consciousness level” of American Indians across indigenous communities.<sup>220</sup>

Whether external or internal, American Indian anti-Dawes oratory organized a pan-Indianism among various, and oftentimes historically separate, Native nations.<sup>221</sup> Native orators hybridized the government’s monolithic condensation of American Indian identities as diminutive and dependent, hence reworking it to foster unity. According to Morris and Wander, the degree to which the government “has displaced tribal identities in favor of the ‘Indian’ has at times been so severe that Native Americans become unrecognizable.”<sup>222</sup> Their critique, ironically, limits the empowerment of Native alliances. American Indians during the allotment era actually channeled the government’s homogenization into a way to build resistant blocs, thereby directing their rhetoric at “other Indians for the purpose of gathering the like-minded” and only tangentially addressing “the [governmental] establishment.”<sup>223</sup> This consummatory function of Native public oratorical protest, though pointing inward, still alluded to the power of Native voice.

This section explores the way that Native pan-Indian oratory questioned how the Dawes Act dually limited Native identities and failed to grant American Indians sovereignty, punctuating the identity duality of U.S. nationalism. Ostensibly, this oratory communicated Native worries about the Dawes Act’s fortification of paternal connections between indigenous nations and the government. And, it showed how American Indians

conflated land and citizenship, just like the U.S. government; but Natives did so through a moral inheritance to their territories, not by suggesting a commodification of these lands. First examined are integrationist American Indian speeches that resisted the executive's paternalism as injurious to American Indian autonomy through economic appeals. Instead, these integrationist speeches suggested that economic self-sufficiency through state-like citizenship statuses would remedy the despair of paternalism. Moreover, these rhetors' choice of audience demonstrated the pre-eminence of the executive as the foremost republican father.<sup>224</sup> Pan-Indian oratory was also part of the Ghost Dance Movement that sought unity to "regain their lands" by rebutting the allotment policy and, thereupon, to lead a renewed "virtuous and peaceful life."<sup>225</sup> Ghost Dance leaders challenged the Dawes Act by gathering Natives to craft a radical separatism that not only purported to detach Natives from U.S. citizenship, but also to remove American influence from the West. Ghost Dance rhetoric did so by depicting the government as devilish and virulent; Natives herein contended that allotment and its promise of citizenship would only bolster this characterization. In the main, anti-allotment oratory evidenced the sturdy and unified identities of American Indians, as well as the inconsistency of the government's role as republican father.

#### *Economic Appeals and Citizenship in Speeches to the Executive*

During removal, American Indians typically did not address the executive directly. However, as white and Native communities came into closer contact – and as both the Interior Department and the Bureau of Indian Affairs set up shop on the reservations in the 1880s – Natives gained the access to speak directly to the executive. This modification in protest channels between the eras brings to mind two vital points,

aside from the observation that Natives began mastering English.<sup>226</sup> First, it underlines the consolidation of governmental “centralization” and “management” of Native affairs within the executive branch, which intensified the importance of presidential authority. According to Prucha, the heightening of executive influence “formalized [the executive] as an institution – and its bureaucracy grew tremendously” with regard to Native policies.<sup>227</sup> Second, Native abilities to address the executive directly speaks to the enlargement of discursive agency granted to American Indians in the latter stages of the nineteenth century. Part of this agency derived from governmental promises – albeit false until the ratification of the Indian Citizenship Act in 1924 – to bestow citizenship on American Indians.

The Dawes Act’s citizenship guarantees provoked a breach in the executive’s language, which allowed American Indians a foothold in their oratorical resistance. Hoxie argues, in this vein, that “Indian political leaders” used this rupture to define “a set of ‘rights’ they believed Native Americans should enjoy as citizens of their communities and residents (albeit prior to 1924 usually as noncitizens) of the United States.”<sup>228</sup> Therefore, integrationist Native leaders typically protested the Dawes Act by pointing out how allotment’s weakening of American Indian sovereignty through the government’s dependent/paternal identity constructions clouded their prospects as U.S. citizens.

Generally, integrationist American Indians who spoke to the executive argued that the Dawes Act’s assurance of Native citizenship had, thus far, produced appalling economic results. They queried, then, how the government could expect American Indian cooperation with the allotment policy when land ownership “still rested with the government” through the Dawes Act.<sup>229</sup> Washakie (Shoshone), for instance, asked in



1888: “Knowing all this [how allotment still diminished Native sovereignty], do you wonder, sir, that we have fits of desperation and think to be avenged?”<sup>230</sup> Washakie, however, did not stop with his rhetorical question about failed uplift through agricultural labor. He provided an answer that positioned his resistance to the Dawes Act at the interstices of both the allotment policy’s alleged civilizing efforts for American Indians and the act’s opening of homesteads for settlers. He, therein, noted that “the white man’s government promised that if we ... would be content with the little patch allotted us ... [the federal government] would see that no white man should cross our border ... *But it has not kept its word!*”<sup>231</sup> Allotment’s citizenship pledge still did not protect Native rights to territories or economic self-sustenance. Washakie, thus, made it clear why Native communities had fits of desperation: “I say again, *the government does not keep its word!*”<sup>232</sup> Hence, he demanded that a U.S. citizenship predicated on Native self-sufficiency through cultivation of the land and equal to state residents be extended to “all of us ... Indians.”<sup>233</sup> Exhibiting the homology of governmental logic, Native leaders likewise suggested that the cultivation of land constituted a pathway to Indian citizenship.

American Indian anti-allotment speeches rarely failed to question the inconsistencies of the Dawes Act. That is, assenting to allotment seemed largely to reify diminished Native land holding and a lack of self-control over their economies.<sup>234</sup> With such rebukes of the Dawes Act’s faltering citizenship and land promises, American Indians constituted the U.S. government as fraudulent and inconsistent – especially as Native labor contributed more and more to an expanding U.S. economy. According to Xitha Gaxe (Omaha), by virtue of having “consented” to allotment “on good faith,”

American Indians also characterized their own self-identities as accommodating and “capable of citizenship.”<sup>235</sup>

The inconsistencies of identity duality also resonated for other Native rhetors as they interrogated how labor had failed to stand as a true test of citizenship. This resistance exposed the government’s allotment policy as devious in its “masking” of “economic gain” in the act’s alleged efforts to “uplift” American Indians to citizenship.<sup>236</sup> For Thomas Sloane (Omaha), allotment was just another falsehood tendered by the federal government. Akin to reservationism, he asserted that allotment could not be trusted to support Native sovereignty, civilization or independence. To this effect, Sloane addressed a gathering of executive officials in 1912: “it became evident that the Indian could not rely upon the statements of the Indian Service officials, the laws made by Congress for their protection, nor the treaties made...”<sup>237</sup> With the Dawes Act, he continued, “these lands are administered in a manner that is a shame and disgrace to any civilized nation ... and we ought to ask for such reform as will guarantee to us the protections and laws promised” by the United States.<sup>238</sup> That Sloan felt compelled to ask for protection signified how the policy’s pledge of “citizenship” for all “Indians” who could prove their “civilization” had not yet transpired.<sup>239</sup> Sloan was willing to accept the commodification of Native citizenship: that U.S. inclusion could only come about through “labor in the fields.” But, when such labor produced little results in terms of proving Natives’ assimilation, Sloane argued that allotment was a “complete” charade.<sup>240</sup>

In the process of his economic critique, Sloan transposed the executive’s self-deemed benevolent character and republican fatherhood with its production of negative Native identities. The executive representing a “civilized nation,” he said, had become

discomfiting and “wrong.”<sup>241</sup> He asserted that the Interior Department and Bureau of Indian Affairs’ failure to honor its guarantees of Native citizenship was rooted in a desire to make more room for white settlers and, concomitantly, to make more money. The executive, constructed by Sloane as scheming, enacted “the most extreme disregard for property rights and interests . . . and decency” in its implementation of the Dawes Act. Interestingly, Sloan’s and others’ speeches – which wound their way into Interior Department and Bureau of Indian Affairs reports – helped persuade the federal government to investigate the efficacy of assimilation on allotted lands.<sup>242</sup> Citizenship (or what he called “inclusion”) was “desired,” Sloan said, but allotment was not the means through which Natives were receiving the warranty of equal inclusion in the U.S. family. This was especially so because assimilation through labor had yet to satisfy the executive that American Indians were ready to become citizens.

Another protestor, Dewitt W.C. Duncan (Cherokee), spoke to the government’s inconsistency in taking American Indian lands – under the guise of granting citizenship – for economic gain. He asserted at a 1906 Interior Department meeting that “the Government of the United States knows that these allotments of the Indians are not sufficient” and that the system as a whole “absolutely destroys” Native progress and “labors.”<sup>243</sup> Both Sloan’s and Duncan’s discourses resonated with the executive. Sloan’s exhortation to “investigate for the benefit of the Indian” the allotment system was accepted by the Interior Department, which promptly sent agents to the reservations.<sup>244</sup>

Other Native rhetors protested the allotment policy by pointing to how the U.S. government’s plenary doctrine (or ultimate decision making power) buttressed the paternal relationship hybridized by the government’s allotment discourse and

simultaneously abused Native labors. According to Wa Thishnade (Omaha), allotment was eventually accepted by his community despite being viewed as “trouble” as a result of its overt paternalistic aims. To Thishnade, the taking of allotment demonstrated the agreeable and economically sufficient identities of “grouping of Indians.”<sup>245</sup> Ostensibly, he was able – with the government’s aid – to “live on the reserve ... with certificates of allotment” and he believed “that the land was theirs [Natives] and that they can always keep it.”<sup>246</sup> However, the government’s enactment of plenary power to allow railroads and settlers leeway for economic gain, even in the wake of allotment’s promise of Native citizenship, prompted Thishnade to interrogate these economic assurances in ways that reflected removal era images of Native moral inheritance and governmental deceit: “I went on my farm with a certificate. I believed the land was mine. I have found out the land is not mine; that the Government can take it away.”<sup>247</sup>

But, Thishnade would support neither the identity duality of U.S. citizenship nor the government’s violation of the Dawes Act’s promises. Instead, he told Bureau of Indian Affairs officials that Native groups were merging in a pan-Indianism to dispute the allotment policy’s unscrupulous pledge of Native citizenship in exchange for labor: “we are going to ask for our titles [back] ... As long as the Government does not give them, we will ask until the Government gets tired. We won’t stop asking until we get our titles.”<sup>248</sup> In this iteration, reliant on the legacy of Native ancestral rights to the land, he exhibited the strength and unity of American Indian identities (to the latter construction, note the repetition of “we” throughout his quotation). Concurrently, he demonstrated how American Indians were empowered against the executive that, they maintained, would weaken and tire of Native protest emboldened by their own ancestral histories.

American Indian efforts to defy the allotment policy stand as a testament to the growth of Native agency during the late nineteenth century. Furthermore, these efforts revealed the Progressive Era's tendency to "self-critique" the U.S. government for its lapses in social rights and responsibilities.<sup>249</sup> This was not the U.S. government of the Indian wars – "feared" and singularly powerful – that closed off American Indian voices with violence.<sup>250</sup> As Turner averred, the "wars" were over and the "Indians" were "domesticated and conquered" along with the West by the time of the Dawes Act.<sup>251</sup> Instead, the "anarchy of empire" involved in inviting American Indians into the U.S. nation – even if only as ancillary and faux-citizen wards – offered Natives the sanction to talk back without "fear of retribution."<sup>252</sup> And, the changing conditions for American Indian discursive agency helped Native communities in their dissent.

Vital in American Indians' anti-assimilation oratory were efforts to unify diverse American Indian nations into a pan-Indianism. The thought therein was that with a decrease in population – resulting from the Indian wars and low birth rates due to disease and malnutrition on the reservations – citizenship could only be gained by traversing tribal boundaries and challenging the allotment policy as a front.<sup>253</sup> Not only was the "power in numbers" formula vital here, but also American Indian unification appropriated the government's own homogenous discourse to, instead, embolden Native identities. According to Maddox, this type of hybrid rhetorical strategy helped the government identify with American Indian protest because it was crafted through similar substantive and structural means.<sup>254</sup>

Native anti-allotment oratory reminded U.S. leaders that American Indians were, indeed, working through the government's homologous Native identity constructions in

order to fight for U.S. citizenship. Albert Yava (Hopi), for instance, told the executive that it could “individualize” and force “him to consider ‘I’ instead of ‘we’” all it wanted, as Indian Commissioner John Oberly avowed in 1888.<sup>255</sup> Regardless, Yava said American Indians were banding together to fight back allotment’s failure to provide sovereignty in exchange for economic and social assimilation. Prior to the reservation system, he noted, “villages never had a tradition of working together. Each one considered itself to be an independent group ... as separate village communities ... separate political entities.”<sup>256</sup> With the collapsing of Native lands and the genericizing of Native identities, though, “none of us [want] that our lands should be measured into separate lots, and given to individuals.” Rather, Yava explained that American Indians hoped to preserve Native-centered identities and lands by “gathering” and developing “one continuous boundary ring enclosing all” Native lands.<sup>257</sup>

These pan-Indian groups sought a quasi-state that would exist under the purview of U.S. citizenship. Mitchel Deroin (Otoe) echoed Yava’s sentiments, claiming that he would rather be “naked and have our toes sticking out” than to lose independence by a failed citizenship promise. Without citizenship, Deroin feared remaining economically dependent and reduced, therefore “running after a home like calves running on a prairie.”<sup>258</sup> If it took unification – even among former “enemy” nations – then he was willing to do that which was necessary to ensure that the Dawes Act “granted equal citizenship” and prevented Natives from being cordoned on “a piece of land about as big as a hog pen.”<sup>259</sup>

In the end, American Indian anti-allotment oratory challenged the Dawes Act’s diminution of Native identities and spotlighted how the act failed in its pledges of Native

citizenship by way of the identity duality construct. Native speeches worked through *economic appeals* to resist the government's allotment policy as injurious to American Indian autonomy. And, they stressed the unified and empowered identities associated with American Indian nations and their moral rights to the land in their pursuit of citizenship.

*Radicalism and Separatist Pan-Indianism in Ghost Dance Oratory*

While integrationist American Indian anti-allotment oratory united to demand citizenship through economic appeals, the Ghost Dance Movement sought to transform that unity into separatism.<sup>260</sup> Protestors of assimilation were not always “primarily interested in representing tribal practice for the non-Indian ... who comprised much of their audience.” Rather, some Native rhetoric was “most interested in restructuring the relations [among] Indians” as an internal rhetoric.<sup>261</sup> According to Brown, the Ghost Dance movement built a pan-Indianism that united American Indians by an investment in a joint “messiah” and through shared stakes to territory and cultural traditions.<sup>262</sup> This type of unity was important to contesting the allotment policy and urging for independent American Indian entities outside the scope of U.S. citizenship. Unity was especially resonant as the worship of indigenous deities was viewed by nineteenth century U.S. leaders to “retard the advancement of the Indians and what effect it has on their morals.”<sup>263</sup> Thus, the Ghost Dance, with its emphasis on fusing Native nations through the “Great Spirit,” functioned, concomitantly, to resurrect American Indian spiritualities displaced by the Dawes Act's emphasis on assimilation.

Pan-Indianism represented a larger ideological construct for the Ghost Dance movement than for other unified Native groups. In essence, the movement united the

past, present and the future – working through notions of ancestry and moral inheritance to indigenous territory in the process. Other pan-Indian discourses tended to be rooted solely in the present and did not transcend the past through to the future.

At the same time, the Dawes Act's oppressive impact on Native identities and independence was channeled into an empowered venue for Native resistance. The Ghost Dance Movement resisted allotment based on a *radical separatism* that not only sought to detach Natives from U.S. citizenship, but also aimed to displace American communities from areas West of the Mississippi. Ghost Dance rhetoric did so by depicting the government as devilish and virulent. To achieve this end, Ghost Dance leaders raised the allotment policy as a flag issue, or an “event ... susceptible to the charges made against the establishment by the agitator's ideology.”<sup>264</sup> In the end, Ghost Dance advocates championed separate Indian nationalism, not U.S. citizenship.

Briefly, the Ghost Dance instigated a return of American Indian lands and political sovereignty. Participants, literally, danced while building unification through pleas to both the “Great Spirit” and deceased Native forebears (called “fathers” by the movement). The movement also encouraged the expulsion of Dawes era influences, such as yeoman farming and the adoption of American customs – as well as white settlers on a larger scale – from Indian Country. The latter was a radical departure from the pro-citizenship discourse of Native oratory and even the pro-separatist rhetoric of western and northwestern memorials and petitions and literary publications.<sup>265</sup> Self-professed disciple Wovoka (Piute) began the pan-Indian movement by summoning American Indian leaders to his Utah reservation in 1890 where participants committed themselves to resisting the allotment policies and spreading the communal dance among their respective nations.<sup>266</sup>



At the council, he foretold of “a promising new world, a world in which all the white people would soon disappear and the buffalo would return and all the dead Indian ancestors of long ago would rejoin the living in a new way of life.”<sup>267</sup> His peers believed that dancing in the fashion that he taught would usher in this new world of Native empowerment. According to Wovoka, the more participants danced, the sooner the Great Spirit and the Native “fathers” would descend to the earth, thus ousting the government’s “impediments” to American Indian autonomy.<sup>268</sup> Such images not only linked pan-Indianism in the present but also the past and future as its memories collectivized the binds of Indian ancestry as one people forever removed from the encroachments of whites.

Ghost Dance rhetoric, above all, united American Indians through providential identities, a hybridized version of the U.S government’s self-entitled “manifest” ethos. Kicking Bear (Minneconjou Sioux), for instance, told a gathering of the Cheyenne and Sioux nations that we “are [God’s] chosen people for all future time.”<sup>269</sup> As the chosen people, American Indians were encouraged to perform the Ghost Dance as a way of doing away with governmental influences.<sup>270</sup> He identified with other American Indians by offering them a spiritual errand. “He [Wovoka] told us to return to our people,” Kicking Bear narrated, “to tell them, and all the people of the red nations” to unite and only then “the ghosts of our fathers ... meet us” and bring us sovereignty.<sup>271</sup> Only through the communitarian undertaking of the Ghost Dance could American Indians, he said, overcome the deleterious and hierarchical effects of the Dawes Act. He exhorted them, therefore, to join together against the “wave” of governmental reforms “plaguing” Native reservations.<sup>272</sup> Instead of taking up allotments and “individualizing” on

separated plots of land, Kicking Bear suggested re-adopting the communalism on their ancestral lands that remained such a vital component of Native identities prior to the ratification of the Dawes Act.<sup>273</sup>

Ghost Dance rhetoric especially as espoused by Kicking Bear – its most notable leader – furthermore constructed the U.S. government as evil in having encroached onto American Indian reservations through the Dawes Act. As a result, Kicking Bear related that the “Great Spirit” would “cover the earth with new spoil to a depth of five times the height of a man, and under this new soil will be buried all the whites, and all the holes and rotten places will then be filled up.”<sup>274</sup> Kicking Bear, here, inverted the allotment policy’s denigration of Native identities with a reduction of white character to malevolent “ground dwelling.” He sought both separation from the government and, in time, the eradication of American settlers in Indian Territory. So adamant was he in his arguments for Native unification, and governmental remonstrance, that he averred the Ghost Dance would “fill in ... the rot and dirt” of allotted territories, leaving in its wake “sweet-grass and running water and trees, and herds of buffalo and ponies.” Engaging in the separatist pan-Indian movement also promised to refurbish American Indian autonomy over their morally inherited homelands and senses of identity.<sup>275</sup>

Finally, Ghost Dance discourse united American Indian nations against allotment by suggesting that Native communities owed a moral inheritance to the Great Spirit and their “fathers the ghosts.”<sup>276</sup> This internal rhetorical strategy was successful at garnering unity for American Indian protestors during the removal era by tightening common bonds. To this end, Wovoka’s message urged other American Indians that the Great Spirit had “neglected the Indians for many moons, but ... will make them my people now

if they obey me in this message. The earth is getting old and I will make it new for my chosen people, the Indians, who are to inhabit it and among them will be all those of their ancestors who have died.”<sup>277</sup> Wovoka said, though the Great Spirit may have sided with the U.S. government in the past, that a unified pan-Indianism would win over the Great Spirit. Wovoka then argued that “we should unite now” lest “our ancestors, who died fighting” back the ebb of white encroachment “will have perished” in vain.<sup>278</sup> Ostensibly, American Indians were bonded through their common ancestries. If they united, their ancestors would return to them “avenged and satisfied” and, therefore, “bring with them” a return of sovereignty and self-sustenance.<sup>279</sup>

Ultimately, Ghost Dance rhetoric challenged the allotment policy by uniting American Indians into a pan-Indianism that strengthened the more radical Native argument for a separate nationalism. According to Nabokov, radical Native oratory – such as that extant in Ghost Dance appeals – is said to be “more important than [simply] the counterpart of the white man’s written record.” Instead, this type of American Indian consummatory discourse, in and of itself, “reasserts the powers of Indian mythology” and resistance.”<sup>280</sup> Pan-Indianism, in this vein, constituted American Indian identities as strong and connected – versus dependent and problematic, as U.S. leaders had constructed them through governmental allotment discourses. Simultaneously, Ghost Dance leaders reshaped the government’s citizenship promise as harmful to American Indian autonomy.

Overall, Native oratory resisted the Dawes Act by questioning the policy’s failure to promote Native citizenship through economic appeals (integrationist oratory), and by encouraging pan-Indian independence through a radical separatism (Ghost Dance

rhetoric). American Indians argued that conciliating to the U.S. government's allotment and assimilation plans functioned contrary to the Dawes Act's goals. That is, they called into question the hypocritical identity duality of inclusion and segregation. In fact, both integrationist and more radical American Indians articulated that the government's promises of independence only strengthened the paternal connections between Natives and the U.S. government. American Indian oratory constituted governmental republican fatherhood as questionably benevolent, while reconfiguring American Indians as united.

### CONCLUSION

This chapter has contended that Native resistance to allotment enacted a pan-Indianism that challenged the cementing of identities supported by the Dawes Act. Hoxie contends that the government's blending of several Native nations together under a blanketed identity construction allowed American Indians to find an invigorated common ground "where they could be heard." Unification made it possible "for Indians to communicate with outsiders and each other in new ways"<sup>281</sup> and to reconstitute governmental and Native identities. And, in the end, American Indian remonstrations against allotment slowed the implementation of the Dawes Act, thereby spotlighting the strength of Native agency. American Indians also addressed the identity duality of U.S. citizenship, demonstrating the hybrid relationship between indigenous communities and the U.S. government. The power of Native voice was exhibited by exposing the government's contradictions, thus perforating the ideologies of republicanism and paternalism. Ostensibly, American Indians unearthed the hypocrisy of assimilating Natives, yet segregating them from the core of the U.S. *civis*. In the end, Natives, like their governmental counterparts, envisioned land as the pathway for either Native

citizenship or autonomy. Such constructions reveal a fusion of historical commitments—the U.S. government’s conflation of land/citizenship with American Indians’ assumptions of moral inheritance to land.

The government’s Dawes era discourses of allotment and supposed citizenship issued a break through which American Indians forwarded their resistance. American Indian dissenters also hearkened to hybrid structures of discourse as their rhetoric affected allotment’s state of affairs by providing inventional material to governmental debates on the Dawes Act. Likewise, the government’s allotment discourse fed into Native resistance. Concurrently, Natives considered territory as a justifiable means to citizenship or sovereignty outside the scope of the U.S. government. Territoriality as a theme was similar to the U.S. government’s notion that land existed as a pathway to civilization. The difference was that Native communities predicated their rationale of land as a conduit on a moral inheritance articulated during the removal era. Alternatively, land was markedly connected to notions of citizenship and commitments to commodification of homelands by the U.S. government – this was also a residue of the removal era.

All in all, American Indians rallied around a pan-Indianism, thus appropriating the government’s homogenization of Native identities in the late nineteenth century. The ends of pan-Indianism, though, were oftentimes different among Native groups. The integrationist side encouraged unity to persuade the government to extend them state resident-like citizenship. These Natives sought equal status among other members of the U.S. family through the Dawes Act’s granting of citizenship. A more radical and nationalist Native group employed pan-Indianism to bolster their separation from the

U.S. government. Their view of sovereignty was entrenched in an American Indian identity connected to traditional tribal governments and traditions.<sup>282</sup> The separatist pan-Indian groups did not strive for U.S. citizenship.

In 1894 the Choctaw Nation appealed to Congress to – simply – listen. Though they and other Native communities opposing the Dawes Act failed to impede allotment at that time, the Choctaw Nation’s sentiments alluded to the importance of resistive discourse. The group bewailed, “If we do speak and speak the truth and you don’t listen to it and are not governed by it, then you have literally denied us the right to be heard. Justice as against rapacity, patience as against ruthless force, and humanity as our common bond, is our last request.”<sup>283</sup> The Choctaw people and other Natives helped shape an understanding of American Indian positions on the Dawes Act during the 1870s-1890s. Not only were these “voices of the excluded” important “to understanding controversy,” but they were also constructive.<sup>284</sup> Native allotment discourse demonstrates Bhabha’s concept that cultures “emerge within a range of discourses as a double movement.” For instance, American Indian anti-allotment discourse succeeded in refashioning the way that governmental and Native identities were “read.”<sup>285</sup>

Nowhere was American Indian discursive impact made more resonant in the Progressive Era than in the passage of the Indian Citizenship Act of 1924. The act was closely aligned with the integrationist pan-Indianism that demanded citizenship through the Dawes Act. Later, the Indian Reorganization Act of 1934 was passed, which stripped away the allotment policy altogether, allowing for quasi-separate tribal status. This latter change was more parallel to pan-Indian arguments for separatist autonomy. Within this ten-year period, the amalgam of pan-Indianism (integrationist and separatist) influenced

the statures and identities of American Indian communities. American Indians became quasi-citizens: included in the U.S. nation, but likewise permitted to reorganize as independent nationalist bodies. As Calloway asserts of this change from the whole of the nineteenth century, “in spite of past population losses and legal constraints, the [early] twentieth century was to be a time of endurance and survival, not decline and disappearance ... Surviving the dark years ... built resources” for later resurgence.<sup>286</sup>

But, American Indians were not in the clear from governmental influence. To the contrary, Senier writes that despite Natives’ efforts, “the United States remained centered on *managing* ... Indians.” She continues that whether Natives “were envisioned as potential yeoman farmers ... or as a permanent underclass ... they were always to be contained within Euro-American norms.”<sup>287</sup> In other words, the U.S. government granted American Indian communities a *controlled citizenship* and *controlled sovereignty* that grew from the identity duality construct. The afterward assesses this state of U.S.-Native affairs in the early twentieth century.

#### END NOTES

---

<sup>1</sup> Quinney, “Fourth of July Address at Reidsville, New York, 1854” in *The American Indian* (January, 1928), n.p.

<sup>2</sup> Ibid.

<sup>3</sup> Red Cloud, “Speech at Cooper Union, July 16, 1870,” *New York Times* (July 17, 1870), p. 6, col. 1.

<sup>4</sup> Ibid.

<sup>5</sup> Satank, “Teach Us the Road to Travel,” *New York Daily Tribune* (Nov. 30, 1871), n.p.

---

<sup>6</sup> Ibid.

<sup>7</sup> Frederick Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: U of Nebraska P, 1984), xviii.

<sup>8</sup> Elizabeth Rich, “Remember Wounded Knee: AIM’s Use of Metonymy in 21<sup>st</sup> Century Protest,” *College Literature* 31:3 (2004): 73.

<sup>9</sup> Frederick Hoxie, *Talking Back to Civilization: Indian Voices from the Progressive Era* (Boston: Bedford/St. Martin’s, 2001), vii.

<sup>10</sup> Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Lawrence: U of Kansas P, 1982), 142.

<sup>11</sup> Maureen Konkle, *Writing Indian Nations: Native Intellectuals and Politics of Historiography, 1827-1863* (Chapel Hill: U of North Carolina P, 2004), 26.

<sup>12</sup> Lucy Maddox, *Citizen Indians: Native American Intellectuals, Race and Reform* (Ithaca, NY: Cornell U P, 2005), 9.

<sup>13</sup> Amy Kaplan, *Anarchy of Empire in the Making of U.S. Culture* (Cambridge, MA: Harvard U.P., 2002), 12.

<sup>14</sup> Petitions and memorials were written opinions, typically grievances, sent to Congress by American Indian dissenters to the U.S. government’s Native policies.

<sup>15</sup> Anatol Lieven, *America Right or Wrong: An Anatomy of American Nationalism* (New York: Oxford U P, 2004), 1-19.

<sup>16</sup> Pan-Indianism functioned, here, as “a shared identity of Indians that transcended tribal boundaries” (Peter Nabokov, *Native American Testimony: A Chronicle of Indian-White Relations From Prophecy to the Present, 1492-2000* [New York: Penguin Books, 1999], 216-217).



- 
- <sup>17</sup> Konkle, *Writing Indian Nations*, 20-26.
- <sup>18</sup> Siobhan Senier, *Voices of American Indian Assimilation and Resistance: Helen Hunt Jackson, Sarah Winnemucca and Victoria Howard* (Norman: U of Oklahoma P, 2001), ix-x.
- <sup>19</sup> Frederick Hoxie, *Talking Back to Civilization: Indian Voices from the Progressive Era* (Boston: Bedford/St. Martin's, 2001), viii.
- <sup>20</sup> Francis Paul Prucha, *The Indians in American Society: from the Revolutionary War to the Present* (Berkeley: U of California P, 1988), 56-58.
- <sup>21</sup> Little Star, "Going Back," in Nabokov, *Native American Testimony*, 388-389.
- <sup>22</sup> William M. Clements, *Oratory in Native North America* (Tucson: U of Arizona P, 2002), xv-xvii.
- <sup>23</sup> Hoxie, *Talking Back to Civilization*, viii.
- <sup>24</sup> William W. Savage, *Indian Life: Transforming an American Myth* (Norman: U of Oklahoma P, 1977), 6.
- <sup>25</sup> Hoxie, *Talking Back to Civilization*, 21.
- <sup>26</sup> Senier, *Voices of American Indian Assimilation and Resistance*, ix-x.
- <sup>27</sup> Carl Schurz, "Present Aspects of the Indian Problem," *North American Review* CXXXIII (July 1881): 6.
- <sup>28</sup> Colin G. Calloway, *First Peoples: A Documentary Survey of American Indian History* (Boston: Bedford/St. Martins, 1999), 350.
- <sup>29</sup> Ibid.

---

<sup>30</sup> Carl Schurz, "Annual Report of the Secretary of the Interior," December 7, 1879, *House Executive Document* no. 1, part 5, 46<sup>th</sup> Congress, 2d session, serial 1910, pp. 5-6.

<sup>31</sup> Forsyth's Remarks, April 15, 1830, *Gales & Seaton's Register of Debates in Congress*, Senate (April 14, 15, 1830), 326.

<sup>32</sup> Susan Scheckel, *The Insistence of the Indian: Race and Nationalism in Nineteenth Century American Culture* (Princeton, N.J.: Princeton U P, 1998), 10-11.

<sup>33</sup> Hoxie, *Talking Back to Civilization*, viii.

<sup>34</sup> John E. O'Connor, "The White Man's Indian: An Institutional Approach," in *Hollywood's Indian: The Portrayal of the Native American in Film*, eds. Peter C. Rollins and John E. O'Connor (Lexington: U of Kentucky P, 1998), 27-31.

<sup>35</sup> Frederick Jackson Turner, *The Significance of the Frontier in American History*, ed. S.P. Langley, Annual Report of the American Historical Association for the Year 1893 (Washington, D.C.: Government Printing Office, 1894), 200.

<sup>36</sup> Theodore Roosevelt, *An Autobiography* (New York: Macmillan, 1893), 94.

<sup>37</sup> Francis Paul Prucha, *Americanizing the American Indians: Writings by the Friends of the Indian, 1880-1900* (Cambridge, MA: Harvard U P, 1973), iv.

<sup>38</sup> Mikhail Bahktin, *Dialogic Imagination: Four Essays* (Austin: U of Texas P, 1982), 344.

<sup>39</sup> Siobhan Senier, "Allotment Protest and Tribal Discourse: Reading *Wynema's* Successes and Shortcomings," *American Indian Quarterly* 24:3 (2000): 431.

<sup>40</sup> Kathryn Shanley, "Writing Indian," in *Studying Native America: Problems and Prospects*, ed. Russell Thornton (Madison: U of Wisconsin P, 1998), 146.

---

<sup>41</sup> Lewis Gould, *The Tyranny of Change: America in the Progressive Era, 1890-1914* (Brunswick: Rutgers U P, 2000), v.

<sup>42</sup> Hoxie, *Talking Back to Civilization*, 11.

<sup>43</sup> Ibid.

<sup>44</sup> See John Patrick Diggins, "Republicanism and Progressivism," *American Quarterly* 37:4 (1985): 572-598; David Glassberg, "History and the Public: Legacies of the Progressive Era," *Journal of American History* 73:4 (1987): 957-980; and Daniel T. Rogers, "In Search of Progressivism," *Reviews in American History* 10:4 (1982): 113-132.

<sup>45</sup> Julie A. Reuben, "Beyond Politics: Community Civics and the Redefinition of Citizenship in the Progressive Era," *History of Education Quarterly* 37:4 (1997): 401.

<sup>46</sup> Helen Hunt Jackson, *A Century of Dishonor: A Sketch of the United States Government's Dealings with Some of the Indian Tribes* (Norman: U of Oklahoma P, 1995), 29.

<sup>47</sup> Ibid.

<sup>48</sup> Prucha, *Americanizing the American Indians*, iv.

<sup>49</sup> Society for American Indians, "Mission," in Maddox, *Citizen Indians*, 12.

<sup>50</sup> Richard Henry Pratt, "Opening Comments," in *Official Report of the Nineteenth Annual Conference of Charities and Correction* (1892), 46-59. Reprinted in Richard Henry Pratt, "The Advantages of Mingling Indians with Whites," in Prucha, *Americanizing the American Indians*, 260.

<sup>51</sup> This move reflected the larger integration of immigrants, who were encouraged by Presidents Woodrow Wilson and Theodore Roosevelt to "lose their hyphens" and

---

become “Americans” (Leroy G. Dorsey and Rachel Harlow, “‘We Want Americans Pure and Simple’: Theodore Roosevelt and the Myth of Americanism,” *Rhetoric and Public Affairs* 6:1 (2003): 55-78.

<sup>52</sup> Konkle, *Writing Indian Nations*, 5.

<sup>53</sup> Maddox, *Citizen Indians*, 8.

<sup>54</sup> Konkle, *Writing Indian Nations*, 5.

<sup>55</sup> Ibid.

<sup>56</sup> Robert Allen Warrior, *Tribal Secrets: Recovering American Indian Intellectual Traditions* (Minneapolis: U of Minnesota P, 1995), 44.

<sup>57</sup> See Hazel Hertzberg, *The Search for an American Indian Identity: Modern Pan-Indian Movements* (Syracuse, NY: Syracuse U P, 1971).

<sup>58</sup> Therefore, an investigation of American Indian rebuttals to allotment era policies and identity constructions are gathered as a “composite” wherein “smaller narrative and thematic fragments” are assembled to reconstruct a milieu (Jim A. Kuypers, Marilyn J. Young and Michael Launer, “Composite Narrative, Authoritarian Discourse and the Soviet Response to the Destruction of Iran Air Flight 655,” *Quarterly Journal of Speech* 87 [2001]: 307). This approach follows from McGee’s assertion that “fragments” of discourse can come together to inform an examination of these texts within a similar context (Michael Calvin McGee, “Text, Context and Fragmentation of Contemporary Culture,” *Western Journal of Speech Communication* 54 [1990]: 279).

<sup>59</sup> General Allotment Act (1887), *United States Statutes at Large*, 24, 388-391.

<sup>60</sup> David Wilkins, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice* (Austin: U of Texas P, 1999), 64.

- 
- <sup>61</sup> General Allotment Act (1887), *United States Statutes at Large*, 24, 388-391.
- <sup>62</sup> Ibid.
- <sup>63</sup> Dippie, *The Vanishing American*, 175.
- <sup>64</sup> Francis E. Leupp, *The Indian and His Problem* (New York: C. Scribner's Sons, 1910), vii.
- <sup>65</sup> General Allotment Act (1887), *United States Statutes at Large*, 24, 388-391.
- <sup>66</sup> Andrew Jackson, "Second Annual Message," December 6, 1830, in *U.S. House Journal* (6 Dec. 1830), 25.
- <sup>67</sup> Konkle, *Writing Indian Nations*, 5.
- <sup>68</sup> Howard Zinn, *A People's History of the United States: 1492-Present* (New York: HarperCollins, 2005), viii.
- <sup>69</sup> General Allotment Act (1887), *United States Statutes at Large*, 24, 388-391.
- <sup>70</sup> Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, abridged ed. (Lincoln: U of Nebraska P, 1986), 78.
- <sup>71</sup> Hoxie, *A Final Promise*, 153.
- <sup>72</sup> David Payne, "Comments," in *Proceedings of the Convention to Consider the Opening of Indian Territory, held at Kansas City, Mo. February 8, 1888* (Kansas City, MO: n.p., 1888), 59-60.
- <sup>73</sup> Quoted in Prucha, *The Great Father*, 259.
- <sup>74</sup> The Curtis Act (1898), *United States Statutes at Large*, 30, 504-505.
- <sup>75</sup> Ibid.

---

<sup>76</sup> Choctaw Nation, “Congressional Memorial, February 17, 1894,” *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR53A-H13.3, Box no. 141.

<sup>77</sup> Calloway, *First Peoples*, 357.

<sup>78</sup> Konkle, *Writing Indian Nations*, 45; 49.

<sup>79</sup> Petitions and memorials were the primary means for U.S. citizens to forward their complaints or requests for social change to the U.S. government (See Alisse Theodore, “‘A Right to Speak on the Subject’: The U.S. Women’s Anti-Removal Petition Campaign, 1829-1831,” *Rhetoric and Public Affairs* 5:4 [2002]: 603). That American Indians appropriated this official entrée into the governmental record – as U.S. citizens would do – demonstrates their hybridization of such bureaucratic modes as well as a dedication to republicanism.

<sup>80</sup> Creek and Choctaw Indians of Oklahoma, “To the Committee on Indian Affairs – A Protest Against Allotment of Lands by the Full Blood Creek Indians, November 21, 1899,” *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR56A-H9.3.

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> Creek and Seminole Nations, “To the Congress of the United States, 1890” *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR54A-H13.1, box 193.

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

---

<sup>86</sup> Ibid.

<sup>87</sup> Choctaw Nation, "To the Congress of the United States, February 4, 1897," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR54A-H13.1, box 192.

<sup>88</sup> David Rich Lewis, *Neither Wolf Nor Dog: American Indians, Environment, and Agrarian Change* (New York: Oxford U.P., 1994), 16-17.

<sup>89</sup> Robert M. Utley, *The Indian Frontier of the American West, 1846-1890* (Albuquerque: U of new Mexico P, 2002), 261-267.

<sup>90</sup> Choctaw Nation, "To the Congress of the United States, 1897."

<sup>91</sup> Choctaw Nation, "To the Congress of the United States, February 17, 1894," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR53A-H13.3, box 141.

<sup>92</sup> Ibid.

<sup>93</sup> Donna Hightower Langston, *The Native American World* (New York: John Wiley & Sons, 2003): 352.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> Seminole Nation, "Memorial of the Seminole, February 6, 1897," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR54A-13.1, box 193.

<sup>98</sup> Ibid.

<sup>99</sup> Cherokee Nation, "A Petition, January 29, 1897," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR54A-H13, box 192.

---

<sup>100</sup> The Curtis Act (1898), *United States Statutes at Large*, 30, 504-505.

<sup>101</sup> Choctaw and Chickasaw Nations, "To the Congress of the United States, January 23, 1900," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR56A-H9.3.

<sup>102</sup> In discussing "western" and "northwestern" Native nations, I refer particularly to the Sioux (Lakota, Dakota, Nakota), Leech Lake, Kiowa, Comanche, Apache, Winnebago, Ute, Nez Perce, Piute, Pottawatomie, Red Lake, Cheyenne, Crow and Pueblo nations among others whose original homelands existed west of the Mississippi River..

<sup>103</sup> Prucha, *The Great Father*, 171.

<sup>104</sup> George Manypenny, "Annual Report of the Commissioner of Indian Affairs," November 22 1856, *Senate Executive Document* no. 5, 34<sup>th</sup> Congress, 3d session, serial 875, pp. 571-75.

<sup>105</sup> William T. Sherman, "End of the Indian Problem" in *House Executive Document* no. 1, 48<sup>th</sup> Congress, 1<sup>st</sup> session, serial 2182, pp. 45-46.

<sup>106</sup> Hoxie, *A Final Promise*, 153.

<sup>107</sup> D.S. Otis, *The Dawes Act and the Allotment of Indian Lands* (Norman: U of Oklahoma P, 1973), 9.

<sup>108</sup> Thomas Morgan, Report of Commissioner of Indian Affairs, October 1, 1889, in *House Executive Document* no. 1, 51<sup>st</sup> Congress, 1<sup>st</sup> session, serial 2725, 3-4.

<sup>109</sup> See Dippie, *Vanishing American*, 142.

<sup>110</sup> Winnebago Indians, *To the Senate and House of Representatives in Congress Assembled – A Petition of the Winnebago Indians of Wisconsin* (Stevens Point, WI: Gazette Book and Job Office, 1889), 15. Emphasis mine.



---

<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Wilkins, *American Indian Sovereignty*, 64.

<sup>115</sup> Blue Clark, “*Lone Wolf v. Hitchcock*: Implications for Federal Indian Law at the Start of the Twentieth Century.” *Western Legal History* 5 (1992): 10-11.

<sup>116</sup> General Allotment Act (1887), *United States Statutes at Large*, 24, 388-391.

<sup>117</sup> Nabokov, *Native American Testimony*, 260.

<sup>118</sup> Kiowa, Comanche and Apache Nations, “Memorial of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma Territory, n.d., 1903,” *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR57A-H10.1, box 93.

<sup>119</sup> See 187 U.S. 553, *Lone Wolf v. Hitchcock* (1903).

<sup>120</sup> Blue Clark, *Lone Wolf versus Hitchcock: Treaty Rights and Indian Law at the End of the 20<sup>th</sup> Century* (Lincoln, NE: U of Nebraska P, 1999), 3.

<sup>121</sup> Kiowa, Comanche and Apache Nations, “Memorial, 1903.”

<sup>122</sup> Ibid.

<sup>123</sup> Guy Gibbon, *The Sioux: The Dakota and Lakota Nations* (Malden, MA: Blackwell Publishing, 2003), 134.

<sup>124</sup> Dee Brown, *Bury My Heart at Wounded Knee: An Indian History of the America West* (New York: Henry Holt, 2000), 416.

<sup>125</sup> Rosebud Sioux, “Copy of Petition, January 15, 1897,” *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR54A-H13.1, box 193. Emphasis mine.

---

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> Thomas J. Morgan, Annual Report of the Commissioner of Indian Affairs, September 5, 1890 in *The American Indian and the United States: A Documentary History*, vol. 1, ed., Wilcomb Washburn (New York: Random House, 1973), 435.

<sup>129</sup> Leech Lake, "Protest of Leech Lake Indians Against the Removal of Reservation, January 12, 1898," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR55A-H8.1, box 193.

<sup>130</sup> Prucha, *The Great Father*, 109.

<sup>131</sup> Leech Lake, "Protest, 1898."

<sup>132</sup> Ibid.

<sup>133</sup> Pueblo Indians, "An Appeal for Fair Play and the Preservation of Pueblo Life," in *Sante Fe New Mexican*, November 6, 1922, section 1, p. 1.

<sup>134</sup> Ibid, emphasis mine.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Senier, *Voices of American Indian Assimilation and Resistance*, ix.

<sup>138</sup> Theodore Roosevelt, "Expansion and Peace," in *The Independent*, December 21, 1899, n.p.

<sup>139</sup> Richard Slotkin, "Buffalo Bill's 'Wild West' and the Mythologization of the American Empire," in *Cultures of United States Imperialism*, eds. Amy Kaplan and Donald Pease (Durham, NC: Duke U P, 1993), 164.

---

<sup>140</sup> Louis S. Warren, *Buffalo Bill's America: William Cody and the Wild West Show* (New York: Knopf, 2005), 191.

<sup>141</sup> Barbie Zelizer, "Reading the Past Against the Grain: The Shape of Memory Studies," *Critical Studies in Mass Communication* 12 (1995): 214.

<sup>142</sup> Michael Kammen, *The Mystic Chords of Memory: The Transformation of Tradition in American Culture* (New York: Alfred Knopf, 1991), 11.

<sup>143</sup> Tamar Katriel, "Site of Memory: Discourse of the Past in Israeli Pioneering Settlement Museums," *Quarterly Journal of Speech* 80 (1994): 1-2.

<sup>144</sup> Bruce E. Gronbeck, "The Rhetorics of the Past: History, Argument and Collective Memory," in *Doing Rhetorical History: Concepts and Cases*, ed. Kathleen J. Turner (Tuscaloosa: U of Alabama P, 1998), 58.

<sup>145</sup> Randall A. Lake, "Between Myth and History: Enacting Time in Native American Protest Rhetoric," *Quarterly Journal of Speech* 77 (1991): 124.

<sup>146</sup> With Lake, we discover that American Indian discourse might also be vital for "the purposes of gathering the like-minded" and for serving "consummatory purposes prescribed by traditional Indian ... precepts" (Randall A. Lake, "Enacting Red Power: The Consummatory Function in Native American Protest Rhetoric," *Quarterly Journal of Speech* 69 [1983]: 128).

<sup>147</sup> Gronbeck, "Rhetorics of the Past," 49.

<sup>148</sup> Rich, "Remember Wounded Knee," 73.

<sup>149</sup> Michael G. Kenny, "A Place for Memory: The Interface between Individual and Collective History," *Comparative Studies in Society and History* 41:3 (1999): 435.

---

<sup>150</sup> Joy Harjo and Gloria Bird, *Reinventing the Enemy's Language: Contemporary Native Women's Writings of North America* (New York: Norton, 1997), 21.

<sup>151</sup> Allotment era literary publications were published by popular book presses and in serial magazines. According to Senier, these accounts were authentic and unfiltered by white translators or go-betweens. She argues that presses urged American Indians to write down their viewpoints and ideas, even if in literary form. Of the aims of such presses, she asserts that "to write an oral story down ... for another culture, [was] ostensibly to make visible the unheard and the unseen" (Senier, *Voices of American Indian Assimilation and Resistance*, 24). The public's desire for authenticity is what drove, in part, the literature of American Indians. As the "Publisher's Preface" to the 1891 edition of S. Alice Callahan's *Wynema* introduces the novel: "It is the Indians' side of the Indian question told by an Indian born and bred, and told none the less potently because the author has borrowed the garb of fiction to present the cause of truth." ("Publisher's Preface," in S. Alice Callahan, *Wynema: A Child of the Forest* [Lincoln: U of Nebraska P, 1997], ix).

<sup>152</sup> Scheckel, *The Insistence of the Indian*, 9.

<sup>153</sup> Richard Drinnon, *Facing West: The Metaphysics of Indian-Hating and Empire-Building* (Norman: U of Oklahoma P, 1990), 333-350.

<sup>154</sup> Hoxie, *Talking Back*, ix.

<sup>155</sup> Young Joseph, "An Indian's Views of Indian Affairs," *North American Review* 128 (April 1879), 412; 433.

<sup>156</sup> *Ibid.*

<sup>157</sup> *Ibid.*

---

<sup>158</sup> Ibid.

<sup>159</sup> General Allotment Act (1887), *United States Statutes at Large*, 24, 388-391.

<sup>160</sup> Otis, *The Dawes Act*, 9.

<sup>161</sup> Simon Pokegon, *The Red Man's Greeting at the Chicago Columbian World's Exposition of 1893* (Hartford, MI: C.H. Engle, 1893), n.p.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Lawrie Tatum, *Our Red Brothers and the Peace Policy of President Ulysses S. Grant* (Lincoln: U of Nebraska P, 1970), 17-19.

<sup>165</sup> Ibid.

<sup>166</sup> Pokegon, *The Red Man's Greeting*.

<sup>167</sup> Carlos Montezuma, "What Indians Must Do," *Quarterly Journal* 2 (1914): 294-9.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> Ronald Wright, *Stolen Continents: 500 Years of Conquest and Resistance in the Americas* (New York: mariner, 2005), 303-304.

<sup>171</sup> Montezuma, "What Indians Must Do."

<sup>172</sup> Ibid.

<sup>173</sup> According to McDorman, reconstruction refers to the ways that protestors critique the discourse of institutions for flawed identity formations and, doubly, "adjust" to, and "complete" the critique by reshaping these identities. See Todd McDorman,

---

“Challenging Constitutional Authority: African American Responses to *Scott v. Sandford*,” *Quarterly Journal of Speech* 83 (1997): 194; 204.

<sup>174</sup> Montezuma, “What Indians Must Do.”

<sup>175</sup> Tatum, *Our Red Brothers*, 17.

<sup>176</sup> Chief Hollow Horn, “Against Allotment,” in Luther Standing Bear, *My People the Sioux* (Cambridge, MA: Houghton Mifflin, 1918), n.p.

<sup>177</sup> Ibid.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> Konkle, *Writing Indian Nations*, 5.

<sup>181</sup> Scheckel, *The Insistence of the Indian*, 6-11.

<sup>182</sup> Harjo and Bird, *Reinventing the Enemy’s Language*, 21.

<sup>183</sup> Peter Nabokov, *Native American Testimony: A Chronicle of Indian-White Relations From Prophecy to the Present, 1492-2000* (New York: Penguin), xxiii.

<sup>184</sup> David H. DeJong, *Promises of the Past: A History of Indian Education* (Golden, CO: North American Press, 1993), 107-132

<sup>185</sup> Hoxie, *Talking Back to Civilization*, 26.

<sup>186</sup> Nabokov, *Native American Testimony*, 276-282.

<sup>187</sup> Senier, *Voices of American Indian Assimilation and Resistance*, iix.

<sup>188</sup> Linda Kerber, “The Republican Mother: Women and the Enlightenment – An American Perspective,” *American Quarterly* 28:2 (1976): 205.

<sup>189</sup> Bonnie J. Dow and Mari Boor Tonn, “‘Feminine Style’ and Political Judgment in the Rhetoric of Ann Richards,” *Quarterly Journal of Speech* 79 (1993): 287.

- 
- <sup>190</sup> Hoxie, *Talking Back to Civilization*, 26.
- <sup>191</sup> Sarah Winnemucca, *Life Among the Piutes: Their Wrongs and Claims* (Reno: U of Nevada P, 1994), 207.
- <sup>192</sup> Senier, *Voices of American Indian Assimilation and Resistance*, ix.
- <sup>193</sup> Winnemucca, *Life Among the Piutes*, 107.
- <sup>194</sup> Ibid.
- <sup>195</sup> R. Douglas Hurt, *The Indian Frontier, 1763-1846* (Albuquerque: U of New Mexico P, 2002), xiv.
- <sup>196</sup> Ronald Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity* (Berkeley: U of California P, 2003), 150.
- <sup>197</sup> Calloway, *First Peoples*, 350-351.
- <sup>198</sup> Rosemarie Zagari, "Morals, Manners, and the Republican Mother," *American Quarterly* 44:2 (1992): 192-194.
- <sup>199</sup> Zitkala Sa, "Impressions of an Indian Childhood," in *Atlantic Monthly* 85 (1900), 37-47.
- <sup>200</sup> Ibid.
- <sup>201</sup> Ibid.
- <sup>202</sup> S. Alice Callahan, *Wynema: A Child of the Forest* (Lincoln: U of Nebraska P, 1997), 82.
- <sup>203</sup> Senier, *Voices of American Indian Assimilation and Resistance*, viii.
- <sup>204</sup> Callahan, *Wynema*, 1.
- <sup>205</sup> Callahan, *Wynema*, 82.
- <sup>206</sup> Ibid.

---

<sup>207</sup> Thomas Skinner, Debate on Bill to Provide Lands in Severalty, December 15-16 and January 18, 25, 1887, in *The American Indian and the United States: A Documentary History*, vol. 4, ed., Wilcomb Washburn (New York: Random House, 1973), 1849.

<sup>208</sup> Hoxie, *A Final Promise*, 153.

<sup>209</sup> Winnemucca, *Life Among the Piutes*, 109.

<sup>210</sup> Senier, *Voices of American Indian Assimilation and Resistance*, x.

<sup>211</sup> Winnemucca, *Life Among the Piutes*, 90.

<sup>212</sup> Winnemucca, *Life Among the Piutes*, 24.

<sup>213</sup> Ibid.

<sup>214</sup> Sa, "Impressions of an Indian Childhood," 39.

<sup>215</sup> Winnemucca, *Life Among the Piutes*, 221.

<sup>216</sup> Winnemucca, *Life Among the Piutes*, 244.

<sup>217</sup> Ibid.

<sup>218</sup> Jason Edward Black, "Symbolic Suicide as Mortification, Transformation, and Counterstatement: The Conciliatory (Yet) Resistant Surrender of Maka-tai-mesh-ekia-kiak," *Kenneth Burke Journal* 2:1 (2005).

<sup>219</sup> Cheryl Walker, *Indian Nation: Native American Literature and Nineteenth-Century Nationalisms* (Durham, NC: Duke U P, 1997), 10-11.

<sup>220</sup> Charles J. Stewart, Craig Allen Smith and Robert E. Denton, Jr., *Persuasion and Social Movements*, 4<sup>th</sup> ed. (Prospect Heights, IL: Waveland Press, 2001), 139.

<sup>221</sup> Nabokov, *Native American Testimony*, 216-217.



---

<sup>222</sup> Richard Morris and Phillip Wander, “Native American Rhetoric: Dancing in the Shadows of the Ghost Dance,” *Quarterly Journal of Speech* 76 (1990): 165.

<sup>223</sup> Lake, “Enacting Red Power,” 128.

<sup>224</sup> American Indian speeches to the executive, typically, took place in Washington, D.C. at meetings or open forums of executive agencies like the Interior Department, the Bureau of Indian Affairs and the Bureau of American Ethnology. On some occasions, public associations and government-supported institutions like the Indian Rights Association and the Smithsonian Institute sponsored symposia where Interior Department and Bureau of Indian Affairs officials met publicly with American Indians to discuss U.S.-Native affairs. Printed versions of Native speeches were often housed in the Interior Department or Bureau of Indian Affairs records and/or were entered into the *Congressional Record* by way of the House and Senate Committees on Indian Affairs. Pivotal speeches might also be reproduced for the public in periodicals like the *North American Review* and *Atlantic Monthly* (See Hoxie, *Talking Back to Civilization*, 14-15, 21-24; and Maddox, *Citizens Indians*, 3-15).

<sup>225</sup> Langston, *The Native American World*, 26.

<sup>226</sup> Konkle, *Writing Indian Nations*, 45.

<sup>227</sup> Prucha, *The Great Father*, 242.

<sup>228</sup> Hoxie, *Talking Back*, 22.

<sup>229</sup> Otis, *The Dawes Act*, 9.

<sup>230</sup> Washakie, “Protest to Governor John W. Hoyt,” in *Washakie*, ed., Grace Raymond Hebard (Cleveland, OH: Arthur Clark, 1930), 212.

<sup>231</sup> *Ibid.*

---

<sup>232</sup> Ibid.

<sup>233</sup> Ibid.

<sup>234</sup> Hoxie, *A Final Promise*, 150-153.

<sup>235</sup> Xitha Gaxe, "A House of Our Own," in Francis La Flesche (Omaha) and Alice Flethcer (Omaha), *The Omaha Tribe*, 27<sup>th</sup> Annual Report of the Bureau of American Ethnology, 1905-1906 (Washington, D.C.: Smithsonian Institution, 1911), n.p.

<sup>236</sup> Wilkins, *American Indian Sovereignty*, 64.

<sup>237</sup> Thomas L. Sloan, "The Reservation System, Report to the Interior Department" from *Proceedings of the First Annual Conference of the Society of the American Indians* (Washington, D.C.: Smithsonian., 1912), 112.

<sup>238</sup> Ibid.

<sup>239</sup> General Allotment Act (1887), *United States Statutes at Large*, 34, 182-83.

<sup>240</sup> Sloan, "The Reservation System."

<sup>241</sup> Ibid.

<sup>242</sup> Hoxie, *Talking Back*, 25-27.

<sup>243</sup> D.W.C. Duncan, "How Allotment Impoverishes the Indians, November 1906, Testimony to the Department of the Interior" in Reports on Affairs in Indian Territory, 59<sup>th</sup> Congress, 2d session, *Senate Report* 5013, serial 5062, 186.

<sup>244</sup> Sloan, "The Reservation System." As the afterward contends, such American Indian speeches helped simultaneously pass the Indian Citizenship Act (1924) and the produce the scathing Meriam Report (1928), which recommended overturning the Dawes Act.

---

<sup>245</sup> Wa Thishnade, “A House of Our Own,” in Francis La Flesche (Omaha) and Alice Fletcher (Omaha), *The Omaha Tribe*, 27<sup>th</sup> Annual Report of the Bureau of American Ethnology, 1905-1906 (Washington, D.C.: Smithsonian Institution, 1911), n.p.

<sup>246</sup> Thishnade, “A House of Our Own.”

<sup>247</sup> Ibid.

<sup>248</sup> Ibid.

<sup>249</sup> Gould, *The Tyranny of Change*, ix.

<sup>250</sup> Bill Yenne, *Indian Wars: The Campaign for the American West* (Yardley, PA: Westholme, 2005), 19.

<sup>251</sup> Turner, *The Significance of the Frontier*, 201.

<sup>252</sup> Kaplan, *Anarchy of Empire*, 12; and Hoxie, *Talking Back*, 21-22.

<sup>253</sup> Hans Konig, *The Conquest of America: How the Indian Nations Lost Their Continent* (New York: Cornerstone Books, 1993), 105.

<sup>254</sup> Maddox, *Citizen Indians*, 4-5.

<sup>255</sup> John H. Oberly, Report of the Commissioner of Indian Affairs, December 3, 1888, in *The American Indian and the United States: A Documentary History*, vol. 1, ed., Wilcomb Washburn (New York: Random House, 1973), 422-423.

<sup>256</sup> Albert Yava, “We Want to Tell You Something,” in Nabokov, *Native American Testimony*, 246-250.

<sup>257</sup> Ibid.

<sup>258</sup> Mitchel Deroin, “The Chiefs, April 15, 1895” in Office of Indian Affairs, *Special Case 147*, L 18666-1895, National Archives.

<sup>259</sup> Ibid.

- 
- <sup>260</sup> Dippie, *Vanishing American*, xii.
- <sup>261</sup> Senier, *Voices of American Indian Resistance*, xiii.
- <sup>262</sup> Brown, *Bury My Heart at Wounded Knee*, 431-442.
- <sup>263</sup> Indian Commissioner Cato Sells, "Speech to the Indian Rights Association, October 2, 1920" in Prucha, *Great Father*, unab, 801.
- <sup>264</sup> John W. Bowers, Donovan J. Ochs and Richard J. Jensen, *The Rhetoric of Agitation and Control*, 2d (Prospect Heights, IL: Waveland Press, 1993), 34-35.
- <sup>265</sup> William S.E. Coleman, *Voices of Wounded Knee*. Lincoln: U of Nebraska P, 2000), 9-12.
- <sup>266</sup> Michael Hittman, *Wovoka and the Ghost Dance* (Lincoln: U of Nebraska P, 1997), 3-7.
- <sup>267</sup> Joe Starita, *Dull Knives of Pine Ridge: A Lakota Odyssey* (New York: Putnam's Sons, 1995), 97.
- <sup>268</sup> Wovoka, "Promise of the Ghost Dance," in James Mooney, *The Ghost Dance Religion and the Sioux Outbreak of 1891* (Washington D.C.: Bureau of Ethnology, 1896), n.p.
- <sup>269</sup> Kicking Bear, "I Bring You Word from Your Fathers the Ghosts," in *Indian Oratory: Famous Speeches by Noted Indian Chieftains*, ed. W.C. Vanderwerth (Norman: U of Oklahoma P, 2000), 247.
- <sup>270</sup> Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: New Press, 1996), 229.
- <sup>271</sup> Kicking Bear, "I Bring You Word," 247-248.
- <sup>272</sup> *Ibid.*

- 
- <sup>273</sup> General Allotment Act (1887), *United States Statutes at Large*, 24, 388-391.
- <sup>274</sup> Kicking Bear, "I Bring You Word," 247-248.
- <sup>275</sup> Ibid.
- <sup>276</sup> Sioux Man, "The Dead Did Not Return, 1891," in Ella Deloria, *Speaking of Indians* (New York: Friendship Press, 1944), 63.
- <sup>277</sup> Wovoka, "Promise of the Ghost Dance."
- <sup>278</sup> Ibid.
- <sup>279</sup> Ibid.
- <sup>280</sup> Nabokov, *Native American Testimony*, 469.
- <sup>281</sup> Hoxie, *Talking Back to Civilization*, 26.
- <sup>282</sup> Little Star, "Going Back," in Nabokov, *Native American Testimony*, 388-389.
- <sup>283</sup> Choctaw Nation, "Congressional Memorial, February 17, 1894," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR53A-H13.3, Box no. 141.
- <sup>284</sup> Todd McDorman, "Challenging Constitutional Authority: African American Responses to *Scott v. Sandford*," *Quarterly Journal of Speech* 83 (1997): 204.
- <sup>285</sup> Homi Bhabha, *Nations and Narration* (London: Routledge, 1990), 145.
- <sup>286</sup> Calloway, *First Peoples*, 367-368.
- <sup>287</sup> Senier, *Voices of American Indian Assimilation and Resistance*, 8.

## **CONCLUSION:**

### **THE LEGACY OF U.S. NATIONAL AND NATIVE VOICES**

#### **IN THE INDIAN CITIZENSHIP ACT AND THE INDIAN NEW DEAL**

In 1906, after eight years of working his land through allotment, Dewitt Clinton Duncan (Cherokee) concluded that the Dawes Act had not improved his condition as either a self-sufficient American Indian or a U.S. citizen. Duncan took particular umbrage with how the Interior Department intruded on Native lands, thus violating any semblance of sovereignty or citizenship. Of this territorial travesty, he exhorted a congressional committee: “suppose the federal government send [sic] a survey company into the midst of some of your central counties of Kansas or Colorado or Connecticut and run off all the surface of the earth into sections and quarter sections ... rescinding and annulling all title.”<sup>1</sup> Appealing to a sense of fairness and equity he then queried, “Would Colorado submit to it? Would Kansas brook such an outrage? No! ... There is not an American citizen in any of these states should submit to it, even if it cost him every drop of his heart’s blood.”<sup>2</sup> In expressing his discontent with the government’s license to encroach on Native lands as a dominant force, Duncan concluded that such oppressive actions would ultimately amount to “ruin, immeasurable ruin; devastation.”<sup>3</sup>

Vitality, Duncan’s resistance also represented one of the ways that American Indian remonstrations to allotment contributed to the hybrid identities extant in the U.S.-Native relationship. He worked through the policy’s pledges of citizenship to construct American Indian and U.S. citizen identities as equally included. To this end, Duncan’s scenario linked Native communities to “American citizen[s] in any of these states,” drawing the two together as joint identities under the government’s aegis. Emancipating

opportunities like these – in addition to the fact that Duncan even had a chance to voice his opinion – allude to the empowerment that American Indians experienced in the twentieth century. According to Hoxie, political leaders such as Duncan demonstrated how Natives had a “say” in U.S.-Native affairs along with their governmental counterparts. This type of “talking back to civilization” actually “produced results” and eventually led to both American Indian citizenship and an eventual retraction of the Dawes Act.<sup>4</sup>

Around the time of Duncan’s rebuke of allotment, Ruth Muskrat Bronson (Cherokee) was experiencing the same lag in the so-called benefits of the Dawes Act. As with Duncan, she addressed the government’s lapses in fulfilling its republican aims by parceling Native lands and assimilating American Indians. According to Nabokov, Bronson’s 1910 essay to the Interior Department likely sparked some thought about “revising the allotment policy,” especially when combined with other “Indian protests” from the era.<sup>5</sup> In her essay she told the story of Jim Runningwolf who “typical of much of the Indian population” lost his land to the U.S. government.<sup>6</sup> The failure of American Indians to work the land did not factor into the government’s rationales for the Dawes Act. Similarly, an extraction of Native territories was not part of the government’s benevolent justification for allotment.<sup>7</sup> But, Bronson argued that the Interior Department, in particular, prompted these difficulties. She wrote that, “the Indian agent [came] along” and said to Runningwolf: ““you are not using your land ... why don’t you let me lease it for you to that white farmer who was looking it over the other day?”” Wheedling away at Runningwolf’s land, the empowered government cajoled him to “live in idleness on an annual rent” from the Interior Department that was “barely sufficient to hold off

starvation – never enough to lift the shadow of malnutrition from their households.”<sup>8</sup>

From the perspective of hybridity, Duncan’s and Bronson’s resistance contributed to the formation of U.S. Native policy alongside the federal government’s rhetoric of control as, according to Nabokov, such voices were “integrated into” discussions of the U.S.-Native relationship.<sup>9</sup>

In *Culture and Imperialism*, Said sets the groundwork for this prototypical understanding of hybridity reflected in the sentiments of Duncan and Bronson. Therein he argues that “all cultures are involved in one another; none is simple and pure, all are hybrid, heterogeneous ... and unmonolithic.”<sup>10</sup> From Said’s standpoint, such hybridity undergirds all cultural identities. Not even dominant actors are occluded from the immeasurable influence of other groups on their identities. Bhabha – working from Said’s theory – posits that hybridity indeed exists among interfacing cultural groups, and that such melding together of discourses ironically unsettles as it collages identities. He writes that hybridity becomes the moment in which a discourse’s “univocal grip on meaning” is loosened so that “it finds itself open to the trace of the language of the other.”<sup>11</sup> Thus, as hybridity brings into amalgamation numerous identities, it also “deforms the structures” of the identities involved in the exchange.<sup>12</sup>

Research by many cultural scholars indicates that discursive exchanges often weigh heavily in favor of dominant identities, while also realizing the empowering dynamics of hybridity for subaltern identities.<sup>13</sup> Regarding the power of the dominant forces, the logic suggests, hybridity tends to be instigated by contact initiated and desired by the dominant group. Part of this contact benefits the dominant group by encouraging assimilation. At the same time, however, the hybrid exchange empowers the subaltern



groups to resist the dominant culture through cultural interactions. This interactive pose of hybridity demonstrates how intercultural dealings “are sedimented in identity changes (or hybridization) on the part of both partners in the exchange.”<sup>14</sup>

The double-voiced nature of commingling discourses challenges the prevailing idea that subaltern cultures suffer a complete erasure at the hands of dominant cultures.<sup>15</sup> Moreover, such hybridity defies the suggestion that dominant identities are only scantily shaped or, oppositely, interminably reconfigured by subaltern cultures.<sup>16</sup> Hybridity appears less deterministic and polarized in its understanding of cultural contact and transformation; hybridity, along these lines, is more a spectrum than a dichotomy.

And, if Bakhtin is correct, identities never vanish; rather, they undergo a transformation of sorts. Bakhtin argues that “the processes of centralization and decentralization, of unification and disunification” in the “limen” lead to an “intersection of utterances” that changes those entering a cultural exchange.<sup>17</sup> Also, identities – as reflected in hybrid discourses – are fluid and multivalent. For instance, Campbell contends that “because they are linked to cultures and collectivities,” subject-positions must “negotiate among” other positions and “are best described as ‘points of articulation’” rather than monolithic or unproblematic constructs.<sup>18</sup> Hybridity and the amalgamation or syncretism of singular cultures overlaps with identities.<sup>19</sup> If the interaction of cultural groups opens the “borderlands” allowing for “shifting, not fixed identities” among groups, then identity change is a likely outcrop of such interactions.<sup>20</sup> These transformations exist within the “network of relations” as the period of interaction lengthens.<sup>21</sup>

An analysis of this “network of relations” throughout the removal and allotment eras reveals a number of entailments about the hybrid relationship between the United States and American Indians. First, the hybrid relationship was constituted by both governmental and Native discourses. Both commingled and helped construct the identities of the U.S. government and American Indian communities. At the same time, the voices influenced the debates over U.S.-Native policies. American Indians appropriated the rhetorical structures employed by the government in their rebukes to such policies. Similarly, the government incorporated American Indian discursive strategies in adapting its policies to Native communities. In this way, U.S. governmental and American Indian voices did not bypass each other, but blended into a relationship that came to underscore identities and produce policies.

A second entailment involves the U.S. government working through the ideology of *republican fatherhood* to assimilate Natives. The government endorsed and predicated Natives’ civic preparedness on their cultivation of the soil. Seemingly inclusive, this construct actually limited the involvement of American Indians as childlike wards. As the analysis has shown, no matter how closely they followed the government’s republican tenets, Natives were considered “perpetually under aged” and incapable of participation within the U.S. *civis*.<sup>22</sup>

But, the analysis also reveals that American Indian communities did not accept this construct without compunctions. Natives called into question republican fatherhood, demonstrating how the U.S. government violated the tenets of its own paternalism. Moreover, American Indians worked through the familial relationship imbricated by republican fatherhood to illustrate the amicable identities of Native nations. Such

conciliation to republican fatherhood became fodder for American Indians to challenge how the U.S. government's paternalism failed to uplift indigenous groups. The way that the government and American Indians worked through republican fatherhood exemplifies the hybrid nature of their relationship – it was interactive and flexible, rather than one-sided and deterministic. Such Native “back talk” to the policies and identity formations bolstered by the U.S. government spotlighted how they enacted homologies as resistive rhetorical strategies.<sup>23</sup> That is, American Indians asserted time and again how they had fulfilled their duties as so-called wards by assimilating and relating amicably to the “great father” and their “white brothers.”<sup>24</sup> Government-induced characterizations of Natives as uncivilized and savage were challenged in these instances. Moreover, the reworking of such institutional language helped American Indians resituate governmental identities.

Third, the ascendancy of the executive branch as the government's key actor affected the U.S.-Native hybrid relationship. The government's elision of the Congress as a primary actor in U.S.-Native affairs influenced the means by which American Indians redressed grievances. The normalization of governance in the executive undercut Natives' representation in Congress – the governmental branch “of the people.”<sup>25</sup> As part of the normal transition of power, Interior Department secretaries, Bureau of Indian Affairs commissioners and U.S. presidents brought new expectations for the administration of Native affairs. Hence, American Indian affairs were left to the whims of whichever republican father was in power, which disrupted continuity and exacerbated uncertainty over the salience of Native issues and exigencies. In addition, the checks and balances of the “people's” branch were weakened, minimizing congressional oversight and reducing the republican underpinnings of Native citizenship. Such a move toward

“executive supremacy” latently sidestepped the notion that American Indians could be represented in Congress.<sup>26</sup> As the previous chapter shows, however, American Indians still petitioned the Congress for changes to policies. Natives certainly worked through the executive branch, but also enacted a similar sidestep around the executive to forward their remonstrations to the branch that supposedly represented their interests as assimilated wards. American Indian efforts to address Congress indicated their dedication to the republican precept of maneuvering through representative democratic modes of governance.

Fourth, the government’s tendency to concurrently assimilate American Indians to the U.S. citizenry while also segregating them on secluded reservations points to the *identity duality* of U.S. nationalism and citizenship. The endeavor to amalgamate Native communities to republicanism spoke to a pledge of inclusion. In the end, though, the implementation of Native segregation contradicted the U.S. government’s assimilationist ideals, as American Indians were moved to the farthest stretches of the frontier (removal era) and to the corners of their reservations (allotment era). American Indians gave voice to this identity duality by exposing the hypocrisies of assimilation and segregation. The U.S. government’s efforts to account for such hypocrisies by offering citizenship and sovereignty to Natives in the twentieth century speak to the power of American Indian voice. They also demonstrate how Natives contributed to the hybrid relationship.

Fifth, throughout the removal and allotment eras, land functioned as a pivotal space of contestation over American Indian rights and identities. During the removal era, the U.S. government viewed territory as a central criterion for citizenship; prospective citizens were to inhabit and cultivate the land in productive ways in order to qualify for

citizenship. American Indians were considered by the government, therein, too uncivilized or childish to cultivate their territories. Hence, Native communities were dismissed from land ownership and citizenship and were, instead, granted only tenancy under the watchful eye of the U.S. government. (The land occupancy/tenancy granted to Natives, however, was a bestowment not given to other peoples of color.) Such a lack of productive use of territory eventually motivated the removal policy and justified the government's encroachment into Native lands. This encroachment worked through the doctrine of discovery that assumed territory was something to be conquered and civilized. In the process, the doctrine linked expansion and progress to U.S. identities.

Conversely, American Indians utilized the rhetoric of moral inheritance to counter the Indian Removal Act and to justify connections to their homelands. Standing in stark contrast to the government's doctrine of discovery, Native moral inheritance was channeled into an insistence on land rights – a key construction of their civic and spiritual identities. Moral inheritance allowed Natives some rights to territories west of the Mississippi, though it did not protect their homelands in the East. At the same time, moral inheritance provided them with a foray into a separate sovereignty. Therein, American Indians constituted themselves as historical and rightful owners of the land, while characterizing the U.S. government's identity as thievish.

By the time of allotment, the U.S. government moved from the doctrine of discovery to the commodification of land that required prospective citizens to toil properly on lands. Such cultivation of land functioned as a pathway to citizenship – a vital means of civilization. The government shifted its viewpoint to images of productivity and citizenship for American Indians if they worked their allotments

successfully, contributing, in the process, to the national economy. This shift underscored the conflation of citizenship and territory resonant during the removal era. Simultaneously, Native moral inheritance came to bear with the Dawes Act as American Indians were offered some tie to territories. American Indians, hence, came to view territory as a rationale to pursue either U.S. citizenship or sovereignty outside the aegis of citizenship. They appropriated the use of territory to such ends, but whereas the government worked through commodification, American Indians predicated their use of land on a moral inheritance. In the end, land for Native communities was framed as a constitutive force of indigenous identity.

Sixth, and related to the above entailments, the government offered American Indians a middle-road identity between U.S. citizenship and separatist sovereignty. Here, the government's granting of a *controlled citizenship* – promised in the Dawes Act and continued with the Indian Citizenship Act of 1924 – allowed Native communities limited access to citizenship. The government's management of Native lands functioned as a synecdoche of this controlled citizenship. American Indians were occasionally able to vote and file lawsuits in U.S. courts. Still, such rights and privileges were often ignored or abridged; and, the government's plenary doctrine permitted the Interior Department and the Bureau of Indian Affairs to encroach on these rights at whim. The allowance of a *controlled sovereignty* comprised the second half of the middle-road subjectivity of American Indians. Controlled sovereignty – promised in the Indian Removal Act and continued with the Indian New Deal of 1934 – sought to allow Native communities to govern themselves. Such guarantees were problematized as the government reified its own paternal identity in conjunction with Native identities as dependent. In the end,

American Indians experienced a double status that existed between tribalism and Americanism.

Ostensibly, the executive branch abridged these autonomous rights if a case could be made that such encroachment benefited the United States, Native communities or both. American Indians' limited access to U.S. citizenship and tribal sovereignty buttressed the U.S. government's self-professed control over Native communities. Territory figured in here, too, as land became a space to manage American Indians; predicating the pathway to citizenship and land rights on productivity, the government buttressed its control over Native groups. In the process, Native identities were totalized as monolithic; individual Native nations were reduced to a homogenous identity of "Indian" that occluded the histories, cultures and territories of particular indigenous communities. But, Natives were not vulnerable and powerless within the hybrid relationship.

In fact, the ways American Indians structured their responses to policies, along with the identity constructions that the government helped constitute, contributed to the hybrid relationship. One such strategy channeled the government's monolithic identity constructions of American Indians into an empowered unity. Here, Native communities joined forces and gathered strength in numbers to rebuke the U.S. government's policies. This *pan-Indianism* drew together previously disparate Native nations, which helped demonstrate their unity, strength and agencies in opposition to the government's diminutive Native identity constructions. Pan-Indianism fused Native nations into groups of "we's," "us's" and "Indians" that helped them organize a dedicated effort to stem the tide of governmental policies. While still holding onto their individual tribal identities,

these groups viewed a relational connection in their statuses as governmental wards. Pan-Indian groups were able, in part, to motivate the Indian Citizenship Act and the Indian New Deal, exhibiting the symbolic power of Native agency.

As the following analysis demonstrates, these hybrid entailments inundated the acts. This conclusion addresses hybridity in the co-construction of U.S. governmental and Native identities within the acts and the discourses surrounding them. The Indian Citizenship Act and the Indian New Deal granted U.S. citizenship to American Indians and repealed the Dawes Act, respectively. The acts featured American Indian and governmental arguments from the removal and allotment eras, and punctuated how these discourses made visible the hybridity underscoring the U.S.-Native relationship.

The acts indicate how American Indian agency influenced U.S.-Native relations by working through the government's homogenization of Native identities, republican appeals, territoriality and paternal language. They did so by exposing the mythos of identity duality and by calling into question the benevolent and republican identities of the U.S. government. Such rhetorical strategies were residues of Native discourses during the removal and allotment periods. Simultaneously, American Indians reconstituted their own identities as worthy, united and just – oftentimes through the construct of pan-Indianism.<sup>27</sup> They also worked through moral inheritance that, in the end, provided them some link to territorial occupation, but concurrently failed to protect their ownership rights to homelands. American Indian rhetoric from the removal and allotment eras affected U.S.-Native relations in the early twentieth century by urging U.S. citizenship for Natives and helping to repeal the Dawes Act. Hence, writes Hoxie,



passage of the two acts is a testament “to the success of Native talking back” over the decades.<sup>28</sup>

Along with the acts’ empowering effects came signs of governmental dominance. That is, the Indian Citizenship Act granted American Indians a controlled citizenship as part of the U.S. nation, while the Indian New Deal concurrently offered Natives a controlled sovereignty as members of their own tribal cultures. These proscribed statuses developed from the influences of removal and allotment era ideologies and manifested through the identity duality of U.S. nationalism. American Indians could not fully enact citizenship in the U.S. *civis* as segregation worked to thwart the enactment of citizenship rights. Yet, they could not fully enjoy separatist sovereignty because assimilation functioned to stymie their autonomy. As a result of the acts, Natives were “recognized as federal and state citizens” though “they were not guaranteed the most basic constitutional protections” therein. But, they were allowed to maintain their tribal citizenship.<sup>29</sup> This multi-layered subjectivity amounted to an “anomalous” bi-culturalism.<sup>30</sup>

This chapter first traces American Indian agency as it influenced the hybridized U.S.-Native relationship through the Indian Citizenship Act. This first section also examines the U.S. government’s oppressive constructs embedded within the act that led to a controlled citizenship over American Indians. Next, the chapter explores the emancipatory dynamics of Native voice during the Indian New Deal milieu. Then, this portion investigates how the 1934 legislation – along with governmental discourse surrounding it – ultimately granted Natives only a controlled sovereignty. Governmental discourses in both sections are comprised of Indian Commissioner reports, Congressional speeches and Supreme Court decisions. Before delving into an analysis of the acts – and

the discourses surrounding their passage – a discussion of the Dawes era’s legacy is needed.

#### EMANCIPATORY AND OPPRESSIVE LEGACIES OF THE DAWES ERA

The Dawes Act produced a number of legacies involving the U.S.-Native relationship, which ranged from the empowerment of American Indian voices to the U.S. government’s enhanced control over indigenous communities. This spectrum of outcomes, and the mingling of Native and governmental voices therein, demonstrates the vigor of hybridity as it came to frame interactions and identities among American Indian nations and the U.S. government. The following discussion highlights three of these residual contexts. First, the introduction of U.S. citizenship for American Indian veterans of World War I is shown to reveal the agency of American Indians in demanding equal citizenship rights. But, military service as a prerequisite to citizenship also pointed to the government’s hegemonic control over American Indians as republican fathers. Second, the partial malfunctions of the Dawes Act are shown to have precipitated changes to the government’s Native policy in the form of the Indian New Deal. However, the malfunctions of the allotment policy were simultaneously linked to Native identities as pitifully unsuccessful, which further buttressed the government’s call for assimilation. Finally, a brief examination of the Meriam Report of 1928 – an exposé that prompted a repeal of the Dawes Act – uncovers the power of Native agency in motivating the Indian New Deal. Concomitantly, though, the Meriam Report constituted American Indians as dependent and in need of increased assimilative efforts. In the end, this discussion of the legacies of the Dawes era accentuates both the challenges to the allotment policy wrought

by American Indians and the reifications of identities and disempowering ideologies bolstered by the U.S. government.

*Citizenship for Native Veterans of World War I*

American Indians demonstrated their empowerment as *citizen-dependents* during the throes of World War I. To integrationist Natives, if fully inclusive citizenship could not be had through laboring on allotments, perhaps it could be gained by participating in U.S. war efforts. In 1917, American Indian men were given the opportunity to join the U.S. military during World War I in exchange for U.S. citizenship. (Separatists typically opposed sending American Indians to the war as, what they deemed, “hired wards.”)<sup>31</sup> The U.S. government codified citizenship for Native World War I veterans in 1919, noting that an American Indian “if he so desires, shall, on proof of discharge and after proper identification before a court of competent jurisdiction . . . be granted full citizenship.”<sup>32</sup> The government’s commitment to including these Native veterans exhibits the power of nineteenth century American Indian discourses in support of U.S. citizenship.

Furthermore, Native troops – unlike African Americans – were integrated with white troops during the Great War.<sup>33</sup> This was so, reported Indian Commissioner Cato Sells in 1917, because military segregation involving Natives was “not in harmony with our plans for developing Indian citizenship.” Here, American Indian appeals for inclusion in the U.S. nation during the Dawes era came to fruition. Instead of being segregated from other Americans, Natives fought in integrated units, “side by side with the white man, not as Indians, but as Americans.”<sup>34</sup> Of this, the *New York Times* declared in 1917 that “it may seem strange to see an Apache in a sailor’s blue uniform . . . but it

merely shows that he has become an American and has passed the tribal stage.”<sup>35</sup> So robust was the notion of Native inclusion in this effort that, even in the midst of Jim Crow segregation, steps were taken to incorporate them as citizen-soldiers.<sup>36</sup>

At the same time, such a militaristic connection to citizenship highlighted the notion that Native dependents had to fulfill the republican father’s mandates for inclusion by fighting for the nation. In this way, military service replicated the U.S. government’s hegemonic control over American Indians as commodities in the Dawes era. According to Smith, military participation prepared dependent persons of color for citizenship by “affirming a supreme loyalty” to the government; such civic education would then help “shape who and what future American citizens would be.”<sup>37</sup> Citizenship through military service illustrated how American Indians had to “serve” a dominant power in order to attain possible inclusion in the *civis*.<sup>38</sup>

While citizenship brought American Indian veterans one step closer toward the assimilation side of the identity duality of U.S. nationalism, it did not completely emancipate them. Inclusion for Native veterans equated to a controlled citizenship that classified them as veritable second-class citizens. They received territorial privileges and voting rights on paper, but there existed a disconnect between the theory and practices of U.S. citizenship for American Indians. With the allotment policy’s dictates, the U.S. government continued to interfere in Native affairs by holding onto allotments, per the trust clause in the Dawes Act. To this contradiction, veteran Joseph Claymore (Sioux) argued that “I thought as a citizen of the United States I could manage my own affairs ... but I found that the Indian Bureau still held on to seven sections of land I had by inheritance.”<sup>39</sup> In addition to conveying a sense of the inconsistency of U.S. citizenship,

Claymore's discourse referenced the vitality of the executive branch as the key administrator of U.S.-Native relations – even well into the twentieth century.

Moreover, the Interior Department and Bureau of Indian Affairs – who sanctioned the granting of Native citizenship – could deny voting rights based on American Indians' "mere" occupancy of their allotments.<sup>40</sup> Of this governmental control, Red Fox Skiuhushu (Blackfoot) wrote in a 1918 *Literary Digest* editorial that "If the red man can fight, why can't he vote? ... the Indian's grand and noble" contribution to both the war effort and the American economy through allotment "ought to cause every [white person] to reciprocate ... by urging a bill in Congress to have the Indian free, and bestow upon them full citizenship."<sup>41</sup> This iteration evidences how Native veterans were offered a controlled citizenship that did not always involve voting rights and visibly limited their freedom.

#### *Shortcomings of the Dawes Act*

The Dawes Act's difficulties in converting American Indians as capitalistic agrarians also evidenced Native empowerment. The apparent collapse of allotment was linked to the U.S. government's identity as a corrupt and overzealous land-grabber. Or, as Indian Commissioner John Collier put it, the government was "unjust" and greedy and had passed "the Allotment Law – the agony and ruin of the Indians."<sup>42</sup> Collier's characterization indicates how American Indians' constructions of governmental identities transcended Native discourse to impact the government's self-identities as well. The government's failure with the Dawes Act spawned from two crucial factors. First, as Native lands were allotted, the government sold the surpluses to migrating settlers wishing to homestead in former American Indian territories, thus ensuring that the

territory had “passed into white hands.”<sup>43</sup> This was one of the justifications for the allotment policy – to guarantee that white settlers would get the lands they desired without committing violence.<sup>44</sup> Second, a number of bureaucrats and private white interests convinced American Indians to sell their territories to make some semblance of money from the land. The trade-off was, of course, that American Indians had to give up rights to their allotments. Speaking to Commissioner Collier about the inveigling of white interests in Native allotments, Antonio Luhan (Taos Pueblo) lamented that “our white neighbors are all around the edge of us, they always *look* ... And, maybe they see gold. They might see coal ... they might begin to loan money ... or buy acres ... and [Indians] will lose their land in a few years because they have borrowed on it. That is enough to finish the Indians.”<sup>45</sup> Here, Luhan spoke of the fashion in which Natives were cajoled and in some ways forced into selling their lands in order to survive in the wake of the Dawes Act. The Dawes Act’s malfunctions allowed Native protestors like Luhan an entrée to reconstruct governmental identities as fraudulent.

Separatist American Indians – those wishing sovereignty outside the bounds of governmental influence or U.S. citizenship – found empowerment through a loop-hole in the policy. That is, the Dawes Act required Native communities to vote on allotments. Separatist Natives put off such a decision, claiming a need for further tribal “deliberation” (evidence of republican engagement), thus hampering the allotment process. Clinton Rickard (Tuscarora) and his nation was able to postpone allotment, claiming that the policy left Natives in a “strange limbo” wherein they were neither autonomous nor integrated. They needed more time to “discuss” allotment among themselves as sovereigns.<sup>46</sup> In a rebuke of the Dawes Act, he contended that “we had a

great attachment to our style of government ... we wished to ... preserve our ancient rights. There was no rush among my people to go out and vote in the white man's elections."<sup>47</sup> So, the Tuscaroras did not vote; by the time allotment ended as a policy in 1934 they had managed to avoid signing an agreement with the Interior Department. Even if American Indians could attain U.S. citizenship through the Dawes Act, separatists such as Rickard, were adamant about controlling their own communities as nations equal in status to the United States.

Granted, Natives were also harmed as the Dawes Act faltered. Ostensibly, American Indians were constructed as pitiful and needy dependents, which were residual identity constructions from both the removal and allotment eras. As Prucha argues, they were "caught in a complex net of dependency."<sup>48</sup> Unable to transition from communal living to individual farming, they "had not learned to preserve and exploit their individual property in the white man's world as assimilated citizens."<sup>49</sup> Worse still, nearly three-quarters of the lands allotted to American Indians were taken from their possession. Indian Commissioner John Collier asserted in his 1935 annual report that the reduction of "Indian land holdings from 138,000,000 acres to 47,000,000" signaled a loss of "dignity in private property" of "our dependents." Moreover, he claimed that the allotment policy "had rendered whole tribes totally landless" and "had thrown more than a hundred thousand Indians virtually into the bread-line."<sup>50</sup> American Indians found it difficult to assimilate through republican attachments to the land while their identities were characterized as undignified, dependent and destitute.

*The Meriam Report of 1928*

Because of its difficulties in assimilating Natives through yeoman farming and in granting U.S. citizenship, the Dawes Act came under heavy scrutiny from American Indians and reformers within the government. The reform efforts leading to the allotment policy's collapse represent one of the pinnacles of American Indian empowerment and nineteenth century Native influences on U.S. policies. To Luther Standing Bear (Ponca), the "Indian Problem" of unsuccessful integration and citizenship was created by the Dawes Act. He contended that allotment "has caused a reaction more destructive than the war ... Tyranny, stupidity and a lack of vision have brought about the situation now alluded to as the 'Indian problem.'"<sup>51</sup> Senator William King (Utah) agreed with the gist of Standing Bear's assessment. In a speech to Congress, King wrote that "No system ... could be more cynically devised to strip [Natives] of their property under the shadowy form of law than the allotment system."<sup>52</sup> He condemned the government's performance as a benevolent republican father. King surmised that "unless fundamental changes are instituted at once, the Indians are a doomed race."<sup>53</sup> King's indictment feasibly came from his reading of Standing Bear's autobiography and demonstrates most vividly the legacy of Native constructions of the U.S. government as deceitful and fraudulent.<sup>54</sup> Here, Native constructions of U.S. governmental identities were visible within the government's own discourse, illustrating the constitutive impact of American Indian discourse on the government's own image.

As a result of these types of Native remonstrations against the Dawes Act, Interior Secretary Hubert Work requested in 1916 that the Brookings Institute undertake a study



“in a thoroughly impartial and scientific spirit with the object of making the result of its work a constructive contribution in this difficult field of government administration.”<sup>55</sup>

In other words, the time had come to investigate the Dawes Act’s shortcomings based, in part, on American Indian requests.<sup>56</sup> The executive branch’s pursuit of such a study accentuated the power of Native agency in the early twentieth century. For as Commissioner Collier noted of his meetings with scores of Native nations in the late 1920s, “these [gatherings] were palpable proof that the Indians ... was [sic] ready to receive a voice in the management of their own affairs, and that the period of arbitrary autocratic rule over the tribes by the Indian Service had come to an end.”<sup>57</sup>

The study, referred to as the Meriam Report or the *The Problem of Indian Administration*, was published in 1928 with the recommendation that the Dawes Act be phased out. According to Calloway, the report “called for an end to allotment” predicated on the notion that “the minimum standards” of assimilation had not been achieved.<sup>58</sup> These goals, he writes, had not been met mostly because “the Allotment Act had weakened the communal and family basis of Indian life,” thus leading to deleterious effects on American Indian adjustments to capitalistic agriculture and integration into the U.S. *civis*. The Meriam Report asserted that the U.S. government “had assumed that some magic in individual ownership of property would in itself prove an educational civilizing factor, but unfortunately this policy has for the most part operated in the opposite direction.”<sup>59</sup> In the end, the report claimed that allotment caused “deplorable conditions in health, education, and economic welfare and incompetent and inefficient personnel.”<sup>60</sup>

The Meriam Report signified empowering opportunities for American Indians that reflected Natives' past protests. Natives were characterized positively as having "much to contribute to the dominant civilization" through their "potential" inclusion as U.S. citizens.<sup>61</sup> Also, the Meriam Report called into question the imposing and culturally insensitive language of the Dawes Act. For instance, it contended that forced assimilation had backfired and would continue to do so:

The view ... would not recommend the disastrous attempt to force individual Indians or groups of Indians to be what they do not want to be, to break their pride in themselves or their Indian race, or to deprive them of their Indian culture. Such efforts may break down the good in the old without replacing it with compensating good from new.<sup>62</sup>

Here, American Indians would be given the choice to hold onto vestiges of their traditional cultures. The report suggested that "he who wants to remain an Indian and live according to his old culture should be aided in doing so."<sup>63</sup>

However, the Meriam Report also retained some oppressive Native identity constructions as dependents in need of assimilation, which carried over from the removal and allotment eras. Concurrently, the report crystallized a controlled sovereignty for American Indians as a result of such dependency. For instance, it demanded that Natives "be absorbed into the prevailing civilization or be fitted to live in that civilization" in order "to survive." It also recommended a new policy that would monolithically "merge all [Natives] into the general population" – even as so-called sovereigns.<sup>64</sup> This lack of certainty regarding American Indian sovereignty and/or U.S. citizenship reinforced the identity duality of U.S. nationalism. How could the Meriam Report suggest sovereignty

as a framework based on “depriv[ing] them of ... Indian culture” while also recommending a merging of “all Indians” into U.S. culture as *citizen-dependents* that elided “Indian culture”? Calloway suggests that the government’s granting of citizenship and/or sovereignty were “offered for show.”<sup>65</sup> The U.S. government still aimed, Dippie writes, to “manage” American Indians, resulting in the existence of controlled citizenship and controlled sovereignty.<sup>66</sup> Even the Meriam Act, an outwardly emancipatory report for American Indians, seemed to conflate Native assimilation and sovereignty.

Ostensibly, these legacies challenged the Dawes Act by empowering American Indians, but simultaneously reifying the government’s negative identity constructions of Natives while also restricting their citizenship rights. In the end, changes in the U.S. government’s “Indian” policy came in the first third of the twentieth century, beginning with the passage of the Indian Citizenship Act of 1924 by Congress, which granted all American Indians limited inclusion in the *U.S. civis*. The Interior Department also crafted the Indian New Deal of 1934, which dismantled the allotment policy and began introducing tribal governance back onto the reservations. These two symbolic efforts sought a break from the detrimental impact of the Dawes Act and illustrated the vitality of American Indian agency that developed from Native resistance to the U.S. government during the removal and allotment eras. Concomitantly, the acts codified the ideological, discursive, and identity remnants from the 1830s and 1880s that limited Native sovereignty. The analysis that follows considers the acts separately. Within these two sections, American Indian empowerment, derived from earlier nineteenth century Native rebukes, is first assessed. Then the acts – along with U.S. governmental discourse surrounding them – are analyzed for the ways that they imbricated a controlled

citizenship (Indian Citizenship Act) and a controlled sovereignty (Indian New Deal) for Native communities.

### HYBRIDITY, NATIVE VOICE & ‘CONTROLLED CITIZENSHIP’

#### IN THE INDIAN CITIZENSHIP ACT OF 1924

The 1920s was a decade of unprecedented affluence and comfort for many U.S. communities. According to Calloway, though, “few [American Indians] shared in the prosperity that many Americans enjoyed during the ‘roaring twenties.’”<sup>67</sup> This was so because the allotment policy – despite its assimilationist ends and benevolent goals – had diminished American Indian economies, broken apart tribal relations and isolated Natives away from the U.S. *civis* despite the Dawes Act’s pledges. But there were kernels of progress for indigenous communities. Given the wave of change motivated by veteran citizenship, the Meriam Report and especially Native resistance, the U.S. government took a turn toward emancipation for American Indians through the Indian Citizenship Act of 1924. The following analysis explores how American Indians affected the passage of the Indian Citizenship Act, especially as it came to symbolize the vitality of nineteenth century Native voices. The section also considers how the Indian Citizenship Act and the governmental rhetoric surrounding its ratification reified the hypocritical identity duality embedded in the logic of U.S. nationalism. Native and governmental influences pulled through the act exhibited the hybridity of their voices – an amalgam that empowered Natives with U.S. citizenship, but offered them only a highly controlled citizenship.

#### *Native Impact on the Indian Citizenship Act*

American Indian discourses influenced the ratification of the Indian Citizenship Act, regardless of the shortcomings of the policy. According to Prucha, that the Interior

Department even entertained revising Native policy in such ways is “proof-positive” that the U.S. government listened to what Native communities had to say.<sup>68</sup> The discursive remnants of Native discourse during the removal and allotment debates are visible in the passage and the rhetoric surrounding this change in Native policy. The act provided that “all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States” – an action that “would not impair or otherwise affect the right of any Indian to tribal or other property.”<sup>69</sup> Here, American Indians appeared to be assimilated enough to enter the U.S. *civis*. Seemingly, their moral inheritance strategy bore-out as they were seen as potential property owners. Moreover, the demands of nineteenth century Natives to embrace vestiges of their tribal identities were also codified by the Indian Citizenship Act.

Integrationist American Indians had sought U.S. citizenship throughout the four decades preceding the Indian Citizenship Act of 1924. As the previous chapter indicates, the Five Civilized Tribes, through memorials, petitions, Native biographies, and Native oratory, insisted on equal inclusion by appealing to the government’s republican sensibilities and by appropriating the government’s familial and economic language. According to Stremmler, these integrationist sentiments were not enacted as policy during “the height of the Dawes era.”<sup>70</sup> However, their rhetoric functioned to expose the inconsistencies of identity duality by pointing to how the Dawes Act – and, hence the government as republican father – had not fulfilled the promises of U.S. citizenship for American Indians. Residues of their call for inclusion are visible within the discourse of governmental officials. For instance, Representative Homer Snyder (New York) noted in 1920 that he was angered by past office holders for failing to take into account Native

opinions on U.S. citizenship. He said that “citizenship was the only way to salvation” and that (integrationist) Native “nations wanted to rid [themselves] of dependents” especially as “the more virile” U.S.-Native relations were becoming by not considering “what they [Natives] say.”<sup>71</sup> The existence of a citizenship act stands as a tribute to these earlier efforts of integrationist American Indians in the late nineteenth century.

Such integrationist efforts, like those of Arthur Parker (Seneca), worked through earlier forms of Native protest and emerged as the citizenship bill was being discussed. Utilizing familial and republican lines of argument, Parker noted that “we have proven our worth as children” and “have done all we can” to assimilate to agricultural subsistence.<sup>72</sup> In this quotation, Parker appropriated the government’s paternal language as a way to empower Natives as worthy U.S. citizens, a Native rhetorical strategy carried over from both the removal and allotment eras. The worth that Parker championed hinged on the fulfillment of assimilation as republican agriculturalists. Also, Parker’s use of the Pan-Indian “we” and the elision of his own Seneca Nation, signify that Parker maneuvered through the government’s homogenization of American Indians under the removal and allotments acts. Importantly, Parker’s appropriation of pan-Indianism illustrated the legacy of American Indian and governmental arguments from the nineteenth century.

Not all American Indians supported U.S. citizenship for indigenous groups, however. Those Native communities seeking a separatist autonomy were not satisfied with the U.S. government’s efforts in 1924 to codify citizenship for all American Indians. But these separatists found an opening in the Indian Citizenship Act’s claim that it “would not impair ... the right of any Indian” to tribalism. This clause constituted

American Indians as capable and protected in their “rights.” Moreover, the clause reflected the separatists’ pro-tribal viewpoints, hence punctuating the agency of their nineteenth century voices.<sup>73</sup> Organizing under the act’s homogenous “any Indian” moniker, these separatists refused to accede to U.S. citizenship because they still held onto the hope that they could gain independence outside the scope of governmental influence. Of this, a Mohawk chief exhorted a Bureau of Indian Affairs agent: “The law of 1924 cannot ... apply to Indians since we are independent nations.”<sup>74</sup> Clearly, American Indian identity was constituted, here, as autonomous and unified; the latter was reflected by the pan-Indian use of “we” and appropriation of the generic “Indian” construction.

Some resisted integration based on memories to pre-removal U.S.-Native relations. This rhetorical strategy was part of American Indian rebuttals to the removal and allotment acts. The Oneida and Seneca nations, for example, claimed sovereignty apart from the purview of the Indian Citizenship Act by noting, “[we] firmly adhere to the terms of the Treaty of Canandaigua between our nations ... and the U.S. as of November 11, 1794” and that “any [other] acts thereafter ... through officers, courts, or legislature contrary to the above are without sanction of law and repugnant to the nation of Oneida Indians.”<sup>75</sup> The Oneida and Seneca referenced a time when their identities were amicable in granting the U.S. government the treaties it desired. According to Young, such resistance has the power to force the U.S. government to lose “its univocal grip on meaning” and to find itself “open to the trace of the language of the other.”<sup>76</sup> In the least, writes Hoxie, such remonstrances to U.S. citizenship likely fed into the Indian Citizenship Act’s final clause that protected tribal rights.<sup>77</sup>

Seemingly channeling the identity duality of republican appeals from the anti-citizenship discourse of allotment era Natives, other American Indian separatists questioned how the Indian Citizenship Act would work. Emma D. Johnson (Mohawk) asked a group of white reformers if the act did anything to clear up the confusion of Native citizenship: “I live upon a reservation now. I know nothing whatever about my rights as a citizen ... My people do not know when they are citizens or when they are not.”<sup>78</sup> Her words spoke wisdom to the havoc that the identity duality of U.S. citizenship wrecked on American Indians. Johnson’s discourse simultaneously pointed to how the Dawes Act’s republicanism had failed by continuing to deny Native rights. For instance, she said: “The Department sends word back ‘You are citizens of the United States. We can’t [help] you’” and then “The word sometimes comes back, ‘Why you are wards of the government, we cannot grant you that.’” In the end, she queried what the republican “father” actually expected of the so-called “Indian citizens”: “Where are we now?”<sup>79</sup> She asked for “clarity” on her status as either a U.S. citizen or a member of a sovereign Native nation.<sup>80</sup> Johnson also constituted the government’s identities as unhelpful and, perhaps, violative of its self-professed benevolent characterization. She was not alone such negative characterizations of the government. Even Indian Commissioner Thomas Morgan noted that such confusion was one “of the injustices of the white race”; his words demonstrated how American Indian constructions of the government permeated the government’s own rhetoric.<sup>81</sup> Overall, the Indian Citizenship Act seemingly answered the question, thus evidencing other ways in which such American Indian critiques were considered.



As demonstrated, American Indian voices – both integrationist and separatist – were visible with the passage of the Indian Citizenship Act. The act, again, made all “Indians born within the territorial limits of the United States ... citizens of the United States,” but also protected tribal rights: “[the act] shall not in any manner impair or otherwise affect the right of any Indian.”<sup>82</sup> Native communities were granted U.S. citizenship and also a connection to their tribalism on paper. Furthermore, the symbolic act pointed to the ways that nineteenth century American Indian protest entered into the U.S. government’s Native policy in the first third of the twentieth century. In the end, though illustrative of Native agency, the legislation left much to be desired in terms of granting wholesale equal citizenship to American Indians, revealing the subjugation of controlled citizenry.

#### *Controlled Citizenship of American Indians*

The Indian Citizenship Act, though trumpeting the inclusion of American Indians, also merged the languages of assimilation and segregation, thus calling on the ideologies of paternalism, republican fatherhood, territoriality and citizenship that diminished Native identities during the removal and allotment eras. Of this, Prucha asserts that because the act made Natives “both citizens of the United States and persons with tribal relations ... the complete transition from tribal status to individualized citizenship ... did not occur.”<sup>83</sup> As a result, the government furthered the ambiguities of American Indian identities as Natives were both included within U.S. communities and excluded, having “tribal relations” that cordoned them off away from the U.S. nation’s epicenters.<sup>84</sup> The Indian Citizenship Act offered only a *controlled citizenship* – one represented by governmental control of Native land – that was administrated by a continually

paternalistic executive branch. Such executive control undercut the representative rights of American Indians as U.S. citizens. Part of the controlled citizenship spawned from the limits of Native communities to work through the representative channel of Congress. Instead, American Indians were forced to deal primarily with the executive – a branch that faced very “few checks and balances” when it came to Native affairs.<sup>85</sup>

Governmental discourse in support of the Indian Citizenship Act exhibited the inconsistencies of identity duality and the injurious nationalist ideologies suffusing the act. According to Representative Clyde Kelly (Pennsylvania) who spoke on the House floor during the act’s debate, the legislation complemented “our belief that all men are equally entitled to life, liberty and the pursuit of happiness and that such equality of opportunity will best promote American civilization.”<sup>86</sup> Despite this emancipatory sentiment, however, he claimed the Indian Citizenship Act’s promotion of these opportunities would best serve the U.S. nation, not American Indians: “[Indian citizenship] means the development of the individual through liberty ... and work ... so that he may promote the common good of the Nation.”<sup>87</sup> Here, Kelly masked the promotion of U.S. welfare in a benevolent protection of Native rights to citizenship. He also alluded to Native identities as commodified laborers on their allotments – conflating the notions of citizenship and territory that was a predictable result of expansion in the late nineteenth century.

Such governmental discourse also reified the paternal and territorial ideologies that came to undergird U.S.-Native policies throughout the nineteenth century. That is, the government – especially through the executive branch, which was at the helm of Indian policy – was constituted as a republican father in charge of a dependent Native

population. Kelly continued, for instance, that “the Indian Bureau insists that it is better fitted to guard the life, liberty and pursuit of happiness of the Indian than he himself ... it compels him [Indians] to bow to its bureaucratic will by demanding that our American civilization will be advanced by such sacrifice” of American Indians. In this quotation, the executive was shown to claim a paternal and controlling role in granting citizenship. Natives, whose identities were fashioned here as ward-like and subservient, would remain open to the influences of the U.S. government as a republican father. American Indians were asked to “sacrifice” their independence in the service of the nation (“American civilization”). This sacrifice was reminiscent of ties between citizenship/inclusion and contributions to the greater good visible in both the removal and allotment eras. Such incongruity revealed the identity duality of citizenship, consequently co-constructing governmental and indigenous identities as paternal and ward-like in a way that echoed the discourse of the nineteenth century.

The government’s ideology of territoriality also figured into the identity duality of the Indian Citizenship Act. Citizenship should have granted American Indians full ownership – not occupancy – of their lands.<sup>88</sup> Conversely, the act’s denial of Native land rights clarified the unequal status of their identities within the U.S. nation, even though their inclusion was codified with the Act’s passage. Smith argues that “the retreat from full and equal citizenship for Native Americans was virtually complete” with the passage of the Indian Citizenship Act.<sup>89</sup> Kelly’s supporting speech on behalf of the act argued that American Indians would remain “wards of the courts just as are other incompetents ... permitted to dispose of their property only upon approval from the executive [the Interior Department] with proper protection for dependents.”<sup>90</sup> Following from the trust

clause of the Dawes Act, Native citizenship did not include a mandate for the ownership of land. The government's doctrine of discovery and demands for Native toil precluded fulsome citizenship for American Indians. Instead, the paternal executive branch – through the court system – administrated land use and provided the “proper protection” of American Indians as *citizen-dependents* of the government. The constitution of the government as an administrative “father” did not stray far from executive and congressional constructions surrounding the Indian Removal and Dawes Acts. Moreover, the ward-like status of Native identity instantiated through government's rhetoric, here, reflects the discursive legacy of the removal and allotment periods.

The identity duality of Native citizenship also appeared in Supreme Court decisions. And, again, these discourses channeled nineteenth century ideologies into a rhetoric that further diminished American Indian identities in the first third of the twentieth century. As Smith articulates, even with the promise of a “Native American ... citizenship status that few desired, legislators and judges also specified that after naturalization, the former tribesmen would still not be equal citizens.”<sup>91</sup> Wilkins concurs, noting that legal cases surrounding the Indian Citizenship Act only created “second class citizens” of American Indians.<sup>92</sup> One case, *U.S. v. Nice* (1916), is vital in illustrating the government's hypocritical pairing of assimilation and segregation.

In *U.S. v. Nice* the Supreme Court held that citizenship did not guarantee American Indians a life outside the scope of the government. In fact, citizenship was shown to further tighten the paternal bonds of the republican father to his ward. To this effect, Justice Van Devanter asserted that “citizenship is not incompatible with tribal existence or continued guardianship, and so may be conferred without completely

emancipating Indians or placing them beyond the reach of governmental regulations adopted for their protection.”<sup>93</sup> Here, the government cemented its controlling identity by guiding communities in need of protection. Notice that, to the high court, Native citizenship was well suited to both tribalism and guardianship. The former clarified the liminal position of American Indians – they existed between tribalism and Americanism. Put differently, they were segregated from the U.S. *civis*, while also expected to assimilate and contribute their labors to the United States. The latter component of “guardianship” indicated that the U.S. government planned to control American Indian communities despite the so-called emancipatory aims of the Indian Citizenship Act. The act’s claims of citizenship and bi-nationalism (tribal and U.S. citizen) helped legitimize the government’s efforts to assimilate and control indigenous people. In the end, *U.S. v. Nice* is important to the Indian Citizenship Act mostly because it led directly to, and enabled, the ratification of the act itself.<sup>94</sup>

Though demonstrating an empowered American Indian agency, the Indian Citizenship Act and the government’s discourses underscoring it forced Natives into a *controlled citizenship*. This status placed them in the discomfited position of remaining a part of the U.S. nation as dependent wards and, yet, held them to a tribal identity that was severely weakened by the limited inclusion offered by the Dawes Act and the Indian Citizenship Act. The assimilation of American Indians as *citizen-dependents* while concurrently isolating them physically on allotted reservations and segregating them civically by failing to protect their fulsome citizenship rights, signified the identity duality extant in the government’s nationalism. And, it punctuated the vitality of territory as a space for the imbrication of Native identities and governmental control over

indigenous communities. Overall, contends Prucha, “citizenship, in fact, had little effect upon the paternalistic directing of the individual Indians from Washington.”<sup>95</sup>

#### HYBRIDITY, NATIVE VOICE & ‘CONTROLLED SOVEREIGNTY’

##### IN THE INDIAN NEW DEAL OF 1934

As Native appeals for a change in American Indian policy intensified, the executive began considering ways to promote assimilation that were less vigorous than allotment. American Indians’ economic and political conditions worsened during the Great Depression as a scarcity of funds was available for Native reform and because the government’s attention was focused on rejuvenating the nation’s overall economy. In the midst of this dire situation, President Franklin D. Roosevelt received an urgent request from a group of some six hundred educators, social workers and concerned citizens worried about the “extreme, even tragic” condition of American Indians due to the Dawes Act. The group asserted in 1932, “We do not believe we are exaggerating when we suggest that your administration represents almost the last chance for the Indians.”<sup>96</sup> The president must have taken this message, and others like it, to heart; for, as Roosevelt crafted his New Deal he included a provision to “uplift” American Indian communities from the doldrums of the Dawes Act.<sup>97</sup>

Roosevelt appointed John Collier, a social worker and advocate for indigenous rights, as his Commissioner for Indian Affairs in 1933 to salve the wounds of Native affairs. Heading up the Bureau of Indian Affairs, Collier started work on the Indian New Deal of 1934 to end allotment and to fulfill the following three goals for American Indian communities: “Economic reorganization of the Indians, principally on the land. Organization of the Indian tribes for managing their own affairs. Civil and cultural

freedom and opportunity for the Indians.”<sup>98</sup> Summarily, he hoped that Natives would “play a more active role in running their own affairs” by organizing their own tribal governments and “supporting Indian cultures.”<sup>99</sup>

The Indian New Deal was an amalgam of empowerment and oppression for American Indians. On the one hand, Natives (especially separatists) were being given what they had demanded for so many years – self-sovereignty. And, combined with the Indian Citizenship Act, which satisfied integrationist Natives, the new policy signaled a sea change for American Indian emancipation by satisfying both demands at once. Here, Natives’ use of moral inheritant links to homelands (in the service of achieving citizenship or sovereignty) garnered success. Whereas the Indian Citizenship Act tended to model the integrationist Native stance of inclusion within the U.S. citizenry, the Indian New Deal was more closely aligned with separatist Natives who demanded sovereignty outside the scope of citizenship mandates.

However, the Indian New Deal also proved that juggling both U.S. citizenship and Native sovereignty could perpetuate the identity duality of U.S. nationalism. As Calloway contends, the act was “another paternalistic promise to bring a ‘new era’ in Indian affairs ... mandating one policy for all Indians, and making little allowance for the tremendous diversity of Indian America.”<sup>100</sup> Such an inconsistency left American Indians with only a controlled sovereignty that was empowered and simultaneously suppressed, especially as full independence could not be achieved. Controlled sovereignty also reified the identity constructions of previous decades, including the monolithic characterizations tendered by the U.S. government. This portion considers

both Native enactments of empowerment and the government's granting of controlled sovereignty; both demonstrated the hybridity of the Indian New Deal.

### *Native Impact on the Indian New Deal*

Native communities affected the ratification of the Indian New Deal by calling into question the Dawes Act. And, one of the most reverberating signs of indigenous agency was the way in which the Bureau of Indian Affairs actually consulted with Native leaders before making decisions on U.S.-Native policy. For instance, in 1934 as Commissioner Collier was studying what would become the Indian New Deal, he spoke with scores of Native nations about the policy. They desired “to be understood” and, hence, Collier suggested to President Roosevelt that “we may be helped through knowing them and even through trying to help them in their desperately unequal struggle for continued existence.”<sup>101</sup> Overall, Collier – or one of his representatives – met with some 200 Native nations throughout 1934, exhibiting the legacy of Native activism and agency throughout the nineteenth century.

Due to the self-governance promises of the Indian New Deal, American Indians seeking a separate sovereignty tended to agree with Collier's plan to reinstate tribal governments. And, as with Native voices in the midst of the citizenship act discussion, they successfully urged the Bureau of Indian Affairs to listen. Collier, for instance, argued in 1934 that Native opinions should invariably be considered before passing “any further legislation.” Further, sociologist Donald Young suggested to Collier that the Bureau could learn something from the separatist voice: “No culture is so perfect that it will not bear improvement by borrowing from almost any other culture.”<sup>102</sup> Collier then reported to Roosevelt that “we should examine with a wondering and tender concern, and



with some awe, these Indian communities” and what they “desire from” the U.S. government.<sup>103</sup> Collier’s words seem to highlight the importance of previous American Indian remonstrations to the U.S. government’s Native policies. The Indian New Deal signified the power of separatist American Indian agencies during the removal era and, particularly, in Native rebukes to the Dawes Act.

American Indian separatists had urged throughout the allotment period for a repeal of the Dawes Act. In 1934 as Collier made his way around reservations to deliberate with Native nations about their opinions, he came into contact with these discourses.<sup>104</sup> One such anti-allotment viewpoint was held by Luther Standing Bear (Sioux) who told Collier that forced assimilation through the Dawes Act had produced disastrous consequences for Native nations. Speaking “for all” American Indians – a pan-Indian strategy – he explained that “[t]rue, the white man brought great change. But the varied fruits of his civilization, though highly colored and inviting, were sickening and deadening. And, if it be the part of civilization to maim, rob, and thwart, then what is the process?”<sup>105</sup> Constructing U.S. governmental identities, to that point, as thievish – a residue of the removal and allotment eras – Standing Bear urged for a return to self-sovereignty for Native nations and heralded Collier’s idea for reorganization as “what we want.”<sup>106</sup> And, Collier’s comments about the U.S. government as “fatal” and “evil” in its criminal acts spoke to how Native constructions of governmental identities were appropriated by government officials themselves.<sup>107</sup>

Other separatists opined that the Indian New Deal would improve economic and cultural conditions for American Indians. In the process, they empowered their identities as self-sustaining – a rhetorical strategy present in the removal and Dawes eras.

Moreover, the unified stature of Native nations was buttressed as individual rhetors referred to a general “us,” “we” or “Indians” – an outward sign of pan-Indianism. This demonstrated how the government’s monolithic image of Natives was appropriated as way to assert the potency of American Indian unification. For instance, Ralph Fredenberg (Menominee) told the Senate Committee on Indian Affairs in 1934: “If we were to get the benefit of the [Indian New Deal] that provides that the Indians might set up their own form of organization, might form their own self-government, that would secure for us in the future the thing that we now enjoy ... [we would] be in responsible positions.”<sup>108</sup> In this instantiation, the Indian New Deal was described as uplifting Native communities. Fredenberg’s call for self-sustenance was buttressed by the Indian New Deal, which allowed American Indians “to organize for their common welfare” and granted “certain rights of home rule to Indians.”<sup>109</sup> Here, Native identity was positioned as amenable to autonomy. Such separatist arguments exhibited the power of Native agency – especially of removal and Dawes era arguments for sovereignty – in the new legislation.

The nineteenth century argument that American Indians needed protection from the Dawes Act also appeared in Native discourse in support of the Indian New Deal. Antonio Luhan (Taos Pueblo), for example, said that in the past allotment “nearly destroy[ed] us; call[ed] our ways bad or immoral or something, and put in the paper that they [U.S. government] are going to stop us.”<sup>110</sup> And, reflecting such Native sentiment, Collier employed similar reasoning in his justification of the Indian New Deal: “the allotment system with its train of evil consequences should be definitely abandoned ... it is a complete failure.”<sup>111</sup>

Subsequently, the Indian New Deal predicated the end of allotment on the need to protect American Indians from the deleterious effects of the Dawes Act. The new legislation was going to “conserve and develop” American Indians and their “rights and powers.”<sup>112</sup> In the twentieth century, continued Luhan, Natives “look[ed] far ahead and the [Indian New Deal] is like putting a wall around us to protect us – and this [bill] is this wall. And no white man or grafter can come inside and take away our land.”<sup>113</sup> Co-opting the paternal and republican fatherhood ideologies of the U.S. government, Luhan assured Collier that the Indian New Deal “would be” desired by “all of us.”<sup>114</sup> Fredenberg similarly enacted this sentiment of pan-Indianism as he assented to the new policy: “This is the thing we want. This is what we would like to accomplish ... the self-government title, I understand, will give us the authority to organize and submit a charter.”<sup>115</sup> American Indian identities were shown here to be emboldened with the authority to manage their own affairs. At the same time, they were not fully independent as the U.S. government re-enacted dependence as a part of the Indian New Deal. In both of these iterations, though, the separatist Native voice demanded a break from the forced assimilative entailments of the Dawes Act. The passage of the Indian New Deal reflected, in part, these Native demands.

Perhaps the most intriguing stipulation of the Indian New Deal came in the form of restoring tribal order and self-sufficiency to American Indian nations. With the Dawes Act, Native culture was disdained in favor of an all-out assimilative plan. According to Calloway, “for a century and a half, the federal government had tried to ... dismantle tribal governments, stamp out native [sic] languages and eradicate tribal cultures.” With the Indian New Deal, alternatively, the government “tried to reverse” this

and “rejuvenate tribal governments, preserve native [sic] languages, and revive tribal cultures.”<sup>116</sup> Such efforts would be accomplished by allowing American Indians the right to adopt “an appropriate constitution and by-laws, which shall be authorized by a majority of the adult members of the tribe.”<sup>117</sup> Seemingly, separatist Natives, in particular, would achieve the self-governance they had demanded through their memorials, petitions, publications and many speeches of the nineteenth century. This demand, and its attendant Native identity constructions as worthy and autonomous, was a carry-over from American Indian rhetoric of the removal and allotment eras. The Indian New Deal echoed the discourses of nineteenth century Native separatists.

American Indian separatists worked through this rupture that the Indian New Deal offered in terms of organizing self-governments through constitutional documents. Here, Natives acquiesced in the form of a constitutional document to motivate sovereignty. According to Ben Reifel (Brule Sioux), Collier’s policy appeared acceptable because it empowered Natives with political agency: “it was always up to the people to amend those constitutions and make them useful.”<sup>118</sup> Republicanism was even channeled as separatists attempted to illustrate their self-sufficiency to produce on their reservations. Fredenberg urged Collier to move forward with the policy, noting that a number of Native nations “live very much as any other community does. We have our own schools. We operate everything on our reservation out of our own funds ... We have our own milling industry ... We have farms, dairy herds and modern machinery.”<sup>119</sup> Fredenberg’s arguments came very close to the appeals of the Five Civilized Tribes in the nineteenth century who expressed similar assimilation. He also showed how the topoi of territory as a vital component of Native identity resonated in the early twentieth century.

The passage of the Indian New Deal pointed to how, indeed, American Indians had proven themselves as self-reliant. Alfred Dubray (Rosebud Sioux) reminded Collier of the same semblance of American Indian republicanism: “[w]e are really quite politically minded.”<sup>120</sup> Dubray, here, spoke of “Indians” in general, revealing that the residues of pan-Indianism still existed in the twentieth century. Of these reshaped Native identities of unity and stability, Collier justified the Indian New Deal by noting “they have real power and authority over their own affairs.”<sup>121</sup> Thus, ripples of nineteenth century separatist American Indians were reflected in the executive’s discourse about the new policy, likewise evidencing the constitutive power of Native identity constructions.

The Native integrationist voice, which during the nineteenth century demanded U.S. citizenship, also influenced the Indian New Deal by prompting an “opt-out” clause. That is, if an American Indian nation did not want to participate in the Indian New Deal, they could still retain their individual allotments and remain U.S. citizens, per the Indian Citizenship Act. According to Dippie, “the opt-out clause ... [was] the first time in the history of federal Indian affairs that Indians themselves would have the unusual privilege of accepting or rejecting a government policy initiative by referendum.”<sup>122</sup> Prucha notes that this clause came from Collier’s many meetings with Native nations during 1934. As a result, Section 18 of the Indian New Deal mandated that “This Act shall not apply to any reservation wherein a majority of the adult Indians ... shall vote against the application.”<sup>123</sup> Such a choice was driven by American Indian opinions on the new policy and was simultaneously emancipating for integrationists who wanted to exercise their U.S. citizenship on their allotments. The decades-long efforts of American Indian

integrationists came to fruition with a consideration of their perspectives in the Indian New Deal.

The integration position additionally called into question the identity duality of the Indian New Deal. Of the separation side of the duality, pro-citizenship Natives like Vera Connolly (unknown)<sup>124</sup> noted that the act violated the republican ideals of inclusion in the *U.S. civis*: “It perpetuates segregation under the guise of self-government . . . and shifts the incentive which the authors of the Allotment Act had in mind for individual ownership of property leading toward citizenship. The policy is a reversal of the past.”<sup>125</sup> Connolly unmasked the alleged self-sovereignty promised in Collier’s plan and called into question the limits of American Indian representation due to an empowered executive as “the Great Father.”<sup>126</sup> Similarly, Ray Jimerson (Choctaw) contended that the Indian New Deal would work to ostensibly create a rift between Native citizens and other U.S. citizens. He said that the act would precipitate “a prejudice which will imperil our social and economic status.”<sup>127</sup> This prejudice existed, in part, because Native “citizens” did not share the same representation as other U.S. citizens – the latter did not have to answer to the executive, but rather were represented in Congress. To this point, Jimerson said that instead of assimilating and incorporating American Indians, the Bureau’s new plan would “abandon” Natives in their “civilizing pursuits” and, hence, violate the promises of “Indian aid.”<sup>128</sup> Again, their views were codified as the “opt-out” clause. In the least, integrationist sentiments – both from the Dawes era and the early twentieth century – were present in the legislation.

At the same time, some integrationists challenged the new legislation by hearkening to memories of past U.S. Native policies. Rupert Costo (Cahuilla) was

suspicious because sovereignty – in varying forms – had been promised in the removal era. He averred that “in history ... this has not worked.”<sup>129</sup> Linking the negative impact of Jacksonian autonomy for American Indians to the Indian New Deal he continued, “the Indian is now being led to believe” in the same way “that they, for the first time in history, would have self-government. But ... any plans the Indians might have for such self-government would have to be first submitted to the interior secretary or the commissioner of Indian affairs [sic] for supervision and approval.” Costo, speaking here to a Collier representative, cynically interrogated the executive’s benevolent aims in recommending passage of the Indian New Deal: “I suppose you would call all this maneuvering self-rule. I call it fraud.”<sup>130</sup> Ramon Roubideaux (Sioux) echoed Costo’s sentiments that the executive’s republican fatherhood identity was a façade. Here, he worked through paternal language to demonstrate not the positive attributes of a familial relationship, but rather its deleterious impact: “It’s not self-government, because self-government by permission is no self-government at all ... Everything they’ve done has been under the wing of the Government; it’s just like the rich kid with the rich father. Everything was planned for him, he never develops this mind of his.”<sup>131</sup> To all the above viewpoints, Collier argued that he would urge Natives to “manage their own affairs effectively” free from “white interference for selfish ends.”<sup>132</sup> Here, Collier seemingly demonstrated the legacy of American Indian identity constructions of the U.S. government. Whether integrationists textured the Indian New Deal is difficult to say deterministically. However, after meeting with such Native groups, Collier addressed these critiques and identity constructions in his justificatory discourse.

Ultimately, if American Indians rejected the new legislation, they did not have to accept it. This semblance of choice demonstrated the powerful growth of Native agency over the years. Seemingly, American Indians could decide their own status as U.S. citizens or as members of separate sovereignties. Yet, such choice comprised a hegemonic entailment, as well – especially as Natives consented to the more oppressive tenets of the Indian New Deal. The following discussion examines how the U.S. government exhibited this hegemony through both a fortification of identity duality and the enactment of a controlled sovereignty for Natives.

#### *Controlled Sovereignty of American Indians*

For all the emancipatory promise of the Indian New Deal, the act and its attendant governmental discourse also reflected nineteenth century ideologies and identities. The government had dismantled allotment by transferring lands from individual American Indians back to communal Native nations. But, the Interior Department possessed the ultimate role in administrating this process of re-parceling territory – a veritable re-treading of the doctrine of discovery from the removal era. The U.S. government’s focus in the policy, first and foremost, on land occupancy alluded to the importance of territory for both U.S. national and Native communities. Simultaneously, since land was linked to power, the paternal sentiments that were resonant in the government’s allotment discourse also wound their way into the Indian New Deal. Of these ideologies, Section Three noted that “the Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the . . . lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form by Presidential proclamation.”<sup>133</sup> Here, the executive was unquestionably solidified as the



primary institutional body governing U.S.-Native affairs; it could also salve or “restore” and “protect” tribal culture.<sup>134</sup>

The Interior Department and the U.S. presidency, in particular, crystallized their complete control over the land transferal process. American Indian representation in the government was lessened as a result of direct and exclusive dealings with the executive branch. And, without representatives of their own within the executive, American Indians were left to the whims of the Interior Department and Bureau of Indian Affairs. Burnette and Koster argue that a lack of Native management over the transferal process disparaged a proper “system of checks and balances – no procedure through which inequities could be righted.” They suggest that there was no way to “gauge” whether all of indigenous lands “were being returned.”<sup>135</sup> Moreover, the Bureau of Indian Affairs held the deeds to the transferred lands “in trust for the Indian tribe ... for which the land is acquired.”<sup>136</sup> There was little difference between this provision in Section Five and the Dawes Act’s paternal trust clause.<sup>137</sup> This controlled sovereignty hearkened to an identity duality and the ways that assimilation and cooperation could concomitantly involve exclusionary measures. The “trust” relationship also reified governmental and Native identities as dominant and subservient, respectively. Also, the U.S. government controlled Native territory – a synecdoche of controlled sovereignty based in the Indian New Deal.

The ideology of territoriality and the inconsistencies of identity duality also carried into the management of reservation resources. Though Native nations were supposedly “to return their individual land holdings to the protection of tribal status” and “control them” outside of governmental influence – as Collier noted in a 1935 report –

they apparently did not possess the right to use their natural resources as they pleased.<sup>138</sup> Instead, Section Six of the Indian New Deal mandated that “the Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units ... to limit the number of livestock grazed on Indian range units.” Furthermore, the Interior Department was authorized to “acquire ... any interest in ... water rights or surface rights to lands.”<sup>139</sup> In sum, American Indians did not possess autonomous rights over their forests, cattle ranges, water sources or mineral collieries. Instead the act, working through paternalism, justified its “influence over tribal lands” on a benevolent protection of Natives in ways reminiscent of the Dawes Act. The Interior Department could “promulgate such rules and regulations as may be necessary to protect the range ... to prevent soil erosion [and] to assure full utilization of the range.”<sup>140</sup> Though American Indians were not overtly labeled as unworthy, that the government retained the right to intercede on their lands showed a continued hierarchical relationship between the government and Native communities. In a sense, this additionally alluded to the government’s conflation of territory and citizenship made resonant during both the removal and allotment eras.

The U.S. government’s republican fatherhood and paternal identities also perpetuated the imbalance of power. The referendums for Native constitutions, for example, promised in the Dawes Act could only be “authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe.”<sup>141</sup> Here, Native empowerment through the adoption of constitutions was seemingly impeded. This was so especially because the constitutions had to first be drafted with the aid of the Bureau of Indian Affairs and only then could they be “subject to the approval of the

Secretary of the Interior” as an administrative force.<sup>142</sup> In these quotations, it remains clear that the executive controlled the trajectory of these alleged Native-regulated governments. To this controlled sovereignty situated in the Indian New Deal, Deloria laments that the Bureau of Indian Affairs, ostensibly, “set up puppet governments on the reservations and somehow mysteriously govern[ed] all aspects of tribal life by remote control.”<sup>143</sup> As Deloria and others maintain, governmental control was changed in form only, representing a “shift in strategy rather than a fundamental change in policy.”<sup>144</sup>

Moreover, that American Indian governments had to be constructed in the form of constitutions and U.S. legal traditions demonstrated the act’s support of republican structures as vital to American Indian uplift and the insistence on assimilating Native communities to these structures. Indian Commissioner Collier’s boast that “personal government of the tribes by the Secretary of the Interior and the Indian Commissioner is brought to an end” remains questionable given the paternal and republican fatherhood ideologies circulating throughout the early twentieth century.<sup>145</sup>

In the end, the Indian New Deal forced Native communities into a controlled sovereignty that promised them independence as restructured tribal nations, but concurrently supplanted tribal governance with the U.S. government’s paternalism. This paternalism was a residue of nineteenth century ideologies from Jacksonian discourse in the 1830s through to the rhetoric of Senator Henry Dawes in the 1880s. The identity duality of segregating American Indians under promises of autonomy while continuing to assimilate them remains stark in the Indian New Deal. Of this controlled sovereignty, Cornell avers that “the Indian New Deal set out to grant to Indians a limited but enlarged degree of control over their affairs and destinies but did so in the service of the ends pre-

selected by the dominant society and through methods given by that society, after its own models.”<sup>146</sup> In other words, the Native life-ways that Collier guaranteed would “rebuild the shattered morale of a subjugated people” continued to be eclipsed by governmental influence.<sup>147</sup> Ostensibly, American “economic and political institutions would be reproduced within Indian societies, as a result of Indian efforts.”<sup>148</sup>

The Indian New Deal carried over the government’s identity constructions of a dependent American Indian population from the Indian Citizenship Act. These characterizations, along with the government’s self-professed supreme and controlling identities, were also remnants of the removal and allotment eras. Harmon argues, “that by labeling, excluding and wielding political and economic power, [the United States] eventually set the important parameters of Indianness.”<sup>149</sup> But the U.S. government was not the only party vested with the agency to set these parameters.

Importantly, the Indian Citizenship Act and the Indian Reorganization Act contained empowering ruptures for American Indians. Native communities were able to exploit these entreés, reshaping in the process their identities as U.S. citizens and/or separate sovereigns of a Native nation. An assessment of the way American Indians added to the hybrid relationship with the U.S. government exemplifies the way that their agencies can be seen as vital and resonant or “reconstructive.”<sup>150</sup> While nineteenth century Native protest may have achieved small in-roads during the 1830s and 1880s, the resonance of these arguments was magnified in the passage of the Indian Citizenship Act and the Indian New Deal. These two pieces of legislation stood as symbolic markers of Native empowerment.

## CONCLUSION

While the Indian Citizenship Act forced a controlled citizenship and the Indian New Deal cemented a controlled sovereignty, American Indian rhetoric was not ignored during the early twentieth century. And, the combination of Native integrationist and Native separatist arguments – oftentimes crafted by pan-Indian gatherings – blended into the U.S. government’s twin policies of citizenship and self-determination. Natives’ success in motivating the Indian Citizenship Act signifies the efforts of nineteenth century integrationist American Indians who sought U.S. citizenship. These American Indians’ “culturetypal” discourses, or those that “successfully rearrange[d] the culturally established public vocabulary to produce social change,” came to bear in the 1924 act.<sup>151</sup> In contrast, the tribalism supported by the Indian New Deal – though far from establishing complete Native autonomy – punctuated the efforts of nineteenth century separatist American Indians. These Natives engaged in a counter-cultural rhetoric that challenged “existing characterizations and narratives” (i.e., assimilation) by seeking separatism versus conciliation to U.S. citizenship.<sup>152</sup> As Lucaites and Condit assert, when these culturetypal and counter-cultural discourses are combined, “they can produce radical changes” in public culture.<sup>153</sup> Part of these changes in the removal, allotment and post-Dawes periods involved both Native and governmental identities, as well as U.S. policies.

Ultimately, the Indian Citizenship Act and the Indian New Deal are emblematic of the hybrid relationship between the U.S. governmental and American Indian voices. This relationship at once constructed institutional and Native identities as it proceeded to organize the ways of administering policies among the cultures. The hybrid interaction,

therein, brings to mind Bakhtin's notion of dialogism. With dialogism, discourse "generates a conversation between mixed or competing voices" whose point is not necessarily "fusion or resolution but the mutual illumination of their differences" and similarities.<sup>154</sup> In this way, when the U.S. government and American Indians interacted they were not inexorably seeking union or division, but rather were making sense of their public lives together.

Hybridity takes rhetoric beyond the nationalist or individualist construct of discourse. Single cultural voices blend, demonstrating how cultural discourses borrow from each other, craft homologies, use each other's strategies and impact each other's identities. Cultural identities come from the rhetoric that mixes in the "Third Space" and takes on hybrid qualities.<sup>155</sup> Murphy notes of hybridity that it reveals "the dialogic potential of rhetoric, possibilities that arise not from the neutral orchestration of languages and voices" but from the co-mingling of "vocabularies." Within these vocabularies are found cultural identities and identity transformations.<sup>156</sup>

This project on the hybrid relationship between American Indians and the U.S. government in the nineteenth and early twentieth centuries implies that identities transform and merge – they change together, not in isolation or in a unidirectional fashion. "Seeing around the corner," or what W.E.B. DuBois deemed "double consciousness," is not equivalent to a complete eradication of identities.<sup>157</sup> According to Bahktin, Bhabha and Young, because contact among cultures involves transformations on the part of dominant and subaltern groups, power is shared among these cultures.<sup>158</sup> Hoxie is correct when he asserts that the interactions of the government and Native

communities during the nineteenth and early twentieth centuries made it possible for them “to communicate ... with each other in new ways.”<sup>159</sup>

#### END NOTES

---

<sup>1</sup> Dewitt Clinton Duncan, “Conditions in Indian Territory,” Senate Committee Investigation, *Senate Report* no. 5013, 59<sup>th</sup> Congress, 24<sup>th</sup> session, pt. 1, Nov. 1906.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Frederick Hoxie, *Talking Back to Civilization: Indian Voices from the Progressive Era* (Boston: Bedford/St. Martin’s, 2001), 26-27.

<sup>5</sup> Peter Nabokov, *Native American Testimony: A Chronicle of Indian-White Relations From Prophecy to the Present, 1492-2000* (New York: Penguin Books, 1999), 256-263.

<sup>6</sup> Ruth Muskrat Bronson, “Life on the Checkerboard,” in *Indians Are People Too*, ed. Ruth Muskrat Bronson (New York: Friendship Press, 1944), 262.

<sup>7</sup> Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Lawrence: U of Kansas P, 1982), 142.

<sup>8</sup> Bronson, “Life on the Checkerboard,” 262.

<sup>9</sup> Nabokov, *Native American Testimony*, 263.

<sup>10</sup> Edward Said, *Culture and Imperialism* (London: Verso, 1993), xxv.

<sup>11</sup> Homi Bhabha, “Signs Taken for Wonders: Questions of Ambivalence and Authority under a Tree Outside Delhi, May 1817,” *Critical Inquiry* 12:1 (1985): 154

<sup>12</sup> See Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge, UK: Cambridge UP, 1977).

---

<sup>13</sup> Johannes Angermuller and Katharina Bunzmann, "Hybrid Spaces – Theory and Beyond," in *Hybrid Spaces: Theory, Culture, Economy*, eds. Johannes Angermuller, Katharina Bunzmann and Christina Rauch (New Brunswick, NJ: Transaction Press, 2000); Mikhail Bakhtin, *The Dialogic Imagination: Four Essays*, ed. Michael Holquist, trans. Caryl Emerson and Michael Holquist (Austin: U of Texas P, 1981); Homi Bhabha, *Location of Culture* (London: Routledge, 1994); and Monika Kaup and Debra E. Rosenthal, "Introduction," in *Mixing Race, Mixing Culture: Inter-American Literary Dialogues*, eds., Monika Kaup and Debra J. Rosenthal (Austin: U of Texas P, 2002);

<sup>14</sup> Kaup and Rosenthal, "Introduction," xiv.

<sup>15</sup> See Dippie, *The Vanishing American*.

<sup>16</sup> For a countervailing conclusion, see S. Elizabeth Bird, *Dressing in Feathers: The Construction of the Indian in American Popular Culture* (Boulder, Colorado: Westview Press, 1996); Haig A. Bosmajian, "Defining the 'American Indian': A Case Study in the Language of Suppression," *The Speech Teacher* 21 (March 1973): 89-99; and Richard Morris and Phillip Wander, "Native American Rhetoric: Dancing in the Shadows of the Ghost Dance," *Quarterly Journal of Speech* 76 (1990): 165.

<sup>17</sup> Bakhtin, *The Dialogic Imagination*, 272.

<sup>18</sup> Karlyn Kohrs Campbell, "Agency: Promiscuous and Protean," *Communication and Cultural/Critical Studies* 2 (2005): 4-5.

<sup>19</sup> Syncretism is the fusion of originally different rhetorical forms. According to Stewart and Ernst, it is the transaction "in which two groups or individuals are affected" in some way through "contact" (Tony K. Stewart and Carl W. Ernst, "Syncretism," in *South Asian Folklore*, eds., Peter J. Claus and Margaret A. Mills [New York: Garland,



---

2003], 125). Syncretism observes a symbiotic relationship through discourse at “any particular moment” (Charles Stewart, “Syncretism and its Synonyms: Reflections on Cultural Mixture,” *Diacritics* 29:3 [1999]: 55).

<sup>20</sup> Campbell, “Agency: Promiscuous and Protean,” 4-5.

<sup>21</sup> Edouard Glissant, *Poetics of Relation* (Ann Arbor: U of Michigan P, 1999), 144.

<sup>22</sup> Michael Paul Rogin, *Fathers and Children: Andrew Jackson and The Subjugation of the American Indian* (New York: Knopf, 1975), 10.

<sup>23</sup> Hoxie, *Talking Back to Civilization*, ix.

<sup>24</sup> See Francis Paul Prucha, *The Indians in American Society: from the Revolutionary War to the Present* (Berkeley: U of California P, 1988), viii-xi.

<sup>25</sup> Howard Zinn and Anthony Arnove, *Voices of a People’s History of the United States* (New York: Seven Stories, 2004), 23-28.

<sup>26</sup> Dippie, *The Vanishing American*, 73.

<sup>27</sup> This conception of Native voice conflicts with Wander’s theory of the *Third Persona*, or the silhouetted audience that is “not present” and is forgotten “in history, a being whose presence, though relevant to what is said, is negated through silence.” Rather, this project signifies that American Indian agency was neither forgotten nor silent during these eras, but rather empowered and vital to U.S.-Native relations (Philip Wander, “The Third Persona: An Ideological Turn in Rhetorical Theory *Central States Speech Journal* 35 [1984]: 210-211).

<sup>28</sup> Hoxie, *Talking Back to Civilization*, 27.

---

<sup>29</sup> David Wilkins, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice* (Austin: U of Texas P, 1999), 4.

<sup>30</sup> Wilkins, *American Indian Sovereignty*, 5.

<sup>31</sup> Separatist American Indians were granted this same opportunity for U.S. citizenship. Most, however, “resisted ... because they saw [military service] as an infringement of their tribal sovereignty and treaty rights.” Moreover, some declared war on Germany separately to underscore the idea that “they were independent nations” and would fight “as allies, not as subjects of the United States” (Colin G. Calloway, *First Peoples: A Documentary Survey of American Indian History* [Boston: Bedford/St. Martins, 1999], 374).

<sup>32</sup> Citizenship for Native World War I Veterans, November 6, 1919, *U.S. Statutes at Large*, 41: 350.

<sup>33</sup> President Woodrow Wilson insisted on the segregation of black and white troops during World War I, ironically at a time of increased inclusion of other immigrants as a part of the U.S. citizenry by reprobating “hyphenization.” He urged segregation to quell Jim Crow-era tensions between whites and African Americans in the U.S. *civis* and within the military itself (See Mary Stuckey, “‘The Domain of Public Conscience’: Woodrow Wilson and the Establishment of a Transcendent Political Order,” *Rhetoric and Public Affairs* 6:1 [2003], 12-14).

<sup>34</sup> Cato Sells, “The ‘First Americans’ as Loyal Citizens,” *American Review of Reviews* 57 (May 1918): 523.

<sup>35</sup> Found in Calloway, *First Peoples*, 373.

---

<sup>36</sup> Cato Sells, "The 'First Americans' as Loyal Citizens," *American Review of Reviews* 57 (May 1918): 523.

<sup>37</sup> Rogers Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, CT: Yale UP, 1997), 274; 463.

<sup>38</sup> Dippie, *The Vanishing American*, 194.

<sup>39</sup> Joseph Claymore in Nabokov, *Native American Testimony*, 281.

<sup>40</sup> Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, abridged ed. (Lincoln: U of Nebraska P, 1986), 78.

<sup>41</sup> Red Fox Skiuhushu, "If the Red Man Can Fight, Why Can't He Vote?" in *Literary Digest* 59 (Dec. 21, 1918): 36-37.

<sup>42</sup> John Collier, "Radio Address, May 7, 1934," quoted in Prucha, *Great Father*, abridged, 323.

<sup>43</sup> Prucha, *The Indians in American Society*, 54.

<sup>44</sup> Dippie, *The Vanishing American*, 142.

<sup>45</sup> Antonio Luhan, "To John Collier, Feb. 1934," in Mable Dodge Luhan, *Winter in Taos* (New York: Harcourt Brace, 1935), 20.

<sup>46</sup> Prucha, *The Indians in American Society*, 54.

<sup>47</sup> Clinton Rickard, "Comments," in *Report of the Executive Council on the proceedings of the First Annual Conference of the Society of American Indians, October 12-17, 1911, Columbus, Ohio*, ed. Arthur C. Parker (Washington, D.C.: Printing Office, 1912), n.p.

<sup>48</sup> Prucha, *The Indians in American Society*, 54.

<sup>49</sup> *Ibid.*

---

<sup>50</sup> John Collier, “Annual Report of the Commissioner of Indian Affairs, 1935,” in *The American Indian and the United States: A Documentary History*, vol. 2, ed. Wilcomb E. Washburn (Westport, CT: Greenwood Press, 1973), 921; 926.

<sup>51</sup> Chief Standing Bear, *Land of the Spotted Eagle* (Boston: n.p., 1933), 90.

<sup>52</sup> William H. King, “Speech on Allotment Reform, April 11, 1932,” *Congressional Record*, 72d Congress, 1<sup>st</sup> session, pp. 7938; 7935.

<sup>53</sup> *Ibid.*

<sup>54</sup> According to Hightower Langston, Standing Bear’s biography as well as his many public speeches and protest letters “to Congress resulted in a Senate investigation.” King was a member of that Senate investigation whose findings against allotment were aided by Standing Bear, especially as he simultaneously “conducted a lecture tour in the East to garner support on behalf of his people” (Donna Hightower Langston, *The Native American World* [Hoboken, NJ: John Wiley and Sons, 2003], 93).

<sup>55</sup> Quoted in Lewis Meriam, *The Problem of Indian Administration* (Baltimore, MD: Johns Hopkins U P, 1928), vii.

<sup>56</sup> Frederick Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: U of Nebraska P, 1984), 242.

<sup>57</sup> John Collier, “An Indian Renaissance,” in *The American Indian and the United States: A Documentary History*, vol. 2 (Westport, CT: Greenwood Press, 1973), 921-926.

<sup>58</sup> Calloway, *First Peoples*, 378.

<sup>59</sup> Meriam, *The Problem of Indian Administration*, 7.

<sup>60</sup> Prucha, *The Great Father*, 278

<sup>61</sup> Meriam, *The Problem of Indian Administration*, 86.

---

<sup>62</sup> Ibid.

<sup>63</sup> Meriam, *The Problem of Indian Administration*, 87.

<sup>64</sup> Meriam, *The Problem of Indian Administration*, 22.

<sup>65</sup> Calloway, *First Peoples*, 350.

<sup>66</sup> Dippie, *The Vanishing*, 142.

<sup>67</sup> Calloway, *First Peoples*, 415.

<sup>68</sup> Prucha, *The Great Father*, 319.

<sup>69</sup> Indian Citizenship Act, June 2, 1924, *U.S. Statutes at Large*, 43: 253.

<sup>70</sup> Rose Stremmler, "'To Domesticate and Civilize Wild Indians': Allotment and the Campaign to Reform Indian Families, 1875-1887," *Journal of Family History* 30 (2005): 272.

<sup>71</sup> Quoted in Hoxie, *A Final Promise*, 182.

<sup>72</sup> Arthur C. Parker, quoted in Russel Lawrence Barsh, "American Indians in the Great War," *Ethnohistory* 38 (1991): 287-288.

<sup>73</sup> Indian Citizenship Act, June 2, 1924, *U.S. Statutes at Large*, 43: 253.

<sup>74</sup> Quoted in Laurence Hauptman, *The Iroquois and the New Deal* (Syracuse, NY: Syracuse UP, 1981), 6.

<sup>75</sup> Quoted in *To Be An Indian: An Oral History*, eds. Joseph H. Cash and Herbert T. Hoover (St. Paul: Minnesota Historical Society Press, 1995), 124-125.

<sup>76</sup> Robert J.C. Young, *Colonial Desire: Hybridity in Theory, Culture and Race* (London: Routledge, 1995), 22.

<sup>77</sup> Hoxie, *Talking Back to Civilization*, 27.

---

<sup>78</sup> Emma D. Johnson, "Discussion on Reservation Administration," in Nabokov, *Native American Testimony*, 286.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Thomas Morgan, "Supplemental Report on Indian Education" (Dec. 1, 1889), in *House Executive Doc. No. 1*, part 5, 51<sup>st</sup> Congress, 1<sup>st</sup> session, pp. 101-102.

<sup>82</sup> Indian Citizenship Act, June 2, 1924, *U.S. Statutes at Large*, 43: 253.

<sup>83</sup> Prucha, *The Great Father*, 273.

<sup>84</sup> Smith, *Civic Ideals*, 463.

<sup>85</sup> Prucha, *The Great Father*, 273.

<sup>86</sup> Clyde Kelly, "On Behalf of Indian Citizenship," in Laurence F. Schmeckebier, *The Office of Indian Affairs: Its History, Activities and Organization* (Baltimore: Johns Hopkins U P, 1927), 158-160.

<sup>87</sup> Ibid.

<sup>88</sup> Smith, *Civic Ideals*, 460.

<sup>89</sup> Smith, *Civic Ideals*, 463.

<sup>90</sup> Clyde Kelly, "On Behalf of Indian Citizenship," in Laurence F. Schmeckebier, *The Office of Indian Affairs: Its History, Activities and Organization* (Baltimore: Johns Hopkins U P, 1927), 158-160.

<sup>91</sup> Smith, *Civic Ideals*, 460.

<sup>92</sup> Wilkins, *American Indian Sovereignty*, 5.

<sup>93</sup> *U.S. v. Nice*, 241 U.S., 598 (1916).

<sup>94</sup> Ibid.

---

<sup>95</sup> Prucha, *The Great Father*, 306.

<sup>96</sup> Petition to Roosevelt, January 28, 1932 in William H. King, "Conditions of the Indians in the United States: Speech of William H. King Delivered in the Senate, February 8, 1933," *Senate Document* No. 214, 72d Congress, 2d session, p. 26.

<sup>97</sup> Prucha, *The Indians in American Society*, 54.

<sup>98</sup> John Collier, *From Every Zenith: A Memoir and Some Essays on Life and Thought* (Denver: Sage Books, 1963), 115.

<sup>99</sup> Calloway, *First Peoples*, 418.

<sup>100</sup> *Ibid.*

<sup>101</sup> Quoted in Richard Weiss, "Ethnicity and Reform: Minorities and the Ambience of the Depression Years," *Journal of American History* 66 (1979): 566.

<sup>102</sup> Donald Young, *American Minority Peoples: A Study in Racial and Cultural Conflicts in the United States* (New York: Harper & Brothers, 1932), 460.

<sup>103</sup> Quoted in Richard Weiss, "Ethnicity and Reform: Minorities and the Ambience of the Depression Years," *Journal of American History* 66 (1979): 566.

<sup>104</sup> Prucha, *The Great Father*, 319.

<sup>105</sup> Chief Standing Bear, *Land of the Spotted Eagle*, 90.

<sup>106</sup> *Ibid.*

<sup>107</sup> John Collier, Annual Report of the Secretary of the Interior, 1934 in *Documents of United States Indian Policy*, ed. Francis Paul Prucha (Lincoln: U of Nebraska P, 1990), 225.

---

<sup>108</sup> Ralph Fredenberg, “Indian Self-Determination, 1934” in Hearings before the Committee on Indian Affairs, *U.S. Senate*, 73d Congress, 2d session, S. 2755 and S. 3645, Part 2, 110-113.

<sup>109</sup> Indian Reorganization Act (Wheeler-Howard Act), June 18, 1934, *U.S. Statutes at Large*, 48: 984-988.

<sup>110</sup> Antonio Luhan, “To John Collier, Feb. 1934,”

<sup>111</sup> Collier, Annual Report of the Secretary of the Interior, 1934,” 225.

<sup>112</sup> Indian Reorganization Act (Wheeler-Howard Act), June 18, 1934, *U.S. Statutes at Large*, 48: 984-988.

<sup>113</sup> Antonio Luhan, “To John Collier, Feb. 1934,”

<sup>114</sup> *Ibid.*

<sup>115</sup> Ralph Fredenberg, “Indian Self-Determination, 1934” in Hearings before the Committee on Indian Affairs, *U.S. Senate*, 73d Congress, 2d session, S. 2755 and S. 3645, Part 2, 110-113.

<sup>116</sup> Calloway, *First Peoples*, 417.

<sup>117</sup> Indian Reorganization Act (Wheeler-Howard Act), June 18, 1934, *U.S. Statutes at Large*, 48: 984-988.

<sup>118</sup> Found in *To Be An Indian: An Oral History*, eds. Joseph H. Cash and Herbert T. Hoover (St. Paul: Minnesota Historical Society Press, 1995), 124-125.

<sup>119</sup> Fredenberg, “Indian Self-Determination, 1934,” 110-112.

<sup>120</sup> Dubray quoted in *To Be An Indian: An Oral History*, eds. Joseph H. Cash and Herbert T. Hoover (St. Paul: Minnesota Historical Society Press, 1995), 124-125.



---

<sup>121</sup> John Collier, Annual Report of the Secretary of the Interior, 1934 in *Documents of United States Indian Policy*, ed. Francis Paul Prucha (Lincoln: U of Nebraska P, 1990), 227.

<sup>122</sup> Dippie, *The Vanishing American*, 317.

<sup>123</sup> Indian Reorganization Act (Wheeler-Howard Act), June 18, 1934, *U.S. Statutes at Large*, 48: 984-988.

<sup>124</sup> Though rarely occurring, sometimes a Native rhetor's nationality is not discernible from the texts under consideration. In these atypical instances, "unknown" is noted in parenthesis following their names.

<sup>125</sup> Vera Connolly, "Washington Conference," *Indian Truth* 11 (January 1934): 3-4.

<sup>126</sup> *Ibid.*

<sup>127</sup> Ray W. Jimerson, April 12, 1934 in *Congressional Record*, 73d Congress, 2d session, p. 11733.

<sup>128</sup> *Ibid.*

<sup>129</sup> Costo quoted in Kenneth R. Philip, "Resisting the Indian New Deal," in *Indian Self-Rule*, ed. Kenneth R. Philp (Salt Lake City, UT: Howe Brothers, 1986), 34.

<sup>130</sup> *Ibid.*

<sup>131</sup> Roubideaux quoted in *To Be An Indian: An Oral History*, eds. Joseph H. Cash and Herbert T. Hoover (St. Paul: Minnesota Historical Society Press, 1995), 124-125.

<sup>132</sup> John Collier, Annual Report of the Secretary of the Interior, 1934 in *Documents of United States Indian Policy* (Lincoln: U of Nebraska P, 1990), 227.

---

<sup>133</sup> Indian Reorganization Act (Wheeler-Howard Act), June 18, 1934, *U.S. Statutes at Large*, 48: 984-988.

<sup>134</sup> *Ibid.*

<sup>135</sup> Robert Burnette and John Koster, *The Road to Wounded Knee* (New York: Bantam Doubleday, 1974), 15-16.

<sup>136</sup> Indian Reorganization Act (Wheeler-Howard Act), June 18, 1934, *U.S. Statutes at Large*, 48: 984-988.

<sup>137</sup> See General Allotment Act (1887), *United States Statutes at Large*, 24, 388-391.

<sup>138</sup> John Collier, "Annual Report of the Commissioner of Indian Affairs, 1935," in *The American Indian and the United States: A Documentary History*, vol. 2, ed. Wilcomb E. Washburn (Westport, CT: Greenwood Press, 1973), 921; 926.

<sup>139</sup> Indian Reorganization Act (Wheeler-Howard Act), June 18, 1934, *U.S. Statutes at Large*, 48: 984-988.

<sup>140</sup> *Ibid.*

<sup>141</sup> *Ibid.*

<sup>142</sup> *Ibid.*

<sup>143</sup> Vine Deloria, *Custer Died For Your Sins: An Indian Manifesto* (Norman: U of Oklahoma P, 1988), 145.

<sup>144</sup> Calloway, *First Peoples*, 440.

<sup>145</sup> John Collier, "Annual Report of the Commissioner of Indian Affairs, 1935," in *The American Indian and the United States: A Documentary History*, vol. 2, ed. Wilcomb E. Washburn (Westport, CT: Greenwood Press, 1973), 921; 926.

---

<sup>146</sup> Stephen Cornell, *The Return of the Native: American Indian Political Resurgence* (New York: Oxford UP, 1988), 94-95.

<sup>147</sup> John Collier, Annual Report of the Secretary of the Interior, 1934 in *Documents of United States Indian Policy* (Lincoln: U of Nebraska P, 1990), 227.

<sup>148</sup> Cornell, *The Return of the Native*, 95.

<sup>149</sup> More to this point, Harmon claims that “[g]overnment policies and the laws that embody them have been especially important external determinants of Indian identity” (Harmon, “Wanted,” 255-6).

<sup>150</sup> Todd McDorman, “Challenging Constitutional Authority: African American Responses to *Scott v. Sandford*,” *Quarterly Journal of Speech* 83 (1997): 194; 204.

<sup>151</sup> John Louis Lucaites and Celeste Michelle Condit, “Reconstructing <Equality>: Culturetypal and Counter-Cultural Rhetoric in the Martyred Black Vision,” in *Readings in Rhetorical Criticism*, 3d edition, ed. Carl R. Burgchardt (State College, PA: Strata, 2005), 469.

<sup>152</sup> Ibid.

<sup>153</sup> Lucaites and Condit, “Reconstructing <Equality>”, 470.

<sup>154</sup> Kaup and Rosenthal, “Introduction,” xxii.

<sup>155</sup> Of the dialogic process, Bakhtin argues, “hybridization ... is a mixture of two social languages within the limits of a single ... encounter, within the arena of utterance, between two different linguistic consciousnesses, separated from one another” by culture, “social differentiation” or some other factor (Bakhtin, *The Dialogic Imagination*, 358). Clearly, Bakhtin’s theories follow from the middle-ground position that takes as its thrust the impact of hybridity on *both* or the *many* identities mingling in the contact zone.

---

<sup>156</sup> John M. Murphy, "Mikhail Bahktin and the Rhetorical Tradition," *Quarterly Journal of Speech* 87 (2001): 275.

<sup>157</sup> W.E.B. DuBois, *The Souls of Black Folk* (Minneola, NY: Dover Publications, 1998), pp. 7-15.

<sup>158</sup> See Bahktin, *Dialogic Imagination*; Bhabha, *Location of Culture*; and Young, *Colonial Desire*.

<sup>159</sup> Hoxie, *Talking Back to Civilization*, 27.

## BIBLIOGRAPHY

### PRIMARIES AND PRIMARY COLLECTIONS

Abolition of Treaty Making, March 3, 1871, *U.S. Statutes at Large*, 16: 566.

Adams, John Quincy. "Annual Message, December 2, 1828." In *State of the Union Messages of the Presidents*, vol. 1, edited by Fred Israel, 287. New York: Chelsea House, 1982.

Adams's Remarks, April 20, 1830, *Gales & Seaton's Register of Debates in Congress*, Senate (April 20, 1830), 359

Agreement with the Sioux of Various Tribes, 1882-83. In *Indian Affairs: Laws and Treaties, Vol. II.*, edited by Charles J. Kappler. Washington, D.C.: Government Printing Office, 1904.

Ames, "The Choctaws," *Cherokee Phoenix* vol. 2:37 (December 23, 1830): p. 2, col. 2a-4b.

An Act Concerning Aliens, June 1798. In *A Documentary History of the United States*, 7d., edited by Richard D. Heffner, 71-72. New York: Signet, 2002.

Anonymous (Taino). "You Have Come a Powerful Man." In *History of the Indies, Book One*, translated by Andree Collard, 55. New York: Harper, 1971.

Anonymous, "The Indian's Farewell," in *Cherokee Phoenix*, vol. 2:50 (March 31, 1830), p.4, col.1a.

Anonymous. "Song of the Removal to Oklahoma." In *Exiles of Florida*, edited by Joshua Giddens, 35. Columbus, OH: Follett, Foster and Company, 1858.

Anonymous. "Poem: Cherokees' Reply to the Proposition that They Should Remove Beyond the Mississippi," in *Cherokee Phoenix* vol. 2:25 (September 23, 1829), p. 4, col. 1a.

Antiwaneto. "We Hear on All Sides." In *Documents Relative to the Colonial History of New York, vol. 10*, edited by E.B. O'Callaghan, 252-254. Albany: Weed, Parsons, 1858.

Apess, William. *A Son of the Forest: The Experience of William Apes [sic]: A Native of the Forest*. New York: Burnee, 1831, 157; 205.

Arthur, Chester A. "Annual Message to Congress, December 6, 1881." In *A Compilation of the Messages and Papers of the Presidents*, vol. 8, comp., James D. Richardson, 54. Washington, D.C.: Bureau of National Literature and Art, 1937.

- Atkins, J.D.C. "Report of the Commissioner of Indian Affairs, October 5, 1885." In *The American Indian and the United States: A Documentary History*, vol. 3, edited by Wilcomb Washburn, 357. New York: Random House, 1973.
- Authorization of the Board of Indian Commissioners, April 12, 1869, in *U.S. Statutes at Large*, 16: 40.
- B—DB. "For the Cherokee Phoenix," *Cherokee Phoenix* vol. 1:4 (March 13, 1828), p. 2, col. 4,5; p. 3, col. 1,2.
- Barbour, James. "Message to the House of Representatives, February 16, 1826." In "Preservation of the Indians," *Niles' Weekly Register* 30 (June 10, 1826), 275.
- Bates' Remarks, May 19, 1830, *Gales & Seaton's Register of Debates in Congress*, House (May 19, 1830), 1050.
- Black Elk, "The Spider's Web." In *Black Elk Speaks*, edited by John G. Neihardt, 35-36. Lincoln: University of Nebraska Press, 1931.
- Black Hawk, *Black Hawk's Autobiography*. Ames: Iowa State University Press, 1999.
- Black Hawk Tour, *Niles' Weekly Register* 8 [1833]: 182).
- Blackstone, William. *Commentaries on the Laws of England*, 1765-1769, vol. 1. Chicago: University of Chicago Press, 1979.
- Black Thunder. "Speech to American Commissioners, 1815." In *Biography and History of the Indians of North America*, edited by Samuel G. Drake, 632. Boston: n.p., 1841.
- Board of Indian Commissioners. "Twelfth Annual Report, November 1, 1880." In Carl Schurz, "Annual Report of the Secretary of the Interior," November 1, 1880, *House Executive Document* no. 1, 46<sup>th</sup> Congress, 3d session, serial 1959, pp. 7-9.
- Boudinot, Elias. "To the Publics," *Cherokee Phoenix* vol. 1:1 (February 21, 1828), p. 3, col. 2b-4.
- Bouinot, Elias. "New Echota Editorial," *Cherokee Phoenix* vol. 1:6 (March 27, 1828), p. 3, col. 1b.
- Boudinot, Elias. "Editorial (November 12, 1831)." In *Cherokee Editor: The Writing of Elias Boudinot*, edited by Theda Perdue, 142. Knoxville: University of Tennessee Press, 1983.
- Brant, Joseph. "We Have Borne Everything Patiently for This Long Time." In *Indian*

- Oratory: Famous Speeches by Noted Indian Chieftains*, edited by W.C. Vanderwerth, 50-53. Norman: University of Oklahoma Press, 1989.
- Bronson, Ruth Muskrat. "Life on the Checkerboard." In *Native American Testimony: A Chronicle of Indian-White Relations From Prophecy to the Present, 1492-2000*, edited by Peter Nabokov, 262. New York: Penguin, 1999.
- Buffalo. "You Must Remember." *National Archives I.*, Treaty no. 287, RG 75, T-494, roll 5, 362.
- Calhoun, John. "South Carolina Exposition, December 19, 1828." In *The Papers of John C. Calhoun*, vol. 10, 1825-1829, edited by Clyde N. Wilson and W. Edwin Hemphill, 461. Columbia: University of South Carolina Press, 1977.
- Callahan, S. Alice. *Wynema: A Child of the Forest*. Lincoln: University of Nebraska Press, 1997.
- Canassatego. "We Now Speak." In *Minutes of the Provincial Council of Pennsylvania*, vol. 5, edited by Samuel Hazard, 401-402. Harrisburg, PA: T. Fenn & Co., 1851-53.
- Cass, Lewis. "To the President of the United States, Department of War, January 23, 1832." National Archives, Record Group 75, Ratified Indian Treaty File No. 178, Item 2-T, Secretary of War, Letters Sent, vol. 9.
- Cherokee Nation v. Georgia*, 30 U.S. 1 (1831).
- Cherokee Nation v. Southern Kansas Railway Company*, 135 U.S. 641 (1890).
- Cherokee Council, "The Cherokees," in *Cherokee Phoenix* vol. 1:44 (January 14, 1829), p. 1, col. 4b-5a.
- Cherokee Nation, "To the People of the United States (July 7, 1830)," *Niles Weekly Register*, August 21, 1830.
- Cherokee Nation, "A Petition, January 29, 1897," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR54A-H13, box 192.
- Chief Hollow Horn. "Against Allotment." In *My People the Sioux*, Luther Standing Bear. Cambridge, MA: Houghton Mifflin, 1918.
- Chief Standing Bear. *Land of the Spotted Eagle*. Boston: n.p., 1933.
- Chippewa Removal Song. In *Indian Sketches Taken During an Expedition to the Pawnee Tribes* [1833], edited by John Trent Irving, Jr., xxvii. Norman: University of Oklahoma Press, 1955.

- Choctaw Nation, "Congressional Memorial, February 17, 1894," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR53A-H13.3, Box no. 141.
- Choctaw Nation, "To the Congress of the United States, February 4, 1897," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR54A-H13.1, box 192.
- Choctaw and Chickasaw Nations, "To the Congress of the United States, January 23, 1900," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR56A-H9.3.
- Citizenship for Native World War I Veterans, November 6, 1919, *U.S. Statutes at Large*, 41: 350.
- Civilization Fund Act, March 3, 1819, *U.S. Statutes at Large*, 3:516-517.
- Claymore, Joseph. "Commentary." In *Native American Testimony: A Chronicle of Indian-White Relations From Prophecy to the Present, 1492-2000*, edited by Peter Nabokov, 281. New York: Penguin Books, 1999.
- Cleveland, Grover. "First Inaugural Address, March 4, 1885." In *The Inaugural Addresses of the Presidents*, edited by John Gabriel Hunt, 247. New York: Gramercy, 1997.
- Cleveland, Grover. "Second Annual Message, December 6, 1886." In *A Compilation of the Messages and Papers of the Presidents*, vol. 8, comp., James D. Richardson, 519. Washington, D.C.: Bureau of National Literature and Art, 1937.
- Coacoochee, "Speech to Removal Council." In *The Origin, Progress and Conclusion of the Florida War*, edited by John T. Sprague. (New York: n.p.).
- Cocke, John. "Letter to James Barbour," January 11, 1826, in *Office of Indian Affairs*, bin M234, reel 1.
- Coffee, John. "Talk to the Creek and Chickasaw," *Niles Weekly Register* (September 18, 1830). Quoted in *The Chickasaws*, edited by Arrell Gibson, 154. Norman: University of Oklahoma Press, 1971.
- Coke Bill of 1881. In *Indian Land in Severalty As Provided For By the Coke Bill*, 46th Congress, 1st session, S. 48, edited by Henry S. Pancoast, 3-7. (Philadelphia: Lippincott, 1884.
- Coke, Richard. "U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session." In *The American Indian and the United States: A Documentary History, vol. 4*, edited by Wilcomb Washburn, 1700-1704. New York: Random House, 1973.



- Colbert, Levi. "Plea from the Chickasaw," *Journal of the Chickasaw Council*, October 16, 1826 to November 1, 1826. In *American State Papers*, vol. 2, Indian Affairs, 10.
- Collier, John. *From Every Zenith: A Memoir and Some Essays on Life and Thought*. Denver: Sage Books, 1963.
- Collier, John. "Annual Report of the Secretary of the Interior, 1934." In *Documents of United States Indian Policy*, edited by Francis Paul Prucha, 225. Lincoln: University of Nebraska Press, 1990.
- Collier, John. "Radio Address, May 7, 1934." In *The Great Father: The United States Government and the American Indians*, unabridged, edited by Francis Paul Prucha, 323. Lincoln: University of Nebraska Press, 1984.
- Collier, John. "Annual Report of the Commissioner of Indian Affairs, 1935." In *The American Indian and the United States: A Documentary History*, vol. 2, edited by Wilcomb E. Washburn, 921-927. Westport, CT: Greenwood Press, 1973.
- Collier, John. "An Indian Renaissance." In *The American Indian and the United States: A Documentary History*, vol. 2. Westport, CT: Greenwood Press, 1973, 921-926.
- Colon, Francisco. *The Life of the Admiral Christopher Columbus*. New Brunswick: Rutgers University Press, 1959.
- Committee Report on the Southern Department, August 3, 1787, *Journals of the Continental Congress*, vol. 33., 456, 459.
- Connolly, Vera. "Washington Conference," *Indian Truth* 11 (January 1934): 3-4.
- Constitution of the United States of America. in *A Documentary History of the United States*, 7d., edited by Richard D. Heffner, 22. New York: Signet, 2002.
- Continental Congress. "Report of Committee on Indian Affairs, October 15, 1783," *Journals of the Continental Congress*, 25: 681-683, 693.
- Cornplanter, "Listen to Me Fathers of the Thirteen Tribes," in *Colonial Records of Pennsylvania*, vol. 16, p. 35, RG 13, carton 3, folder 1 (Harrisburg: Pennsylvania State Archives).
- Corn Tassel. "Let Us Examine the Facts." In *Tatham's Characters Among the North American Indians*. London: Annual of Biography and Obituary, 1820.
- Costo, Rupert. "Resisting the Indian New Deal." In *Indian Self-Rule*, edited by Kenneth R. Philip, 34. Salt Lake City, UT: Howe Brothers, 1986.

- Crawford, T. Hartley. "Report of the Commissioner of Indian Affairs, November 25, 1838." In *The American Indian and the United States: A Documentary History*, vol. 1, edited by Wilcomb E. Washburn, 31. New York: Random House, 1973.
- Creation of an Indian Peace Commission, July 20, 1867, in *U.S. Statutes at Large*, 15: 17.
- Creek and Seminole Nations, "To the Congress of the United States, 1890" *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR54A-H13.1, box 193.
- Creek and Choctaw Indians of Oklahoma, "To the Committee on Indian Affairs – A Protest Against Allotment of Lands by the Full Blood Creek Indians, November 21, 1899," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR56A-H9.3.
- Curtis Act (1898), *United States Statutes at Large*, 30, 504-505.
- Danforth, Samuel. "A Brief Recognition of New England[']s Errand Into the Wilderness." In *American Rhetorical Discourse*, 3d, edited by James F. Klumpp and Ronald Reid, 37-51. Prospect Heights, IL: Waveland Press, 2004.
- Dawes, Henry. "Solving the Indian Problem," in Fifteenth Annual Report of the Board of Indian Commissioners (1883), pp. 69-70.
- Dawes, Henry L. "Senate Arguments, December 15, 1886." In *Proceedings of the Fifth Annual Meeting of the Lake Mohonk Conference of the Friends of the Indian*, 1887 (Philadelphia, 1887), 12-13; 63-69.
- Declaration of Independence. In *A Documentary History of the United States*, 7d., edited by Richard D. Heffner, 12. New York: Signet, 2002.
- Delano, Columbus. Report of the Secretary of the Interior, November 23, 1874, *House Executive Document* no. 1, part 5, 43-2, serial 1639, pp. v, vii.
- Delaware Treaty, Fort Pitt, September 17, 1778. In *The American Indian and the United States: A Documentary History*, vol. III, edited by Wilcomb Washburn, 2263. New York: Random House, 1973.
- Deroin, Mitchel. "The Chiefs, April 15, 1895" in Office of Indian Affairs, *Special Case* 147, L 18666-1895, National Archives.
- Dolph, Joseph. Debate on Bill to Provide Lands in Severalty, December 15-16 and January 18, 25, 1887. In *The American Indian and the United States: A Documentary History*, vol. 4, edited by Wilcomb Washburn, 1878. New York: Random House, 1973.

- Duncan, D.W. "How Allotment Impoverishes the Indians: Testimony Before a Senate Investigating Conditions in Indian Country," *Senate Report* No. 5013, 59<sup>th</sup> Congress, 2d Session, Part 1, 180-190.
- Duncan, Dewitt Clinton. "Conditions in Indian Territory," Senate Committee Investigation, *Senate Report* no. 5013, 59<sup>th</sup> Congress, 24<sup>th</sup> session, pt. 1, Nov. 1906.
- Eastern Cherokees. "To Andrew Jackson, July 2, 1817." In *The Correspondence of Andrew Jackson*, vol. 1, edited by John Spencer Bassett, 142-143. Washington, D.C.: Carnegie, 1928.
- Eaton, John. "Letter to John Ross, Richard Taylor, Edward Gunter, and William Coody, April 18, 1829," Office of Indian Affairs, Letter Book no. 5, pp. 408-12, Record Group 75, *National Archives*.
- Eaton, John. "To the Cherokee Nation on Removal, April 18, 1829," in Office of Indian Affairs, *Letter Book* no. 5, Record Group 75, pp. 408-412, National Archives.
- John Eaton, "Secretary of War Annual Report (1830)" in *American State Papers*, vol. 4, serial 458, p. 286.
- Eaton, John. "How to Treat with the Indians," *Cherokee Phoenix* 2: 48 (March 17, 1830), 1, col. 5b.
- Elk v. Wilkins*, 112 U.S. Reports, 98-99, 102, 109 (1884).
- Ellis, A.G. "Some Account of the Adventures of the New York Indians Into Wisconsin," *Wisconsin Historical Collections* vol. 2 (1855), 415.
- Erret, Russell. In U.S. Congress, House, Committee on Indian Affairs, *Lands in Severalty to Indians: Report to Accompany H.R. 5038*, 46<sup>th</sup> Congress, 2d session, May 28, 1880, H. Report, 1576, 7-10.
- Forsyth's Remarks, April 15, 1830, *Gales & Seaton's Register of Debates in Congress*, Senate (April 14, 15, 1830), 326.
- Foster's Remarks, May 17, 1830, *Gales & Seaton's Register of Debates in Congress*, House (May 17, 1830), 1030.
- Four Bears. "With Ingratitude." In *Chardon's Journal at Fort Clark, 1834-1839*, edited by Annie H. Abel, 123. Pierre, SD: Department of History of the State of South Dakota, 1932.
- Fredenberg, Ralph. "Indian Self-Determination, 1934," Hearings before the Committee

on Indian Affairs, *U.S. Senate*, 73d Congress, 2d session, S. 2755 and S. 3645, Part 2, 110-113.

Frelinghuysen's Remarks, April 9, 1830, *Gales & Seaton's Register of Debates in Congress*, Senate (April 9, 1830), 312.

General Allotment Act (Dawes Act) of 1887, in *U.S. Statutes at Large* 24 188: 388-391.

Grant, Ulysses S. "First Annual Message, December 6, 1869." In *A Compilation of the Messages and Papers of the Presidents*, vol. 7, comp., James D. Richardson, 38-39. Washington, D.C.: Bureau of National Literature and Art, 1937.

Gray, Robert. *A Good Speed to Virginia* [1609], edited by W.F. Craven, ci. New York, n.p., 1937.

*Great Debates in American History*, vol. 8, edited by Marion Mills Miller. New York: Current Literature Publishing Company, 1913.

Haltburton, Thomas. "Removal of the Indians," *The North American Review* vol. 30, issue 66 (January 1830), 66.

Harkins, George Harkins. "Farewell Letter to the American People, 1832," *The American Indian* vol. 1:3 (December 1926), 7, 12.

Hayes, Rutherford B. "Third Annual Message, December 1, 1879." In *Great Debates in American History, Civil Rights*, part two, volume VIII., edited by Marion Mills Miller, 287. New York: Little and Ives, 1913.

Hayt, Ezra. "To Secretary of the Interior Carl Schurz, January 24, 1879," *House Report* no. 165, 45<sup>th</sup> Congress, 3d session, serial 1866, pp. 2-3.

Heckaton, "Speech [1834]," in *Arkansas Gazette* [November 11, 1834], also found in *From the Heart: Voices of the American Indian*, edited by Lee Miller, 223. New York: Vintage Books, 1995.

Herring, Elbert. "Report of Commissioner of Indian Affairs, March 24, 1832," in *House Executive Document* no. 2, 22d Congress, 2d session, serial 233, p. 163.

Hitchcock, Ethan Allen. "Annual Report of the Department of the Interior, June 30, 1903." In *Indian Affairs: Laws and Treaties*, vol. 18, edited by Charles J. Kappler, 2-3. Washington, D.C.: Government Printing Office, 1904.

Homestead Act, May 20, 1862, 37<sup>th</sup> Congress, 2d session, Chapter 75.

*House Report* no. 237, 21:1, serial 200, p. 6-7

- Indian Citizenship Act, June 2, 1924, *U.S. Statutes at Large*, 43: 253.
- Indian Reorganization Act (Wheeler-Howard Act), June 18, 1934, *U.S. Statutes at Large*, 48: 984-988.
- Indian Rights Association. "Statement of Objectives," *Second Annual Report of the Executive Committee on the Indian Rights Association* (1885), 5-7.
- Jackson, Andrew. "Letter to Rachel Jackson, October 21, 1814." In *The Correspondence of Andrew Jackson*, vol. 1, edited by John Spencer Bassett, 365-366. Washington, D.C.: Carnegie, 1928.
- Jackson, Andrew. "Letter to John Williams, May 18, 1815." In *The Papers of Andrew Jackson*, vol. 3, edited by Harold D. Moser. David R. Hoth and George H. Hoemann, 74-75. Knoxville: University of Tennessee Press, 1996).
- Jackson, Andrew. "Talk to the Creeks, September 4, 1815." In *Correspondence of Andrew Jackson*, vol. 2, edited by John Spencer Bassett, 216-217. Washington, D.C.: Carnegie Institute, 1928.
- Jackson, Andrew. "Talk with George Colbert and the Chickasaw, February 13, 1816." In *The Papers of Andrew Jackson*, vol. 4, edited by Harold D. Moser. David R. Hoth and George H. Hoemann, 13. Knoxville: University of Tennessee Press, 1996.
- Jackson, Andrew. "To James Monroe, March 4, 1817." In *Correspondence of Andrew Jackson*, vol. 2, edited by John Spencer Bassett, 278-279. Washington, D.C.: Carnegie Institute, 1928.
- Jackson, Andrew. "To Choctaw Indians, October 3, 1820." In *The Papers of Andrew Jackson* vol. 4, edited by Moser, Hoth, Hoemann, 391-392. Knoxville: University of Tennessee Press, 1996.
- Jackson, Andrew. "To Choctaw Indians, October 17, 1820." In *The Papers of Andrew Jackson* vol. 4, edited by Moser, Hoth, Hoemann, 393-396. Knoxville: University of Tennessee Press, 1996.
- Jackson, Andrew. "First Inaugural, March 4, 1829." In *A Compilation of the Messages and Papers of the Presidents*, vol. 2, comp., James D. Richardson, 438. Washington, D.C.: Bureau of National Literature and Art, 1937.
- Jackson, Andrew. "Letter to James Gadsen, October 12, 1829." In *Correspondence of Andrew Jackson*, vol. 4, edited by John Spencer Bassett, 81. Washington, D.C.: Carnegie Institute, 1928.
- Jackson, Andrew. "Draft of First Annual Message, December 7, 1829." In *The*

- Correspondence of Andrew Jackson*, vol. 4, edited by John Spencer Bassett, 103. Washington, D.C.: Carnegie, 1928.
- Jackson, Andrew. "First Annual Message, December 7, 1829." In *A Compilation of the Messages and Papers of the Presidents*, vol. 2, comp., James D. Richardson, 457-459. Washington, D.C.: Bureau of National Literature and Art, 1937.
- Jackson, Andrew. "Letter to John Pitchlynn, August 5, 1830." In *Correspondence of Andrew Jackson*, vol. 4., edited by John Spencer Bassett, 169. Washington, D.C.: Carnegie Institution, 1929.
- Jackson, Andrew. "Second Annual Message to Congress, 1830," *U.S. House Journal*, 6 December 1830, 25.
- Jackson, Andrew. "Letter to Colonel Anthony Butler, March 6, 1832." In *Correspondence of Andrew Jackson*, vol. 4, edited by John Spencer Bassett, 415. Washington, D.C.: Carnegie Institution of Washington, 1929.
- Jackson, Andrew. "Talk to the Cherokees, March 6, 1835." In *The Correspondence of Andrew Jackson*, vol. 1, edited by John Spencer Bassett, 86. Washington, D.C.: Carnegie, 1928.
- Jackson, Andrew. "Annual Message, December 7, 1835." In *A Compilation of the Messages and Papers of the Presidents*, vol. 3, comp., James D. Richardson, 172-173. Washington, D.C.: Bureau of National Literature and Art, 1937.
- Jefferson, Thomas. "To Chastellux, June 7, 1785." In *The Papers of Thomas Jefferson vol. 8*, edited by Julian Boyd, 186. Princeton: Princeton University Press, 1950.
- Jefferson, Thomas Jefferson. "First Inaugural, March 4, 1801." In *The Inaugural Addresses of the Presidents*, edited by John Gabriel Hunt, 24. New York: Gramercy, 1997.
- Jefferson, Thomas. "Presidential Message, 1803." Record Group 233, Records of the U.S. House of Representatives, File HR7A-D1 at the National Archives II.
- Jefferson, Thomas. "Message of January 18, 1803." In *A Compilation of the Messages and Papers of the Presidents, Vol. 1*, comp., James D. Richardson, 352. New York: Bureau of National Literature, 1897.
- Jefferson, Thomas. "On Indian Trading Houses – Confidential Letter to Congress, January 18, 1803." In *A Compilation of the Messages and Papers of the Presidents*, vol. 1, comp., James D. Richardson, 340-41. Washington, D.C.: Bureau of National Literature and Art, 1937.
- Jefferson, Thomas. "Letter to William Henry Harrison, February 27, 1803." In *The*

- Writings of Thomas Jefferson, vol. 9*, edited by Albert E. Berghe, 370-371. Washington: Thomas Jefferson Memorial Foundation, 1907.
- Jefferson, Thomas. "Letter to William Ludlow, September 6, 1824." In *The Writings of Thomas Jefferson*, vol. 16, edited by Andrew A. Lipscomb, 272. Washington, D.C.: Government Printing, 1903.
- Jefferson, Thomas. *Notes on the State of Virginia*. Richmond, VA: J.W. Randolph, 1853.
- Jimerson, Ray W. "Comments, April 12, 1934," *Congressional Record*, 73d Congress, 2d session, p. 11733.
- Johnson, Emma D. "Discussion on Reservation Administration." In *Native American Testimony, Native American Testimony: A Chronicle of Indian-White Relations From Prophecy to the Present, 1492-2000*, edited by Peter Nabokov, 286. New York: Penguin Books, 1999.
- Johnson v. McIntosh*, 21 U.S. 543, 5 L.Ed. 681, 8 Wheat. 543 (1823).
- Jones, William A. "Annual Report of the Commissioner of Indian Affairs, October 15, 1901." In *Documents of United States Indian Policy*, 2d., edited by Francis Paul Prucha, 202. Lincoln: University of Nebraska Press, 1990.
- Jumper, "Removal Speech," in U.S. Congress, 25<sup>th</sup>, 1<sup>st</sup> session, *Senate Executive Document 119, passim*.
- Kānakūk, "Why the Indians Will Not Give Up their Land (1827)." In *Fourteenth Annual Report of the Bureau of American Ethnology* (1896), part 2, 685-696.
- Kelly, Clyde. "On Behalf of Indian Citizenship." In *The Office of Indian Affairs: Its History, Activities and Organization*, edited by Laurence F. Schmeckebier, 158-160. Baltimore: Johns Hopkins University Press, 1927.
- Kicking Bear. "I Bring You Word from Your Fathers the Ghosts." In *Indian Oratory: Famous Speeches by Noted Indian Chieftains*, edited by W.C. Vanderwerth, 247. Norman: University of Oklahoma Press, 2000.
- King Phillip. "You See This Vast Country." In *Narratives of the Indian Wars, 1675-1699*, edited by Charles Lincoln, 10-11. New York: Scribner's Sons, 1918.
- King, William, "Petition to Roosevelt, January 28, 1932." In "Conditions of the Indians in the United States: Speech of William H. King Delivered in the Senate, February 8, 1933," *Senate Document* No. 214, 72d Congress, 2d session, p. 26.
- King, William H. "Speech on Allotment Reform, April 11, 1932." *Congressional Record*, 72d Congress, 1<sup>st</sup> session, pp. 7938; 7935.

- Kiowa, Comanche and Apache Nations. "Memorial of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma Territory, n.d., 1903," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR57A-H10.1, box 93.
- Lea, Luke. "Annual Report of the Commissioner of Indian Affairs," November 27, 1850, *Senate Executive Document* no. 1, 31st Congress, 2d session, serial 587, pp. 35-37.
- Leech Lake, "Protest of Leech Lake Indians Against the Removal of Reservation, January 12, 1898," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR55A-H8.1, box 193.
- Leupp, Francis. "Annual Report of the Commissioner of Indian Affairs, September 30, 1905." In *Documents of United States Indian Policy*, 2d., edited by Francis Paul Prucha, 205. Lincoln: University of Nebraska Press, 1990.
- Leupp, Francis E. *The Indian and His Problem* (New York: C. Scribner's Sons, 1910), vii.
- Little Star. "Going Back." In *Native American Testimony: A Chronicle of Indian-White Relations From Prophecy to the Present, 1492-2000*, edited by Peter Nabokov, 388-389. New York: Penguin Books, 1999.
- Little Turtle. "Brothers, These People Never Told Us They Wishes to Purchase Our Lands from Us." In *Indian Oratory: Famous Speeches by Noted Indian Chieftains*, edited by W.C. Vanderwerth, 56-59. Norman: University of Oklahoma Press, 1989.
- Little Turtle, "These People Never Told Us They Wished to Purchase Our Lands From Us," *American State Papers. Indian Affairs*, 1789-1815 (Washington, D.C.: Gales and Seaton, 1832), Vol. 1: 567, 570-71, 576.
- Lone Wolf v. Hitchcock*, 19 App. D.C. 315 (1902).
- Lone Wolf v. Hitchcock*, 187 U.S. 553 (1903).
- Lords of Trade. "Letter to Sir William Johnson." In *New York Colonial Documents* vol. 7, edited by E.B. O'Callahan, 535-536. Albany: Weed, Parsons, 1858.
- Luhan, Antonio. "To John Collier, Feb. 1934." In *Winter in Taos*, edited by Mable Dodge Luhan, 20. New York: Harcourt Brace, 1935.
- Lumpkin's Remarks, May 17, 1830, *Gales & Seaton's Register of Debates in Congress*, House (May 17, 1830), 1016.



- Lumpkin, Wilson. *Removal of the Cherokee Indians from Georgia*, vol. 2. New York: Augustus M. Kelly, 1907.
- Madison, James. "The Federalist Number Ten." In *A Documentary History of the United States*, 7d., edited by Richard D. Heffner, 40-43. New York: Signet, 2002.
- Madison, James. "Special Message to Congress, January 27, 1825." In *A Compilation of the Messages and Papers of the Presidents*, vol. 2, comp., James D. Richardson, 280-283. Washington, D.C.: Bureau of National Literature and Art, 1937.
- Major Crimes Act, *U.S. Statutes at Large*, 22, 385.
- Major Peace Treaties of Modern History, 1648-1967, vol. 1*, edited by Fred Israel. New York: Random House, 1967.
- Manypenny, George. "Annual Report of the Commissioner of Indian Affairs," November 22 1856, *Senate Executive Document* no. 5, 34<sup>th</sup> Congress, 3d session, serial 875, pp. 571-75.
- Marshall, John. "To Joseph Story, May 1, 1828." In *Papers of John Marshall*, vol.11, edited by Charles F. Hobson, 94. Chapel Hill: University of North Carolina Press, 2002.
- Mather, Cotton. "Decennium Luctuosum." In *Narratives of the Indian Wars, 1675-1699*, edited by Charles H. Lincoln, 242. New York: Lincoln, 1913.
- Mather, Increase. "A Brief History of the Warr with the Indians in New England." In *So Dreadful a Judgment: Puritan Responses to King Phillip's War, 1676-1677*, edited by Richard Slotkin and James K. Folsom, 138-139. Middletown, CT: Wesleyan University Press, 1978.
- Mayobanex. "The Spaniards are Violent." In *History of the Indies, Book Two*, translated by Andree Collard, 146. New York: Harper, 1971.
- McCulloch v. Maryland* (1819), 4 Wheaton 316.
- McKinney, Thomas. "Letter." In *Magazine of the Reformed Dutch Church* 4 (August 1829): 118.
- Medill, William. "Annual Report of the Commissioner of Indian Affairs," November 30 1848, *House Executive Document* no. 1, 30<sup>th</sup> Congress, 2d session, serial 537, pp. 385-89.
- Memoirs of John Quincy Adams, Comprising Portions of His Diary from 1795 to 1848*,

- vol. 7, edited by Charles Francis Adams. Philadelphia: JB Lippincott and Co, 1877.
- Mihnehwehna. "Englishman!" In *Travels and Adventures in Canada and the Indian Territories Between the Years 1760 and 1776*, edited by Alexander Henry, 44. New York: I. Riley, 1809.
- Mix, Charles. "Annual Report of the Commissioner of Indian Affairs, November 6 1858," *Senate Executive Document* no. 1, 35<sup>th</sup> Congress, 2d session, serial 974, pp. 354-59.
- Monroe, James. "Second Annual Message, December 1818." In *A Compilation of the Messages and Papers of the Presidents, Vol. 2*, comp., James D. Richardson, 46. New York: Bureau of National Literature, 1897.
- Monroe, James. "Monroe Doctrine – Annual Message of 1823." In *A Documentary History of the United States*, 7d., edited by Richard D. Heffner, 96-98. New York: Signet, 2002.
- Monroe, James. "Annual Message to Congress, December 2, 1824." In *A Compilation of the Messages and Papers of the Presidents*, vol. 3, comp., James D. Richardson, 830. Washington, D.C.: Bureau of National Literature and Art, 1937.
- Monroe, James. "Message on Indian Removal, January 27, 1825." In *Documents of United States Indian Policy, 2d.*, edited by Francis Paul Prucha, 40. Lincoln: University of Nebraska Press, 1990.
- Montezuma, Carlos. "What Indians Must Do," *Quarterly Journal* 2 (1914): 294-9.
- Morgan, John. "U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session." In *The American Indian and the United States: A Documentary History, vol. 4*, edited by Wilcomb Washburn, 1700-1704. New York: Random House, 1973.
- Morgan, Thomas J. "Annual Report of the Commissioner of Indian Affairs, October 1, 1889." in *The American Indian and the United States: A Documentary History, vol. 1*, edited by Wilcomb Washburn, 531. New York: Random House, 1973.
- Morgan, Thomas. Report of Commissioner of Indian Affairs, October 1, 1889, in *House Executive Document* no. 1, 51<sup>st</sup> Congress, 1<sup>st</sup> session, serial 2725, 3-4.
- Morgan, Thomas. "Annual Report of the Commissioner of Indian Affairs, 1889," *House Executive Document* no. 1, 51<sup>st</sup> Congress, 1<sup>st</sup> session, serial 2725, 3-4.
- Morgan, Thomas. "Supplemental Report on Indian Education, December 1, 1889," *House Executive Doc. No. 1*, part 5, 51<sup>st</sup> Congress, 1<sup>st</sup> session, pp. 101-102.

- Morgan, Thomas J. "Annual Report of the Commissioner of Indian Affairs, September 5, 1890." In *The American Indian and the United States: A Documentary History, vol. 1*, edited by Wilcomb Washburn, 435. New York: Random House, 1973.
- Morgan, Thomas J. "Annual Report of the Commissioner of Indian Affairs, October 1, 1891." In *The American Indian and the United States: A Documentary History, vol. 1*, edited by Wilcomb Washburn, 529. New York: Random House, 1973.
- Naturalization Act of 1790, 1 Stat. 103-104 (March 26, 1790).
- Northwest Ordinance. In *The American Indian and the United States: A Documentary History, vol. III*, edited by Wilcomb Washburn, 2144. New York: Random House, 1973).
- Oberly, John H. "Report of the Commissioner of Indian Affairs, December 3, 1888. In *The American Indian and the United States: A Documentary History, vol. 1*, edited by Wilcomb Washburn, 422-423. New York: Random House, 1973.
- Ohio Wyandot Council. "Speech on Removal," in U.S. Congress, 23d, 1<sup>st</sup> session, *Senate Document 512*, vol. 2, 597.
- Ohnawiiio, Oteatohatongwan and Teholagwanegen. "Formerly, We Enjoyed the Privilege." In *American State Papers: Indian Affairs, vol. 7*, 617. Washington: Office of Indian Affairs, 1903.
- Onondaga, Cayuga, and Seneca Council. "Speeches to the Governors of New York and Virginia, 1684." In *The History of the Five Nations of Canada*, edited by Cadwallader Colden, 46-51. London, 1755.
- Oregon Treaty, June 14, 1846. In *Treaties and Conventions between the United States of America and Other Power since July 4, 1776* (Washington, D.C.: Government Printing Office, 1871), n.p.
- Organization of the Department of Indian Affairs, June 30, 1834, *U.S. Statutes at Large*, 4:735-738.
- Osceola, "To Wiley Thompson, October 23, 1834," In *Red Patriots: The Story of the Seminoles*, edited by Charles Coe, 91. Cincinnati, OH: Editor Publishing, 1898.
- O'Sullivan, John. "Annexation," *The United States and Democratic Review*, Vol. XVII, July/August (New York: O'Sullivan & Gardner Publishers, 1845), 5.
- Parker, Arthur C. Quoted in Russel Lawrence Barsh, "American Indians in the Great War," *Ethnohistory* 38 (1991): 287-288.

- Parker, Ely. "Annual Report of the Commissioner of Indian Affairs, December 23, 1869," *House Executive Document* no. 1, 41<sup>st</sup> Congress, 2d session, serial 1414, pp. 448.
- Payne, David. "Comments." In *Proceedings of the Convention to Consider the Opening of Indian Territory, held at Kansas City, Mo. February 8, 1888* (Kansas City, MO: n.p., 1888), 59-60.
- Perkins, Bishop. Debate on Bill to Provide Lands in Severalty, December 15, 1886, in *Congressional Record*, 49<sup>th</sup> Congress, 2d session, 191.
- Permanent General Laws Relating to Indian Affairs – The Revised Statutes, Title XXVIII, chap. 2 (Performance of engagements between the United States and Indians), Sec. 2079. *Indian Affairs: Laws and Treaties*, vol. 1., edited by Charles J. Kappler, 8. Washington, DC: Government Printing Office, 1904.
- Petalesharo. "It Is Too Soon, My Great Father, to Send Those Good Men Among Us." In *Red Men Calling on the Great White Father*, edited by Katharine C. Turner. Norman: University of Oklahoma Press, 1951.
- Pickett, Albert James. *History of Alabama and Incidentally of Georgia and Mississippi*. Tuscaloosa: University of Alabama Press, 1988.
- Plan for the Future Management of Indian Affairs. In *Documents Relative to the Colonial History of the State of New York*, vol. 7, edited by E.B.O'Callaghan, 639. Albany: Weed, Pearson, and Company, 1953.
- Platt Amendment. In *Treaties and Other International Agreements of the United States of America, 1776-1949*, vol. 8, edited by C. I. Bevins, 1116-1117. Washington, D.C.: United States Government Printing Office, 1971.
- Pokegon, Simon. *The Red Man's Greeting at the Chicago Columbian World's Exposition of 1893*. Hartford, MI: C.H. Engle, 1893.
- Pontiac. "You Must Lift the Hatchet Against Them." In *The Conspiracy of Pontiac*, edited by Francis Parkman, 5. New York: Champlain, 1898.
- Pontitock Creek Treaty, March 24, 1832. In *The American Indian and the United States: A Documentary History*, vol. 4, edited by Wilcomb E. Washburn, 2449 (New York: Random House, 1973).
- Posey, "To Wander Home," in *Gales & Seaton's American State Papers, 1832-1860*, vol. 1 ("Military Affairs"), 356.
- Pratt, Richard Henry. "Opening Comments." In *Official Report of the Nineteenth Annual*

- Conference of Charities and Correction* (1892), 46–59.
- Price, Hiram. Annual Report of the Secretary of the Interior, October 24, 1881. *House Executive Document* no. 1, 47<sup>th</sup> Congress, 1st session, serial 2018, pp. 1-3.
- Proclamation of 1763. In *The American Indian and the United States: A Documentary History, vol. III*, edited by Wilcomb Washburn, 2135. New York: Random House, 1973.
- Proclamation of the Continental Congress, September 22, 1783, *Journals of the Continental Congress*, vol. 25., 602.
- Pueblo Indians, “An Appeal for Fair Play and the Preservation of Pueblo Life,” in *Santa Fe New Mexican*, November 6, 1922, section 1, p. 1.
- Purchas, Samuel. *Hakluytas Posthumus, or Purchas His Pilgrimmes*. Glasgow, 1906.
- Pushmataha and Puckshunnubbee, “For the Cherokee Phoenix,” *Cherokee Phoenix* vol. 2:29 (September 22, 1829): p. 2, col. 2b
- Quay, Matthew Quay. “Lone Wolf Comments, 1903.” In *The Road: Indian Tribes and Political Liberty*, edited by Russell L. Brash and James Y. Henderson, 95. Berkeley: University of California Press, 1980.
- Quinney. “Fourth of July Address at Reidsville, New York, 1854,” *The American Indian* (January, 1928), n.p.
- Records of the Office of the Secretary of War, Indian Affairs, *Letters Sent*, vol A, p.143, Record Group 75, National Archives. Also found in *The American Indian and the United States: A Documentary History, vol. I*, edited by Wilcomb Washburn. New York: Random House, 1973.
- Red Cloud. “Speech at Cooper Union, July 16, 1870,” *New York Times* (July 17, 1870), p. 6, col. 1.
- Red Fox Skiuhushu. “If the Red Man Can Fight, Why Can’t He Vote?” in *Literary Digest* 59 (Dec. 21, 1918): 36-37.
- Red Jacket. “Celebrated Speech (1830),” *Cherokee Phoenix* vol. 2:47 (March 10, 1830), p. 4, col. 1a-3a.
- Red Jacket, “Refusal of a Land-Purchase Offer.” In *Indian Biography*, edited by B.B. Thatcher, 282-284. New York, 1845.
- Report of the Doolittle Commission, January 26, 1867, *Senate Report* no. 156, 39<sup>th</sup> Congress, 2d session, serial 1279, pp. 3-10.

- Report of the Indian Peace Commission, January 7, 1868, *House Executive Document* no. 97, 40<sup>th</sup> Congress, 2d session, serial 1337, pp. 15-17.
- Report of the Joint Committee in the Legislature of Georgia on Cherokee Lands, *Cherokee Phoenix* 1:3 (March 6, 1828), 1: col.4B.
- Rickard, Clinton. "Comments," in *Report of the Executive Council on the proceedings of the First Annual Conference of the Society of American Indians, October 12-17, 1911, Columbus, Ohio*, edited by Arthur C. Parker. Washington, D.C.: Printing Office, 1912.
- Ridge, John. "You Asked Us." In *Trail of Tears: The Rise and Fall of the Cherokee Nation*, edited by John Ehle, 254. New York: Doubleday, 1988.
- Roosevelt, Theodore. "Duty of American Citizenship, January 26, 1883" found at the *Archive of the Presidential Rhetoric Program* at Texas A&M University, online at <http://comm.tamu.edu/pres/speeches/trduties.html> [accessed 12 January 2006].
- Roosevelt, Theodore. "True Americanism," *The Forum Magazine* (April 1894): 3.
- Roosevelt, Theodore. "Expansion and Peace," in *The Independent*, December 21, 1899, n.p.
- Roosevelt, Theodore. "A Proclamation: June 23, 1902." In *Indian Affairs: Laws and Treaties*, vol. 1, edited by Charles J. Kappler. Washington, D.C.: Government Printing Office, 1904.
- Roosevelt, Theodore. *The Winning of the West: An Account of the Exploration and Settlement of Our Country from the Alleghanies to the Pacific*, vol. 8 in *The Works of Theodore Roosevelt*. New York: Scribner's Sons, 1926.
- Rosebud Sioux. "Copy of Petition, January 15, 1897," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR54A-H13.1, box 193.
- Ross, John. "Annual Message, October 14, 1829." In *The Papers of Chief John Ross*, vol. 1, edited by Gary Moulton, 169. Norman: University of Oklahoma Press, 1985.
- Ross, John. "Annual Message, November 11, 1831." In *The Papers of Chief John Ross*, vol. 1, edited by Gary Moulton, 169. Norman: University of Oklahoma Press, 1985.
- Ross, John. "Letter to Andrew Jackson, March 12, 1834." In *The Papers of Chief John Ross*, vol. 1, edited by Gary Moulton, 279. Norman: University of Oklahoma Press, 1985.

- Ross, John. "Letter to Lewis Cass, March 9, 1835." In *The Papers of Chief John Ross*, vol. 1, edited by Gary Moulton, 332-333. Norman: University of Oklahoma Press, 1985.
- Ross, John. "Letter to Lewis Cass, February 29, 1836." In *The Papers of Chief John Ross*, vol. 1, edited by Gary Moulton, 388. Norman: University of Oklahoma Press, 1985.
- Ross, John, and William Hicks. "The Cherokees," *Cherokee Phoenix*, vol 1: 44 (January 14, 1829), p. 1, col. 4b-5a.
- Rossiter, Clinton, ed. *The Federalist Papers*. New York: Penguin, 1961.
- Roubideaux, Ramon. "Essay." In *To Be An Indian: An Oral History*, edited by Joseph H. Cash and Herbert T. Hoover, 124-125. St. Paul: Minnesota Historical Society Press, 1995.
- Rusling, General James, "Interview with President William McKinley," *The Christian Advocate* 22 (January 1903): 17.
- Sa, Zitkala. "Impressions of an Indian Childhood," *Atlantic Monthly* 85 (1900), 37-47.
- Satank. "Teach Us the Road to Travel," *New York Daily Tribune* (Nov. 30, 1871), n.p.
- Saunders, Alvin. "U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session." In *The American Indian and the United States: A Documentary History, vol. 4*, edited by Wilcomb Washburn, 1700-1704. New York: Random House, 1973.
- Schurz, Carl. "Annual Report of the Secretary of the Interior, December 7, 1879." *House Executive Document* no. 1, part 5, 46<sup>th</sup> Congress, 2d session, serial 1910, pp. 5-6.
- Schurz, Carl. "Annual Report of the Secretary of the Interior, November 1, 1880." *House Executive Document* no. 1, 46<sup>th</sup> Congress, 3d session, serial 1959, pp. 3-4; 11-13.
- Schurz, Carl. "Present Aspects of the Indian Problem," *North American Review CXXXIII* (July 1881): 6.
- Scott, Winfield. "Address to the Cherokee Nation, May 10, 1838." In *Correspondence of the Eastern Division Pertaining to Cherokee Removal, April 1838-December 1838*, Microfilm Record M1475 (National Archives and Records Administration). Also found in *A Wilderness Still The Cradle of Nature: Frontier Georgia*, edited by Edward J. Cashin, 137-138. Savannah: Beehive Press, 1994.
- Sells, Cato. "The 'First Americans' as Loyal Citizens," *American Review of Reviews* 57 (May 1918): 523.

- Sells, Cato. "Speech to the Indian Rights Association, October 2, 1920." In *The Great Father: The United States Government and the American Indians*, unabridged, Francis Paul Prucha, 801. Lincoln: University of Nebraska Press, 1984.
- Seminole Nation, "Memorial of the Seminole, February 6, 1897," *Library of Congress*, Senate Committee on Indian Affairs File, RG233, HR54A-13.1, box 193.
- Sherman, William T. "End of the Indian Problem." In *House Executive Document* no. 1, 48<sup>th</sup> Congress, 1<sup>st</sup> session, serial 2182, pp. 45-46.
- Shullushoma, "It's Been a Great Many Years," in U.S. Congress, 23d, 1<sup>st</sup> session, *Senate Document* 512, vol.1, 240.
- Sioux Man. "The Dead Did Not Return, 1891." In *Speaking of Indians*, edited by Ella Deloria, 63. New York: Friendship Press, 1944.
- Skinner, Thomas. Debate on Bill to Provide Lands in Severalty, December 15-16 and January 18, 25, 1887, in *The American Indian and the United States: A Documentary History*, vol. 4, edited by Wilcomb Washburn, 1849. New York: Random House, 1973.
- Sloan, Thomas L. "The Reservation System, Report to the Interior Department" from *Proceedings of the First Annual Conference of the Society of the American Indians* Washington, D.C.: Smithsonian., 1912, 112.
- Smith, Edward. "Letter of the Commissioner of Indian Affairs, May 29, 1873." In *Documents of United States Indian Policy*, 2d, edited by Francis Paul Prucha, 143. Lincoln: University of Nebraska Press, 1990.
- Smith, John Q. Smith. "Annual Report of the Commissioner of Indian Affairs, October 30, 1876," *House Executive Document* no. 1, 44<sup>th</sup> Congress, 2d session, serial 1749, pp. vii-xi.
- Speckled Snake, "Response to a Message from President Andrew Jackson Concerning Indian Removal, 1830," *Niles Weekly Register* vol. 36:36 (June 20, 1830), 274.
- Sprague's Remarks, April 17, 1830, *Gales & Seaton's Register of Debates in Congress*, Senate (April 17, 1830), 356.
- Springer, William, Debate on Bill to Provide Lands in Severalty, December 15-16 and January 18, 25, 1887. In *The American Indian and the United States: A Documentary History*, vol. 4, edited by Wilcomb Washburn, 1863. New York: Random House, 1973.
- Stephens v. Cherokee Nation*, 135 U.S. 641 (1899).



- Story, William. "Indian Destiny," *Cherokee Phoenix* vol. 1, no. 45 (21 January 1829), 1-2.
- Taylor, Nathaniel G. "Annual Report of the Commissioner of Indian Affairs, November 23, 1869," *House Executive Document* no. 1, 40<sup>th</sup> Congress, 3d session, serial 1366, pp. 476-479.
- Tecumseh, "Sleep Not Longer O Choctaws and Chickasaws, 1811." In *History of Fort Wayne*, edited by Wallace A. Brice. Fort Wayne, IN: D.W. Jones and Son, 1868.
- Teller, Henry. "U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session." In *The American Indian and the United States: A Documentary History, vol. 4*, edited by Wilcomb Washburn, 1700-1704. New York: Random House, 1973.
- Tisho Mingo, William M'Gilvery and Stimoluet, "Indian Emigration," *Cherokee Phoenix* vol. 1:16 (June 11, 1828), p.2, col. 1-2.
- Trade and Intercourse Act, March 30, 1802, *U.S. Statutes at Large*, 2:139-46.
- Trade and Intercourse Act, June 30, 1834, *U.S. Statutes at Large* 4:729-730
- Transfer of Indian Affairs to the Department of the Interior, March 3, 1849, *U.S. Statutes at Large*, 9:395.
- Treaty with the Creeks, January 24, 1826. In *The American Indian and the United States: A Documentary History, vol. 4*, edited by Wilcomb E. Washburn, 2410-2411. New York: Random House, 1973.
- Treaty with the Creeks, March 24, 1832. In *The American Indian and the United States: A Documentary History, vol. 4*, edited by Wilcomb E. Washburn, 2438-2440. New York: Random House, 1973.
- Treaty of Dancing Rabbit Creek, 1830. In *The American Indian and the United States: A Documentary History, vol. 4*, edited by Wilcomb E. Washburn, 2423-2436. New York: Random House, 1973.
- Treaty of Doak's Stand, 1828. In *The American Indian and the United States: A Documentary History, vol. 4*, edited by Wilcomb E. Washburn, 2377. New York: Random House, 1973.
- Treaty of Fort Gibson, March 28, 1833. In *The American Indian and the United States: A Documentary History, vol. 4*, edited by Wilcomb E. Washburn, 2446. New York: Random House, 1973.

- Treaty of Fort Stanwix, October 22, 1784, 7 Stat. 15.; and Northwest Ordinance (July 13, 1787), National Archives Microfilm Publication, M332, roll 9.
- Treaty of Guadalupe Hidalgo, February 2, 1848. In *Treaties and Conventions between the United States of America and Other Power since July 4, 1776* Washington, D.C.: Government Printing Office, 1871), n.p.
- Treaties of Harmar (1789), Creeks (1790), Oneidas (1794), Greenville (1795), Choctaws (1801), Kaskaskias (1803), and Sacs and Foxes (1804). In *The American Indian and the United States: A Documentary History, vol. IV*, edited by Wilcomb Washburn, 2255-2268. New York: Random House, 1973.
- Treaty of Hopewell. In *The American Indian and the United States: A Documentary History, vol. IV*, edited by Wilcomb Washburn, 2275. New York: Random House, 1973.
- Treaty of McIntosh. In *The American Indian and the United States: A Documentary History, vol. IV*, edited by Wilcomb Washburn, 2269. New York: Random House, 1973.
- Treaty of New Echota, December 29, 1835.” In *The American Indian and the United States: A Documentary History*, vol. 4, edited by Wilcomb E. Washburn, 2461. New York: Random House, 1973.
- Treaty of Payne’s Landing, May 9, 1832. In *The American Indian and the United States: A Documentary History*, vol. 4, edited by Wilcomb E. Washburn, 2443. New York: Random House, 1973.
- Treaty with the Western Cherokees, May 6, 1828. In *The American Indian and the United States: A Documentary History*, vol. 4, edited by Wilcomb E. Washburn, 2421. New York: Random House, 1973.
- Tucker, John Tucker. *A Sermon Preached at Cambridge, 29 May 1771*. Boston: Draper, 1771.
- Turner, Frederick Jackson. *The Significance of the Frontier in American History*, edited by S.P. Langley, Annual Report of the American Historical Association for the Year 1893. Washington, D.C.: Smithsonian, 1894.
- United States Statutes at Large*, 21<sup>st</sup> Congress, Sess. 1, Ch. 148, 1830.
- U.S. Congress, 23d, 1<sup>st</sup> session, *Senate Document* 512, vol. 1, p. 240.
- U.S. v. Nice*, 241 U.S., 598 (1916).
- Vanderwerth, W.C., ed. *Indian Oratory: Famous Speeches by Noted Indian Chieftains*. Norman: University of Oklahoma Press, 1989.

- Vest, George. "U.S. Congress, Senate, Debate on Bill to provide Lands in Severalty, January 20, 1881 from Congressional Record, 46<sup>th</sup> Congress, 3d session." In *The American Indian and the United States: A Documentary History, vol. 4*, edited by Wilcomb Washburn, 1700-1704. New York: Random House, 1973.
- Wahunsonacock. "1622 Speech to John Smith." In *Travels and Works of Captain John Smith*, edited by Edward Arber, 137. Edinburgh: Edinburgh Press, 1910.
- Washakie. "Protest to Governor John W. Hoyt." In *Washakie*, edited by Grace Raymond Hebard, 212. Cleveland, OH: Arthur Clark, 1930.
- Washburn, Wilcomb E., ed. *The American Indian and the United States: A Documentary History*, vol. 4 (New York: Random House, 1973).
- Washington, George. "Third Annual Message to Congress, October 25, 1791." In *A Compilation of the Messages and Papers of the Presidents, Vol. 1*, comp., James D. Richardson, 96-97. New York: Bureau of National Literature, 1897.
- Washington, George. "Fifth Message to Congress, October 25, 1793." In *A Compilation of the Messages and Papers of the Presidents, Vol. 1*, comp., James D. Richardson, 133. New York: Bureau of National Literature, 1897.
- Washington, George. "Farewell Address, September 17, 1796." In *A Compilation of the Messages and Papers of the Presidents*, vol. 1, comp., James D. Richardson, 213. Washington, D.C.: Bureau of National Literature and Art, 1937.
- Wa Thishnade. "A House of Our Own." In *The Omaha Tribe*, 27<sup>th</sup> Annual Report of the Bureau of American Ethnology, 1905-1906, edited by Francis La Flesche and Alice Fletcher, n.p. Washington, D.C.: Smithsonian Institution, 1911.
- Weaver, James. Debate on Bill to Provide Lands in Severalty, December 15-16 and January 18, 25, 1887. In *The American Indian and the United States: A Documentary History, vol. 4*, edited by Wilcomb Washburn, 1857-1858. New York: Random House, 1973.
- Winnebago Indians, *To the Senate and House of Representatives in Congress Assembled – A Petition of the Winnebago Indians of Wisconsin*, 15. Stevens Point, WI: Gazette Book and Job Office, 1889.
- Winnemucca, Sarah. *Life Among the Piutes: Their Wrongs and Claims*. Reno: University of Nevada Press, 1994.
- Wood Pecker, Roman Nose, Locust, Timson, Samuel Ward, Situagee and Ball Town George, "To Aquohee District," in *Cherokee Phoenix* vol. 1:30 (September 24, 1838), p. 2, col. 4a.

*Worcester v. State of Georgia*, 31 U.S. 515 (1832).

Wovoka. "Promise of the Ghost Dance." In *The Ghost Dance Religion and the Sioux Outbreak of 1891*, edited by James Mooney, n.p. Washington D.C.: Bureau of Ethnology, 1896.

Xitha Gaxe. "A House of Our Own." In *The Omaha Tribe*, 27<sup>th</sup> Annual Report of the Bureau of American Ethnology, 1905-1906, edited by Francis La Flesche and Alice Fletcher. Washington, D.C.: Smithsonian Institution, 1911.

Yava, Albert. "We Want to Tell You Something." In *Native American Testimony: A Chronicle of Indian-White Relations From Prophecy to the Present, 1492-2000*, edited by Peter Nabokov, 246-250. New York: Penguin Books, 1999.

Yoholo, Tuckaubatchie Hajo, Tustenuggee, Smut Eye, et. al. "Memorial of the Creek Nation of Indians," in *Cherokee Phoenix* vol. 2:48 (March 17, 1830), p.4, col. 1a-4b.

Young Joseph. "An Indian's Views of Indian Affairs," *North American Review* 128 (April 1879), 412; 433.

#### BOOKS AND MONOGRAPHS

Anderson, Benedict. *Imagined Communities: Reflections on the Origins and Spread of Nationalism*. London: Verso, 1983.

Anderson, Terry L. *Sovereign Nations or Reservations? An Economic History of American Indians*. San Francisco: Pacific Research Institute for Public Policy, 1995.

Bakhtin, Mikhail, *The Dialogic Imagination: Four Essays*. Ed. Michael Holquist; trans. Caryl Emerson and Michael Holquist. Austin: University of Texas Press, 1981.

Barker, Chris. *Cultural Studies: Theory and Practice*. Thousand Oaks, CA: Sage Publications, 2003.

Beasley, Vanessa. *You, the People: American National Identity in Presidential Rhetoric*. College Station: Texas A&M University Press, 2004.

Bercovitch, Sacvan. *The American Jeremiad*. Madison: University of Wisconsin Press, 1978.

Bhabha, Homi. *Nations and Narration*. London: Routledge, 1990.

- . *Location of Culture*. London: Routledge, 1994.
- Bird, S. Elizabeth. *Dressing in Feathers: The Construction of the Indian in American Popular Culture*. Boulder, Colorado: Westview Press, 1996.
- Blomley, Nicholas K. *Law, Space and the Geography*. New York: Guilford, 1994.
- Bodnar, John. *The Transplanted: A History of Immigrants in Urban America*. Bloomington: University of Indiana Press, 1985.
- Borneman, Walter R. *1812: The War that Forged a Nation*. New York: Harper Perennial, 2005.
- Bowers, John, Donovan Ochs and Richard Jensen. *The Rhetoric of Agitation and Control*. Prospect Heights, IL: Waveland, 1994.
- Brands, H.W. *Andrew Jackson: His Life and Times*. New York, Doubleday, 2005.
- Brooker, Peter. *A Concise Dictionary of Cultural Theory*. Oxford, U.K.: Oxford University Press, 1999.
- Brown, Dee. *Bury My Heart At Wounded Knee: An Indian History of the American West*. New York: Henry Holt, 2000.
- Bruner, M. Lane. *Strategies of Remembrance: The Rhetorical Dimensions of National Identity*. University of South Carolina Press, 2002.
- Buchanan, John. *Jackson's Way: Andrew Jackson and the People of the Western Waters*. New York: Wiley and Sons, 2001.
- Burke, Kenneth. *The Rhetoric of Religion: Studies in Logology*. Berkeley: University of California Press, 1970.
- Burnette, Robert, and John Koster, *The Road to Wounded Knee*. New York: Bantam Doubleday, 1974.
- Cain, William E., ed. *William Lloyd Garrison and the Fight Against Slavery – Selections from The Liberator*. Boston: Bedford, 1995.
- Calloway, Colin G. *First Peoples: A Documentary Survey of American Indian History*. Boston: Bedford/St. Martin's, 1999.
- Campbell, Karlyn Kohrs, and Kathleen Hall Jamieson. *Deeds Done in Words: Presidential Rhetoric and the Genres of Governance*. Chicago: University of Chicago Press, 1990.

- Cash, Joseph H., and Herbert T. Hoover, eds. *To Be An Indian: An Oral History*. St. Paul: Minnesota Historical Society Press, 1995.
- Churchill, Ward. *Indians Are Us? Culture and Genocide in Native North America*. Monroe, ME: Common Courage Press, 1993.
- . *Indians are Us? Culture and Genocide in North America*. Monroe, ME: Common Courage Press, 1994.
- Clark, Blue. *Lone Wolf v. Hitchcock: Treaty Rights and Indian Law at the End of the Nineteenth Century*. Lincoln: University of Nebraska Press, 1994.
- Clements, William M. *Oratory in Native North America*. Tucson: University of Arizona Press, 2002.
- Clifton, James A. *The Invented Indian: Cultural Fictions and Government Policies*. New Brunswick, NJ: Transaction, 1990.
- Coleman, William S.E. *Voices of Wounded Knee*. Lincoln: University of Nebraska Press, 2000.
- Comfort, William Wistar. *William Penn, 1644-1718: A Tercentenary Estimate*. Philadelphia: Lippincott, 1944.
- Condit, Celeste Michelle, and John Louis Lucaites. *Crafting Equality: America's Anglo-African Word*. Chicago: University of Chicago Press, 1993.
- Cornell, Stephen. *The Return of the Native: American Indian Political Resurgence*. New York: Oxford University Press, 1988.
- Dangerfield, George. *The Era of Good Feelings*. Chicago: Dee Publishing, 1989.
- Daniels, Roger. *Coming to American: A History of Immigration and Ethnicity in American Life*, 2d ed. New York: Perennial, 2002.
- DeJong, David H. *Promises of the Past: A History of Indian Education*. Golden, CO: North American Press, 1993.
- Delaney, David. *Race, Place and the Law, 1836-1948*. Austin: University of Texas Press, 1998.
- Deloria, Vine. *Custer Died for Your Sins: An Indian Manifesto*. Norman: University of Oklahoma Press, 1988.
- Deloria, Vine, and Clifford M. Lytle. *American Indians, American Justice* (Austin: University of Texas Press, 1983).

- De Rosier, Arthur H. *The Removal of the Choctaw Indians*. Knoxville: University of Tennessee Press, 1970.
- Dippie, Brian. *The Vanishing American: White Attitudes and U.S. Indian Policy*. Lawrence: University of Kansas Press, 1991.
- Drinnon, Richard. *Facing West: The Metaphysics of Indian Hating and Empire Building*. Norman: University of Oklahoma Press, 1997.
- DuBois, W.E.B. *The Souls of Black Folk*. Minneola, NY: Dover Publications, 1998.
- Eby, Cecil. *"That Disgraceful Affair" – The Black Hawk War*. New York: Norton, 1972.
- Ellington, Ter. *The Myth of the Noble Savage*. Berkeley: University of California Press, 2001.
- Fields, Wayne. *Union of Words: A History of Presidential Eloquence*. New York: The Free Press, 1996.
- Fixico, Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960*. Albuquerque: University of New Mexico Press, 1986.
- Foner, Phillip S., and Robert James Branham. *Lift Every Voice: African American Oratory, 1787-1900*. Tuscaloosa: University of Alabama Press, 1998.
- Fowler, William. *Empires at War: The French and Indian War and the Struggle for North America, 1754-1763*. New York: Walker and Company, 2004.
- Frank, Stephen M. *Parenthood and Masculinity in the Nineteenth Century American North*. Baltimore: Johns Hopkins University Press, 1999.
- Frye Jacobson, Matthew. *Barbarian Virtues: The United States Encounters Foreign Peoples At Home and Abroad, 1876-1917*. New York: Hill and Wang, 2000.
- Fritz, Henry E. *The Movement for Indian Assimilation, 1860-1890* (Philadelphia: University of Pennsylvania Press, 1981).
- Garrouette, Eva Marie. *Real Indians: Identity and the Survival of Native America*. Berkeley: University of California Press, 2003.
- Gellner, Ernest. *Encounters with Nationalism*. Oxford, U.K.: Blackwell, 1994.
- Gerstle, Gary. *American Crucible: Race and Nation in the Twentieth Century*. Princeton: Princeton University Press, 2001.

- Gibbon, Guy. *The Sioux: The Dakota and Lakota Nations*. Malden, MA: Blackwell Publishing, 2003.
- Glissant, Edouard Glissant, *Poetics of Relation*. Ann Arbor: University of Michigan Press, 1999.
- Gould, Lewis. *The Tyranny of Change: America in the Progressive Era, 1890-1914*. Brunswick: Rutgers University Press, 2000.
- Grossman, Mark *The Civil Rights Movement Companion*. Santa Barbara, CA: ABC-CLIO, 1993.
- Gurko, Miriam. *Indian America: The Black Hawk War*. New York: Crowell, 1970.
- Hagan, William T. *The Indian Rights Association: The Herbert Walsh Years, 1882-1904*. Tucson: University of Arizona Press, 1985.
- . *The Sac and Fox Indians*. Norman: University of Oklahoma Press, 1988.
- Halbert, S.H., and T.H. Ball. *The Creek War of 1813 and 1814* (Tuscaloosa: University of Alabama Press, 1995).
- Harjo, Joy, and Gloria Bird. *Reinventing the Enemy's Language: Contemporary Native Women's Writings of North America*. New York: Norton, 1997.
- Hauptman, Laurence. *The Iroquois and the New Deal*. Syracuse, NY: Syracuse University Press, 1981.
- Hertzberg, Hazel. *The Search for an American Indian Identity*. Syracuse: Syracuse University Press, 1971.
- Hietala, Thomas. *Manifest Design: Anxious Aggrandizement in Late Jacksonian America*. Ithaca: Cornell University Press, 1985.
- Hittman, Michael. *Wovoka and the Ghost Dance*. Lincoln: University of Nebraska Press, 1997.
- Hobsbawm, E.J. *Nations and Nationalism Since 1780: Programme, Myth, Reality*. Cambridge, U.K.: Cambridge University Press, 1990.
- Hoganson, Kristin L. *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine American Wars*. New Haven: Yale University Press, 1998.
- Holland, James W. *Andrew Jackson and the Creek War: Victory at the Horseshoe*.



- Tuscaloosa: University of Alabama Press, 1968.
- Horseman, Reginald. *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism*. Cambridge: Harvard University Press, 1981.
- Hoxie, Frederick E. *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920*. Lincoln: University of Nebraska Press, 1984.
- , ed. *Talking Back to Civilization: Indian Voices from the Progressive Era*. Boston: Bedford/St. Martin's, 2001.
- Hurt, R. Douglas. *The Indian Frontier, 1763-1846*. Albuquerque: University of New Mexico Press, 2002.
- Jackman, Mary R. *The Velvet Glove: Paternalism and Conflict in Gender, Class, and Race Relations*. Berkeley: University of California Press, 1993.
- Jahoda, Gloria. *The Trail of Tears: The Story of the American Indian Removal, 1813-1855*. New York: Wings Books, 1995.
- James, Marquis. *The Life of Andrew Jackson: The Border Captain and Portrait of a President*. New York: Garden City Publishing, 1940.
- Johansen, Shawn. *Family Men: Middle-Class Men in Early Industrializing America*. New York: Routledge, 2001.
- Josephy, Alvin M. *The Patriot Chiefs: A Chronicle of American Indian Resistance*. New York: Penguin, 1993.
- Kammen, Michael. *The Mystic Chords of Memory: The Transformation of Tradition in American Culture*. New York: Alfred Knopf, 1991.
- Kaplan, Amy. *Anarchy of Empire in the Making of U.S. Culture*. Cambridge: Harvard University Press, 2002.
- Kerber, Linda. *Women of the Republic: Intellect and Ideology in Revolutionary America*. Chapel Hill: University of North Carolina Press, 1980.
- Kersh, Rogan. *Dreams of a More Perfect Union*. Ithaca: Cornell University Press, 2001.
- Kettner, James H. *The Development of American Citizenship, 1608-1870* (Chapel Hill: University of North Carolina Press, 1978.
- Keyssar, Alexander. *The Right to Vote: The Contested History of Democracy in the United States*. New York: Basic, 2000.

- King, C. Richard. *Colonial Discourses, Collective Memories, and the Exhibition of Native American Cultures and Histories in the Contemporary United States*. New York: Garland Publishing, 1998.
- Kleinig, Bruce. *Paternalism*. Totowa, NJ: Rowman and Allanheld, 1984.
- Konig, Hans. *The Conquest of America: How the Indian Nations Lost Their Continent*. New York: Cornerstone, 1993.
- Konkle, Maureen. *Writing Indian Nations: Native Intellectuals and Politics of Historiography, 1827-1863*. Chapel Hill: University of North Carolina Press, 2004.
- Krupat, Arnold. *Red Matters: Native American Studies*. Philadelphia: University Pennsylvania Press, 2002.
- Langston, Donna Hightower. *The Native American World*. Hoboken, NJ: Wiley and Sons, 2003.
- Lens, Sidney Lens. *The Forging of the American Empire – From the Revolution to Vietnam: A History of U.S. Imperialism*. Chicago: Haymarket Press, 2003.
- Lepore, Jill. *The Name of War: King Phillip's War and the Origins of American Identity*. New York: Vintage, 1998.
- Leverenz, David. *Paternalism Incorporated: Fables of American Fatherhood, 1865-1940*. Ithaca: Cornell University Press, 2003.
- Lewis, David Rich. *Neither Wolf Nor Dog: American Indians, Environment and Agrarian Change*. New York: Oxford University Press, 1994.
- Lieven, Anatol. *American Right or Wrong: An Anatomy of American Nationalism*. New York: Oxford University Press, 2004.
- Linecum, Gideon. *Pushmataha: A Choctaw Leader and His People*. Tuscaloosa: University of Alabama Press, 2004.
- Maddox, Lucy. *Citizen Indians: Native American Intellectuals, Race and Reform*. Ithaca: Cornell University Press, 2005.
- Masur, Louis P. *1831: Year of Eclipse*. New York, Farrar, Straus and Giroux, 2002.
- Mead, Walter Russell. *Special Providence: American Foreign Policy and How it Changed the World*. London: Routledge, 2002.

- Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> edition.* Ed., Frederick C. Mish. Springfield, MA: Merriam-Webster Incorporated, 1998.
- Mihesuah, Devon, ed. *Natives and Academics: Writing About American Indians.* Lincoln: University of Nebraska Press, 1998.
- . *So You Want to Write About American Indians? A Research Guide for Scholars, Students and Writers.* Lincoln: University of Nebraska Press, 2005.
- Moquin, Wayne, and Charles Van Doren. *Great Documents in American Indian History.* New York: De Capo, 1995.
- Moulton, Gary E. *John Ross: Cherokee Chief.* Athens: University of Georgia Press, 1978.
- Musicant, Ivan. *Empire By Default: The Spanish-American War and the Dawn of the American Century.* New York: Henry Holt, 1998.
- Nabokov, Peter. *Native American Testimony: A Chronicle of Indian-White Relations From Prophecy to the Present, 1492-2000.* New York: Penguin Books, 1999.
- Nelson, Dana. *National Manhood: Capitalist Citizenship and the Imagined Fraternity of White Men.* Durham: Duke University Press, 1998.
- Niezen, Ronald. *The Origins of Indigenism: Human Rights and the Politics of Identity.* Berkeley: University of California Press, 2003.
- Osborn, William M. *The Wild Frontier: Atrocities During the American-Indian War from Jamestown Colony to Wounded Knee.* New York: Random House, 2000.
- Otis, D.S. *The Dawes Act and the Allotment of Indian Lands.* Norman: University of Oklahoma Press, 1973.
- Pearce, Roy Harvey. *Savagism and Civilization: A Study of the Indian and the American Mind.* Baltimore: Johns Hopkins University Press.
- Perdue, Theda. *Cherokee Editor: The Writing of Elias Boudinot.* Knoxville: University of Tennessee Press, 1983.
- Pessen, Edward. *Jacksonian America: Society, Personality, and Politics.* Urbana: University of Illinois Press, 1985.
- Phillips, John Franklin. *The American Indian in Alabama and the Southeast* (Nashville, TN: Parthenon Press, 1986.
- Pierson, George Wilson. *Tocqueville and Beaumont in America.* New York: Oxford University Press, 1938.

- Prucha, Francis Paul. *The Great Father: The United States Government and the American Indians*, unabridged. Lincoln: University of Nebraska Press, 1984.
- . *The Great Father: The United States Government and the American Indians*, abridged. Lincoln: University of Nebraska Press, 1986.
- . *The Indians in American Society: From the Revolutionary War to the Present*. Berkeley: University of California Press, 1988.
- . *Documents of United States Indian Policy*, 2d. (Lincoln: University of Nebraska Press, 1990.
- . *American Indian Treaties: The History of a Political Anomaly*. Berkeley: University of California P, 1994.
- Remini, Robert V. *Andrew Jackson and His Indian Wars*. New York: Viking, 2001.
- Ricci, David M. *Good Citizenship in America*. Cambridge, UK: Cambridge University Press, 2004.
- Rogin, Michael Paul. *Fathers and Children: Andrew Jackson and The Subjugation of the American Indian*. New York: Knopf, 1975.
- Ryan, Susan M. *The Grammar of Good Intentions: Race and the Antebellum Culture of Benevolence*. Ithaca: Cornell University Press, 2003.
- Satz, Ronald N. *American Indian Policy in the Jacksonian Era*. Lincoln: University of Nebraska Press, 1975.
- Savage, William W. *Indian Life: Transforming an American Myth*. Norman: University of Oklahoma Press, 1977.
- Susan Scheckel. *The Insistence of the Indian: Race and Nationalism in Nineteenth Century American Culture*. Princeton: Princeton University Press, 1998.
- Schlesinger, Arthur M. Jr. *The Age of Jackson*. New York: Book Find Club, 1945.
- Schmeckebier, Laurence. *The Office of Indian Affairs: Its History, Activities and Organization*. Baltimore: Johns Hopkins University Press, 1927.
- Schudson, Michael. *The Good Citizen: A History of American Civic Life*. New York: The Free Press, 1998.
- Schuetz, Janice. *Episodes in the Rhetoric of Government-Indian Relations*. Westport, CT: Praeger, 2002.

- Seidler, Victor Jeleniewski. *Man Enough: Embodying Masculinities*. Thousand Oaks, CA: Sage, 1997.
- Senier, Siobhan. *Voices of American Indian Assimilation and Resistance: Helen Hunt Jackson, Sarah Winnemucca, and Victoria Howard*. Norman: University of Oklahoma Press, 2001.
- Shalhope, Robert E. *The Roots of Democracy: American thought and Culture, 1760-1800*. Boston: Twayne, 1990.
- Sloane, Thomas. *Encyclopedia of Rhetoric*. Oxford: Oxford University Press, 2001.
- Smith, Paul Chaat, and Robert Allen Warrior. *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee*. New York: New Press, 1996.
- Smith, Rogers M. *Civic Ideals: Conflicting Views of Citizenship in U.S. History*. New Haven: Yale University Press, 1997.
- Starita, Joe. *Dull Knives of Pine Ridge: A Lakota Odyssey*. New York: Putnam's Sons, 1995.
- Stephanson, Anders. *Manifest Destiny: American Expansionism and the Empire of Right*. New York: Hill and Wang, 1995.
- Stewart, Charles J., Craig Allen Smith, and Robert E. Denton, Jr., *Persuasion and Social Movements*, 4<sup>th</sup> ed. Prospect Heights, IL: Waveland Press, 2001.
- Stuckey, Mary E. *Defining Americans: The Presidency and National Identity*. Lawrence: University of Kansas Press, 2004.
- Takaki, Ronald. *Iron Cages: Race and Culture in 19<sup>th</sup> Century America*. New York: Oxford University Press, 1990.
- Tatum, Lawrie. *Our Red Brothers and the Peace Policy of President Ulysses S. Grant*. Lincoln: University of Nebraska Press, 1970.
- Taylor, Theodore. *Bureau of Indian Affairs*. Boulder, CO: Westview Press, 1984.
- Therborn, Goran. *The Ideology of Power and the Power of Ideology*. London: Verso Press, 1988.
- Thornton, Russell, ed. *Studying Native America: Problems and Prospects*. Madison, WI: University of Wisconsin Press, 1998.
- Todorov, Tzvetan. *The Conquest of America: The Question of the Other*. New York: Harper Perennial, 1992.

- Unrau, William. *The Kaw People*. Phoenix: Indian Tribal Series, 1975.
- Utley, Robert M. *The Indian Frontier of the American West, 1846-1890*. Albuquerque: University of New Mexico Press, 1984.
- Wald, Priscilla. *Constituting Americans: Cultural Anxiety and Narrative Form*. Durham: Duke University Press, 1995.
- Waldstreicher, David. *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820*. Chapel Hill: University of North Carolina Press, 1997.
- Walker, Cheryl. *Indian Nation: Native American Literature and Nineteenth-Century Nationalisms*. Durham, NC: Duke University Press, 1997.
- Wallace, Anthony F.C. *The Long, Bitter Trail: Andrew Jackson and the Indians*. New York: Hill and Wang, 1993.
- . *Jefferson and the Indians: The Tragic Fate of the First Americans*. Cambridge: Harvard University Press, 1999.
- Ward, John William. *Andrew Jackson: Symbol for an Age*. New York: Oxford University Press, 1979.
- Warnick, Barbara, and Edward S. Inch. *Critical Thinking and Communication*, 2d. New York: MacMillan, 1994.
- Warren, Louis S. *Buffalo Bill's America: William Cody and the Wild West Show*. New York: Knopf, 2005.
- Warrior, Robert Allen. *Tribal Secrets: Recovering American Indian Intellectual Traditions*. Minneapolis: University of Minnesota Press, 1995.
- Washburn, Wilcomb E. *The Assault on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887*. Philadelphia: Lipincott Company, 1975.
- . *Red Man's Land, White Man's Law: The Past and Present Status of the American Indian*. Lincoln: University of Nebraska Press, 1997.
- Weinberg, Albert K. *Manifest Destiny: A Study of Nationalistic Expansionism in American History*. Baltimore: Johns Hopkins University Press, 1935.
- Wildenthal, Bryan H. *Native American Sovereignty on Trial: A Handbook with Cases, Laws and Documents*. Santa Barbara, CA: ABC-CLIO, 2003.
- Wilkins, David E. *American Indian Sovereignty and the Supreme Court: The Masking of*

*Justice*. Austin: University of Texas Press, 1997.

Wilson, Kirt. *The Reconstruction Desegregation Debate: The Politics of Equality and the Rhetoric of Place, 1870-1875*. East Lansing: Michigan State University Press, 2002.

Wright, J. Leitch. *Creeks and Seminoles: The Destruction and Regeneration of the Muscogugle People*. Lincoln: University of Nebraska Press, 1986.

Wright, Ronald Wright, *Stolen Continents: 500 Years of Conquest and Resistance in the Americas*. New York: Mariner, 2005.

Yenne, Bill *Indian Wars: The Campaign for the American West*. Yardley, PA: Westholme, 2005.

Young, Donald Young. *American Minority Peoples: A Study in Racial and Cultural Conflicts in the United States*. New York: Harper & Brothers, 1932.

Young, Robert J.C. *Colonial Desire: Hybridity in Theory, Culture and Race*. London: Routledge, 1995.

Zinn, Howard. *A People's History of the United States: 1492-Present*. New York: Harper Collins, 2005.

Zinn, Howard, and Anthony Arnove, *Voices of a People's History of the United States*. New York: Seven Stories, 2004.

#### ARTICLES AND BOOK CHAPTERS

Agnew, Brad. "Voices from the Land Run of 1889," *The Chronicles of Oklahoma* 67 (1989): 4-29.

Angermuller, Johannes, and Katharina Bunzmann. "Hybrid Spaces – Theory and Beyond." In *Hybrid Spaces: Theory, Culture, Economy*, edited by Johannes Angermuller, Katharina Bunzmann and Christina Rauch, 3-12. New Brunswick, NJ: Transaction Press, 2000.

Balibar, Etienne. "The Nation Form: History and Ideology." In *Race, Nation, Class: Ambiguous Identities*, edited by Etienne Balibar and Immanuel Wallerstein, 93-100. London: Verso, 1991.

Bhabha, Homi. "The Commitment to Theory." *New Formations* 5 (1988), 5-23.

Black, Jason Edward. "The Mascotting of Native America: Construction, Commodity, and Assimilation." *American Indian Quarterly* 23 (2003): 605-623.

- . "Sacagawea as Commodity, Currency and Cipher: Consequences of the U.S. Mint's Gold Dollar for American Indian Women." *International Journal of Media and Cultural Politics* 1:2 (2004): 226-230.
- . "Symbolic Suicide as Mortification, Transformation, and Counterstatement: The Conciliatory (Yet) Resistant Surrender of Maka-tai-mesh-ekia-kiak." *Kenneth Burke Journal* 2:1 (2005): 1-20.
- . "Authoritarian Fatherhood: Andrew Jackson's Early Familial Lectures to America's 'Red Children.'" *Journal of Family History* 30:3 (2005): 247-264.
- Bosmajian, Haig. "Defining the 'American Indian': A Case Study in the Language of Suppression." *The Speech Teacher* 21 (1973): 89-99.
- Botkin, Daniel B. "Introduction." In *The Colonizers: Early European Settlers and the Shaping of North America*, edited by T.J. Stiles, xix-xxiii. New York: Perigree, 1998.
- Campbell, John Angus. "Between the Fragment and the Icon: Prospect for a Rhetorical House of the Middle Way." *Western Journal of Communication* 54 (1990): 368.
- Campbell, Karlyn Kohrs. "The Rhetoric of Radical Black Nationalism: A Case Study in Self-Conscious Criticism." *Central States Speech Journal* 22 (1971): 151-160.
- . "The Rhetoric of Women's Liberation: An Oxymoron." *Quarterly Journal of Speech* 59 (1973): 74-86.
- . "Agency: Promiscuous and Protean." *Communication and Critical/Cultural Studies* 2 (2005): 1-19.
- Carpenter, Ronald. "Frederick Jackson Turner and the Rhetorical Impact of the Frontier Thesis." *Quarterly Journal of Speech* 63 (1977): 117-129.
- Casey, Michael W., and Douglas A. Foster. "The Moral Inheritance of a President." In *The Stone-Campbell Movement: An International Religious Tradition*, edited by Michael W. Casey and Douglas A. Foster, 109-127. Knoxville: University of Tennessee Press, 2001.
- Charland, Maurice. "Constitutive Rhetoric: The Case of the *Peuple Quebecois*." *Quarterly Journal of Speech* 73 (1987): 133-150.
- Charles, Asselin. "Colonial Discourse Since Christopher Columbus." *Journal of Black Studies* 26 (1995): 134-152.
- Cheyfitz, Eric. "Doctrines of Democracy." *Journal of Early American Life* 2:1 (2001):



1-14.

- Clair, Robin Patric. "Organizing Silence: Silence as Voice, and Voice as Silence in Narrative Explanation of the Treaty of New Echota." *Western Journal of Communication* 61 (1997): 315-337.
- Clark, Blue. "Lone Wolf v. Hitchcock: Implications for Federal Indian Law." *Western Legal History* 5 (1992): 1-18.
- Clemmons, Linda M. "'We Will Talk of Nothing Else' – Dakota Interpretations of the Treaty of 1837." *Great Plains Quarterly* 25 (2005): 173-185.
- Conser, William H. "John Ross and the Cherokee Resistance Campaign, 1833-1838." *Journal of Southern History* 44:2 (1978): 191-212.
- Deloria, Philip, and Neal Salisbury. "Introduction." In *A Companion to American Indian History*, edited by, Philip Deloria and Neal Salisbury, ii-x. New York: Blackwell, 2002.
- Deloria, Vine. "American Indians in Historical Perspective." In *Native American Law and Colonialism, Before 1776-1903*, edited by John R. Wunder, 123-135. New York: Garland Press, 1996.
- Demos, John. "The Changing Faces of Fatherhood: A New Exploration in Family History." In *Father and Child: Developmental and Clinical Perspectives*, edited by Stanley Cath, Alan Gurwitt and John Munder Ross, 427-433. Boston: Little and Brown, 1982.
- Diggins, John Patrick Diggins. "Republicanism and Progressivism." *American Quarterly* 37:4 (1985): 572-598.
- Dorsey, Leroy G. "The Frontier Myth in Presidential Rhetoric: Theodore Roosevelt's Campaign for Conservation." *Western Journal of Communication* 59 (1995): 1-19.
- Dorsey, Leroy G., and Rachel M. Harlow, "'We Want Americans Pure and Simple'" Theodore Roosevelt and the Myth of Americanism." *Rhetoric and Public Affairs* 6:1 (2003): 55-78.
- Dow, Bonnie J., and Mari Boor Tonn, "'Feminine Style' and Political Judgment in the Rhetoric of Ann Richards." *Quarterly Journal of Speech* 79 (1993): 286-302.
- Edmunds, R. David. "Native Americans and the United States, Canada and Mexico." In *A Companion to American Indian History*, edited by Phillip Joseph Deloria and Neal Salisbury, 401-411. Malden, MA: Blackwell, 2002.

- Estin, Ann Laquer. "Lone Wolf v. Hitchcock: The Long Shadow." In *The Aggressions of Civilization: Federal Indian Policy Since the 1880s*, edited by Sandra Cadwalader and Vine Deloria, Jr., 216-217. Philadelphia: Temple University Press, 1984.
- Finkelstein, Norman. "History's Verdict: The Cherokee Case." *Journal of Palestine Studies* 24 (1995): 34-50.
- Fixico, Donald L. "Federal and State Policies and American Indians." In *A Companion to American Indian History*, edited by Phillip Joseph Deloria and Neal Salisbury, 384-390. Malden, MA: Blackwell, 2002.
- Flores, Lisa. "Constructing Rhetorical Borders: Peons, Illegal Aliens and Competing Narratives of Immigration." *Critical Studies in Media Communication* 20 (2003): 362-387
- Fotion, Neil. "Paternalism." *Ethics* 89 (1979), 191-196.
- Freeman, Jody. "Constitutive Rhetoric: Law as a Literary Activity." *Harvard Woman's Law Journal* 14 (1991): 305-325.
- Frickey, Phillip. "Marshalling Past and Present: Colonialism, Constitutionalism, and Interpretation in Federal Indian Law." 107 *Harv. L.Rev.* 381 (December 1993).
- Glassberg, David. "History and the Public: Legacies of the Progressive Era." *Journal of American History* 73:4 (1987): 957-980.
- Goodell, Grace E. "Paternalism, Patronage, and the Potlatch: The Dynamics of Giving and Being Given To." *Current Anthropology* 26 (1985): 247-266.
- Greaves, Thomas C. "Liminality." In *Dictionary of Cultural and Critical Theory*, edited by Michael Payne, 312. Cambridge, MA: Blackwell, 1996.
- Gregg, Richard. "The Ego-Function of the Rhetoric of Protest." *Philosophy and Rhetoric* 4:1 (1971): 71-91.
- Gronbeck, Bruce E. "The Rhetorics of the Past: History, Argument and Collective Memory." In *Doing Rhetorical History: Concepts and Cases*, edited by Kathleen J. Turner, 47-60. Tuscaloosa: University of Alabama Press, 1998.
- Gutierrez, David G. "Significant to Whom?: Mexican Americans and the History of the American West." In *A New Significance: Re-Envisioning the History of the American West*, edited by Clyde A. Milner III, 67-89. New York: Oxford University Press, 1996.
- Hall, Stuart. "Introduction: Who Needs Identity?" In *Questions of Cultural Identity*, edited by Stuart Hall and Paul du Guy, 2-9. London: Sage, 1996.

- Hammerback, John C., and Richard J. Jensen. "History and Culture as Rhetorical Constraints: Cesar Chavez's Letter from Delano." In *Doing Rhetorical History: Concepts and Cases*, edited by Kathleen J. Turner, 207-220. Tuscaloosa: University of Alabama Press, 1999.
- Harjo, Joy, and Gloria Bird. "Introduction." in *Reinventing the Enemy's Language: Contemporary Native Women's Writings of North America*, edited by Joy Harjo and Gloria Bird, 19-34 New York: W.W. Norton, 1997.
- Harmon, Alexandra Harmon. "Wanted: More Histories of Indian Identity." In *A Companion to American Indian History*, edited by Philip Deloria and Neal Salisbury, 259-270. New York: Blackwell, 2002.
- Harring, Sidney L. "Indian Law, Sovereignty and State Law: Native People and the Law." In *A Companion to American Indian History*, edited by Phillip Joseph Deloria and Neal Salisbury, 452-460. Malden, MA: Blackwell, 2002.
- Jackson, Donald. "Introduction." *Black Hawk: An Autobiography*, edited by Donald Jackson, 1-15. Urbana-Champaign: University of Illinois Press, 1964.
- Jasinski, James. "A Constitutive Framework for Rhetorical Historiography: Toward an Understanding of the Discursive (Re)Constitution of 'Constitution' in The Federalist Papers." In *Doing Rhetorical History: Concepts and Cases*, edited by Kathleen J. Turner, 72-94. Tuscaloosa: University of Alabama Press, 1998.
- Jehlen, Myra. "Why Did the Europeans Cross the Ocean? A Seventeenth Century Riddle." In *Cultures of United States Imperialism*, edited by Amy Kaplan and Donald Pease, 41-58. Durham: Duke University Press, 1993.
- Johnson, Tadd M., and James Hamilton. "Sovereignty and the Native American Nation: Self-Governance for Indian Tribes – From Paternalism to Empowerment." *Conn. L.Rev.*27 (1995): 1253.
- Joseph, May. "Hybridity." In *Dictionary of Cultural and Critical Theory*, edited by Michael Payne, 32. Cambridge, MA: Blackwell, 1996.
- Katriel, Tamar. "Site of Memory: Discourse of the Past in Israeli Pioneering Settlement Museums." *Quarterly Journal of Speech* 80 (1994): 1-20.
- Kaup, Monika. "Constituting Hybridity as Hybrid: Metis Canadian and Mexican American Formations." In *Mixing Race, Mixing Culture: Inter-American Literary Dialogues*, edited by Monika Kaup and Debra J. Rosenthal, 186. Austin: University of Texas Press, 2002.
- Kaup, Monika, and Debra E. Rosenthal. "Introduction." In *Mixing Race, Mixing Culture:*

*Inter-American Literary Dialogues*, edited by Monika Kaup and Debra J. Rosenthal, xiv. Austin: University of Texas Press, 2002.

- Kenny, Michael G. "A Place for Memory: The Interface between Individual and Collective History." *Comparative Studies in Society and History* 41:3 (1999): 420-438.
- Kerber, Linda. "The Republican Mother: Women and the Enlightenment – An American Perspective." *American Quarterly* 28:2 (1976): 187-205.
- Klumpp, James F., and Thomas A. Hollihan. "Rhetorical Criticism as Moral Action." *Quarterly Journal of Speech* 75 (1989): 84-97.
- Kuypers, Jim A., Marilyn J. Young, and Michael Launer. "Composite Narrative, Authoritarian Discourse and the Soviet Response to the Destruction of Iran Air Flight 655." *Quarterly Journal of Speech* 87 (2001): 305-320.
- Lake, Randall. "Enacting Red Power: The Consummatory Function in Native American Protest Rhetoric." *Quarterly Journal of Speech* 69 (1983): 127-142.
- . "Between Myth and History: Enacting Time in Native American Protest Rhetoric." *Quarterly Journal of Speech* 77 (1991): 123-151.
- Lewis, David Rich. "Still Native: The Significance of Native Americans in the History of the Twentieth-Century American West," In *A New Significance: Re-Envisioning the History of the American West*, edited by Clyde A. Milner III, 213-240. New York: Oxford University Press, 1996.
- Lucaites, John Louis, and Celeste Michelle Condit. "Reconstructing <Equality>: Culturetypal and Counter-Cultural Rhetoric in the Martyred Black Vision." In *Readings in Rhetorical Criticism*, 3d edition, edited by Carl R. Burgchardt, 467-486 State College, PA: Strata, 2005.
- Magdaleno, Jana Sequoya. "How (!) Is An Indian? A Contest of Stories, Round 2." *Postcolonial Theory and the United States: Race, Ethnicity and Literature*, edited by Amritjit Singh and Peter Schmidt, 286-287. Jackson: University Press of Mississippi, 2000.
- Mahon, John K., and Brent R. Weisman, "Florida's Seminole and Miccosukee People." In *The New History of Florida*, edited by Michael Gannon, 183-206. Gainesville: University of Florida Press, 1996.
- McDorman, Todd. "Challenging Constitutional Authority: African American Responses to *Scott v. Sandford*." *Quarterly Journal of Speech* 83 (1997): 192-209.
- McGee, Michael Calvin. "In Search of 'The People': A Rhetorical Alternative."

- Quarterly Journal of Speech*. 61 (1975): 235-249.
- . "The 'Ideograph': A Link Between Rhetoric and Ideology." *Quarterly Journal of Speech* 66 (1980): 1-16.
- . "Text, Context and the Fragmentation of Contemporary Culture." *Western Journal of Speech Communication* 54 (1990): 274-289.
- McNickle, D'Arcy. "Indian-White Relations from Discovery to 1887." In *The Rape of Indian Lands*, edited Paul Wallace Gates, 1-12. New York: Arno Press, 1979.
- Morris, Richard, and Phillip Wander. "Native American Rhetoric: Dancing in the Shadows of the Ghost Dance." *Quarterly Journal of Speech* 76 (1990): 164-191.
- Murphy, John M. "Mikhail Bahktin and the Rhetorical Tradition." *Quarterly Journal of Speech* 87 (2001): 259-277.
- Newcomb, Steven. "On the Words 'Tribe' and 'Nation.'" *Indian Country Today* 24:26 [8 December 2004], A3.
- Newmeyer, R. Kent. "Law and Character: John Marshall as an American Original – Some Thoughts on Personality and Judicial Statesmanship." 71 *U. Colo. L.Rev.* 1365 (2000).
- Nomura, Gail M. "Significant Lives: Asia and Asian Americans in the U.S. West." In *A New Significance: Re-Envisioning the History of the American West*, edited by Clyde Milner, 135-152. New York: Oxford University Press, 1996.
- Nora, Pierre. "Between Memory and History: Les Lieux de Mémoire." *Representations* 26 (1989): 7-25.
- O'Connor, John E. "The White Man's Indian: An Institutional Approach," In *Hollywood's Indian: The Portrayal of the Native American in Film*, edited by Peter C. Rollins and John E. O'Connor, 27-31. Lexington: University of Kentucky Press, 1998.
- Olken, Samuel. "Chief Justice John Marshall and the Course of American Constitutional History." 33 *J. Marshall L.Rev.* 743 (Summer 2000).
- Ono, Kent, and Derek Buescher. "Deciphering Pocahontas: Unpackaging the Commodification of an American Indian Woman." *Critical Studies in Media Communication* 18 (2001): 23-43.
- Parry-Giles, Shawn, and Diane M. Blair. "The Rise of the Rhetorical First Lady: Politics, Gender Ideology and Women's Voice, 1789-2002." *Rhetoric and Public Affairs* 5:4 (2002): 565-599.

- Porter, Joy. "Native Americans: The Assertion of Sovereignty and the Negotiation of Citizenship and Identities." In *Federalism, Citizenship and Collective Identities in U.S. History*, edited by Cornelius A. Van Minnen and Sylvia Hilton, 180-198. Amsterdam: VU Boekhandel University Press, 2000.
- Rathbun, Lyon. "The Debate Over Annexing Texas and the Emergence of Manifest Destiny." *Rhetoric and Public Affairs* 4:3 (2001): 459-493.
- Reuben, Julie A. "Beyond Politics: Community Civics and the Redefinition of Citizenship in the Progressive Era." *History of Education Quarterly* 37:4 (1997): 399-420.
- Rich, Elizabeth. "Remember Wounded Knee: AIM's Use of Metonymy in 21<sup>st</sup> Century Protest." *College Literature* 31:3 (2004): 63-73.
- Ritter, Kurt W. "American Political Rhetoric and the Jeremiad Tradition: Presidential Nomination Acceptance Addresses, 1960-1976." *Central States Speech Journal* 31 (1980): 153-171.
- Robbins, William G. "In Search of Western Lands." In *Land in the American West: Private Claims and the Common Good*, edited by William G. Robbins and James C. Foster, 3-22. Seattle: University of Washington Press, 2000.
- Rogers, Daniel T. "In Search of Progressivism." *Reviews in American History* 10:4 (1982): 113-132.
- Rosteck, Thomas. "Form and Cultural Context in Rhetorical Criticism: Re-Reading Wrage." *Quarterly Journal of Speech* 84 (1998): 471-490.
- Ruoff, A. Lavonne Brown, ed. "Editor's Introduction." In S. Alice Callahan, *Wynema: A Child of the Forest*, xiii-xlvi. Lincoln: University of Nebraska Press, 1997.
- Salisbury, Neal. "Native People and European Settlers in Eastern North America, 1600-1783." In *The Cambridge History of the Native Peoples in the Americas, vol. 1, part 1*, edited by Bruce Trigger and Wilcomb E. Washburn, 1-17. London: Cambridge University Press, 1996.
- Senier, Siobhan. "Allotment Protest and Tribal Discourse: Reading *Wynema*'s Successes and Shortcomings." *American Indian Quarterly* 24:3 (2000): 420-440.
- Sevitch, Benjamin. "The Rhetoric of Paternalism: Elbert H. Gary's Arguments for the Twelve-hour Day." *Western Speech Journal* 35 (1971): 15-23.
- Shanley, Kathryn. "Writing Indian." In *Studying Native America: Problems and*

- Prospects*, edited by Russell Thornton, 146. Madison: University of Wisconsin Press, 1998.
- Slotkin, Richard. "Buffalo Bill's 'Wild West' and the Mythologization of the American Empire." In *Cultures of United States Imperialism*, edited by Amy Kaplan and Donald Pease, 164-184. Durham: Duke University Press, 1993.
- Soja, Edward. "History: Geography: Modernity." In *The Cultural Studies Reader*, edited by Simon During, 135-150. London: Routledge, 1994.
- Stewart, Tony K., and Carl W. Ernst. "Syncretism." In *South Asian Folklore*, edited by Peter J. Claus and Margaret A. Mills, 125. New York: Garland, 2003.
- Stremlau, Rose. "'To Domesticate and Civilize Wild Indians': Allotment and the Campaign to Reform Indian Families, 1875-1887." *Journal of Family History* 30 (2005): 265-286.
- Strickland, William. "The Rhetoric of Removal and the Trail of Tears: Cherokee Speaking Against Jackson's Indian Removal Policy, 1828-1832." *Southern Speech Communication Journal* 47 (1982): 292-309.
- Stuckey, Mary. "'The Domain of Public Conscience': Woodrow Wilson and the Establishment of a Transcendent Political Order." *Rhetoric and Public Affairs* 6:1 (2003): 1-23.
- Stuckey, Mary E., and John Murphy. "By Any Other Name: Rhetorical Colonialism in North America." *American Indian Culture and Research Journal* 25 (2001): 73-98.
- Taylor, Quintard. "Through the Prism of Race: The Meaning of African-American History in the West." In *A New Significance: Re-Envisioning the History of the American West*, edited by Clyde Milner, 289-300. New York: Oxford University Press, 1996.
- Theodore, Alisse. "'A Right to Speak on the Subject': The U.S. Women's Anti-Removal Petition Campaign, 1829-1831." *Rhetoric and Public Affairs* 5:4 (2002): 601-623.
- Van Den Berghe, Pierre L. "Response to Goodell." *Current Anthropology* 26 (1985): 262-270.
- Wald, Patricia. "Terms of Assimilation: Legislating Subjectivity in the Emerging Nation." In *Cultures of United States Imperialism*, edited by Amy Kaplan and Donald Pease, 59-84. Durham: Duke University Press, 2000.
- Wander, Phillip. "The Ideological Turn in Modern Criticism." *Central States Speech Journal* 34 (1983): 1-18.

- . "The Third Persona: An Ideological Turn in Rhetorical Theory." *Central States Speech Journal* 35 (1984): 197-216.
- Washburn, Wilcomb. "Introduction." in *The American Indian and the United States: A Documentary History*, vol. 4, edited by Wilcomb E. Washburn, 2448. New York: Random House, 1973.
- Watts, Eric King. "'Voice' and 'Voicelessness' in Rhetorical Studies." *Quarterly Journal of Speech* 87 (2001): 179-196.
- Weaver, Hilary N. "Indigenous Identity: What Is It, and Who Really Owns It?" *American Indian Quarterly* 25:2 (2001): 240-255.
- Weiss, Richard. "Ethnicity and Reform: Minorities and the Ambience of the Depression Years." *Journal of American History* 66 (1979): 566-585.
- White, James Boyd. "Law as Language: Reading Law and Reading Literature." In *Jurisprudence Classical and Contemporary: From Natural Law to Postmodernism*, edited by Robert Hayman, Nancy Levit, and Richard Delgado, 479-486. St. Paul, MN: West Group, 2002.
- Whitt, Laura Anne. "Cultural Imperialism and the Marketing of Native America." *American Indian Culture and Research Journal* 19 (1995): 1-33.
- Zagari, Rosemary. "Morals, Manners and the Republican Mother." *American Quarterly* 44:3 (1992): 192-215.
- Zelizer, Barbie. "Reading the Past Against the Grain: The Shape of Memory Studies." *Critical Studies in Mass Communication* 12 (1995): 204-239.





## CURRICULUM VITAE

JASON EDWARD BLACK

### Personal Information

Home Contacts: 5043 Carroll Street  
Northport, AL 35475  
ph: 205-333-4015

Office Contacts: Department of Communication Studies  
University of Alabama  
Box 870172  
Tuscaloosa, AL 35487  
ph: 205-348-8075  
fax: 205-348-8080  
[jason.black@ua.edu](mailto:jason.black@ua.edu)

### *Education*

*Ph.D., 2006, Department of Communication, University of Maryland.*

Emphasis on U.S. public address and rhetorical culture with a research specialty in American Indian discourse, African American discourse, cultural identity, institutional rhetoric, citizenship, ideological criticism, and nationalism.

Dissertation: "U.S. National and Native Voices in the Nineteenth Century: Rhetoric in the Removal and Allotment of American Indians," Shawn Parry-Giles, advisor

*M.A., 2002, Department of Communication, Wake Forest University.*

Emphasis on rhetorical criticism and social change

Thesis: "The Ideograph of Animal <Rights>: Controversy Examined in the Animal Protection Movement." Eric King Watts, advisor

*B.S., magna cum laude, 1998, College of Communication, Florida State University.*

Emphasis on political communication and rhetoric

## **Employment and Teaching**

(1) University of Alabama, Communication Studies, Assistant Professor, 2005-present

*COM499: Capstone Seminar in U.S. War/Protest Discourses*

*COM467: Seminar in Public Address: Rhetoric of African America*

*COM122: Critical Decision Making*

*COM100: Rhetoric and Society* – anticipated Fall 2006

*COM541: Rhetorical Theory* – anticipated Fall 2006

(2) University of Maryland, Communication, Instructor, 2002-2005

*COMM 398: Rhetoric of U.S-Indian Relations, new course*

*COMM 398N: Rhetoric of Native America, new course*

*COMM 388: Communication Practicum*

*COMM386: Communication Internship*

*COMM 360 Rhetoric of Black America*

*COMM 324: Gender and Communication*

*COMM 250 Introduction to Communication Inquiry, co-taught*

(3) Towson University, Mass Comm. and Communication Studies, Adjunct, 2003-2004

*COMM 211 Rhetorical Criticism and Theory*

(4) Wake Forest University, Communication, Graduate Assistant, 2000-2002

*COMM 107 Public Speaking*

(5) Florida State University, Communication, Undergraduate Assistant, 1997-1998

*COM 340 Oral Communication, co-taught*

## **Research-Specific Employment**

- (1) Wake Forest University, Department of Communication, 2000-2002

*Book Editor.* Read and copy-edited Dr. Michael J. Hyde's forthcoming book, *Acknowledgement: A Rhetorical Inquiry*; suggested structural and content changes; and offered further sources and research.

*Graduate Research Assistant.* Obtained rhetorical documents and various information for Dr. Michael J. Hyde; edited manuscript of forthcoming book; and contributed rhetorical analysis.

- (2) University of Washington, Department of Communication, Summer 2000.

*Visiting Graduate Research Assistant.* Garnered information for Dr. Barbara Warnick's book, *Critical Literacy in a Digital Age* re online campaign parody and various articles; provided rhetorical analysis of myriad political web sites; and edited portions of her book.

## **Academic Service - University**

- (1) University of Alabama, Department of Communication Studies

Graduate Admissions Committee, Spring 2006 - present

Rhetoric "Brown Bag" Coordinator, Spring 2006-present

Graduate Recruitment Coordinator, Fall 2005-present

Rhetoric Curriculum Committee, Fall 2005-present

College Human Resources Committee, Fall 2005-present

Department Public Relations Officer, Fall 2005-present

Judge, Alabama Forensics Early Bird Tournament, Fall 2005-present

Judge, University of Alabama High School Debate Tournament, Fall 2005-present

- (2) University of Maryland, Department of Communication

2004 Public Address Conference Assistant, Summer 2004-Fall 2004.

Debate Watch 2004 Facilitator, Fall 2004

Co-Creator of Service Learning Program, Fall 2003 – present.

Outreach Assistant, Fall 2002 – present.

Graduate Student Government Representative, Fall 2002-Summer 2003.

Discussion Leader, Center for Political Communication and Civic Leadership, Fall 2002.

(3) National Communication Association

Panel Chair, “[Mis]Handling Crises in Presidential Discourse,” Boston, MA, Nov. 2005

Reviewer, Public Address Division, Feb. 2005 – present.

Reviewer, American Studies Division, Feb. 2005 – present.

Nominating Committee Member, elected position, Public Address Division, Nov. 2004 - Nov. 2005.

Panel Chair, “Constructing Political Voice and Participation Through Literature, Discourse, and Letters,” Miami Beach, FL, Nov. 2003.

(4) Southern States Communication Association

Panel Chair, “Bio-Critical Assessments of Rhetorical Artistry,” Dallas, TX, April 2006.

Reviewer, Rhetoric and Public Address Division, Aug. 2005 – present.

Reviewer, Political Communication Division, Aug. 2005 – present.

Pre-Conference Planning Committee, “Pre-Conference on Rhetorical Ethos,” Winston-Salem, NC, April 2002.

(5) Biennial Public Address Conference

Chair, “Praising Photography’s Witness: Image Vernaculars and American Visual Traditions,” Vanderbilt University, Nashville, TN, Oct. 2006.

(6) Rocky Mountain Communication Review

Editorial Board, Jan. 2005–present.

(7) Kaleidoscope Graduate Journal

Editorial Board, Jan. 2005–present.

(8) New Directions in American Indian Studies Conference, Chapel Hill, NC

Planning Committee Member, Fall 2003-Spring 2004.

Planning Committee Member, Spring 2005-Fall 2005.

(9) Conference on Liberation Affairs

Board Member, Fall 2002-present.

Editorial Board Member, *Liberation Philosophy and Policy Journal*, Fall 2002-present.

(10) Wake Forest University, Department of Communication

Faculty Committee Representative, Fall 2001 - Spring 2002.

Faculty Graduate Committee, Fall 2001 - Spring 2002.

Representative to the Graduate Student Association, Fall 2001 - Spring 2002.

(11) Florida State University, College of Communication

Undergraduate Advisor, Spring 1997-Fall 1998.

News Director, WVFS-Tallahassee, Fall 1996-Fall 1998.

Museum Docent, Florida History Museum, Fall 1996-Spring 1998.

**Graduate Advising**

Charles Womelsdorf, M.A. student, University of Alabama, 2006-present.

Paige Thurmond, M.A. student, University of Alabama, 2005-present.

Ralph Hardesty, M.A. student, University of Alabama, 2005-present.

Sheila Kinyon, M.A. student, University of Alabama, completed Spring 2006.

### **Independent Studies & Student Honors Projects – Univ. of Alabama**

#### *Graduate*

Charles Wommelsdorf, “Rhetorical Secrecy in American Politics,” University of Alabama, Fall 2006.

Paige Thurmond, internship coordinator, William Jefferson Clinton Presidential Center, Spring 2006

Sheila Kinyon, “Educational Reform and the Montessori Movement,” University of Alabama, Spring 2006.

Jillian Marty, “Readings in the Rhetoric of the Black Panthers,” University of Alabama, Spring 2006.

Paige Thurmond, “The Alabama Civil Rights Movement, 1960-1963,” University of Alabama, Spring 2006.

#### *Undergraduate*

Katriesa Crummie, senior project, “The Rhetoric of Meteorological Hysteria in Alabama Tornado Coverage,” University of Alabama, Fall 2006.

Jackson Clifford Hataway, honors study in war/protest rhetoric, University of Alabama, Spring 2006.

Treva Dean, senior project, “Readings/Research in the Rhetoric of Native America,” University of Alabama, Spring 2006.

Treva Dean, Southern States Communication Association Undergraduate Honors Conference Attendee, Dallas, TX, April 2006.

Jason Norris, senior undergraduate independent study, “Techno Pulpits and Public Address: The Impact of New Technologies on Baptist Preaching,” University of Alabama, Fall 2005.

## **Honors**

Top paper in Kenneth Burke Society Division, Southern States Communication Association, Dallas, TX, April 2006.

Top Paper in Communication and Law Division, National Communication Association, Boston, MA, Nov. 2005.

Wrage-Baskerville Award for Top Contributed Paper in Public Address, Public Address Division, National Communication Association convention, Chicago, IL, Nov. 2004.

NCA Doctoral Honors Conference participant, Univ. of New Mexico, Albuquerque, NM, July 2004.

Outstanding Doctoral Research Award, Department of Communication, Univ. of Maryland, May 2004.

Outstanding Teaching Award, Department of Communication, Univ. of Maryland, May 2004.

Owen Peterson Award in Rhetoric & Public Address, Public Address Division, Southern States Communication Association convention, Tampa, FL, April 2004.

Jarrard Top Paper, Carolinas Communication Association, Raleigh, NC, Oct. 2003.

University of Maryland Graduate Membership Award for National Communication Association, 2003-2004.

Top Four Paper in Burke Division, National Communication Association, Miami, FL, Nov. 2003.

Outstanding Graduate Scholar, Department of Communication, Univ. of Maryland, May 2003.

Jarrard Top Paper, Carolinas Communication Association, Greensboro, NC, Oct. 2002.

University Fellowship, University of Maryland, 2002-2006.

Outstanding Master's Student Award, Wake Forest University, 2001-2002.

Wake Forest University Graduate Membership Award for National Communication Association, 2001-2002.

Top Paper in Free Speech, Southern States Communication Association convention, Lexington, KY, April 2001.



Lambda Pi Eta Honor Society, member since 1998.

Golden Key Honor Society, member since 1998.

J.M. Rubin Foundation Graduate Scholar, 2000-2002

Rotary of Palm Beach Scholar, 1995-1999.

Kiwanis of Palm Beach Scholar, 1995-1999.

Florida Academic Scholar, 1995-1999.

### **Grants**

Research Advisory Committee Grants, Univ. of Alabama, "Rhetorical Identities of Native and Anglo Cultures in Alabama's Creek War, 1813-1814." \$2,500, Summer 2006-Spring 2008

Jacob K. Goldhaber Grant, Univ. of Maryland, Sept. 2004, competitive grant award

Instructional Improvement Grant, Univ. of Maryland, "Service Learning in Communication Experiences (SLICE) Program," \$3,500. 19 May 2005, competitive award.

### **Publications**

#### *Research Articles*

Black, Jason Edward. "Authoritarian Fatherhood: Jackson's Early Lectures to America's Red Children." *Journal of Family History* 30:3 (2005): 247-264. **Lead article.**

Black, Jason Edward. "Symbolic Suicide as Mortification and Transformation: The Conciliatory (Yet) Resistant Surrender of Maka-tai-mesh-ekia-kiak." *Kenneth Burke Journal* 2:1 (2005). **Lead article.**

Black, Jason Edward. "Sacagawea as Commodity, Currency, and Cipher: A Cultural-Feminist Reading of the U.S. Mint's Gold Dollar." *International Journal of Media and Cultural Politics* 1:2 (2005): 226-230.

Black, Jason Edward. "SLAPPs and Social Activism: Free Speech Struggles in Grey2K's Campaign to Ban Dog Racing." *Free Speech Yearbook* 40 (2003): 70-82.

- Black, Jason Edward. "Extending the Rights of Personhood, Voice, and Life to Sensate Others: A Homology of Right to Life and Animal Rights Rhetoric." *Communication Quarterly* 51:3 (2003): 312-331.
- Black, Jason Edward. "The Mascotting of Native America: Construction, Commodity, and Assimilation." *American Indian Quarterly* 26:4 (2002): 605-622.
- Black, Jason Edward. "Constitutive Rhetoric and the Animal Protection Movement: The Identities of Welfare and Rights." *Ohio Speech Journal* 39 (2001): 30-47.

#### *Book Chapters*

- Black, Jason Edward. "Performing Native America: Image Events in the Thanksgiving Day of Mourning Protests." *Image Events: From Theory to Action*. Eds. Kevin Michael Deluca and Joe Wilferth. New York: Guilford Press, forthcoming.
- Black, Jason Edward. "Kicking Bear's 'I Bring You Word from Your Fathers the Ghosts' Address." *Voices of Democracy Project*. NEH-University of Maryland-Penn State University collaborative, forthcoming.
- Black, Jason Edward. "Elizabeth Birch: Activist for the Gay, Lesbian, Bisexual, and Transgender Community." *Contemporary American Orators: A Bio-Critical Sourcebook*. Eds. Bernie Duffy and Richard Leeman. Westport, CT: Greenwood Press, 2005.
- Black, Jason Edward. "Re/Claiming Indianness: Performative Rhetoric in the Plymouth Day of Mourning Protests." *Proceedings of the New Directions in American Indian Research*. Ed. Lindsay Smith. University of North Carolina Press, 2004
- Black, Jason Edward and Jennifer Black. "The Rhetorical Terrorist: Implications of the USA Patriot Act on Animal Liberation." *Terrorist or Freedom Fighter? Essays on Animal Liberation*. Eds. Anthony Nocella and Steve Best. New York: Lantern Press, 2004. 288-299.
- Black, Jason Edward. "The Animal Protection Movement: Cases of Welfare and Rights," *Proceedings of the 6<sup>th</sup> Communication Conference on the Environment*. Cincinnati, OH: University of Cincinnati Press, 2001.

#### *Book Reviews*

- Eric P. Kaufman, *The Rise and Fall of Anglo-America*. *Rhetoric and Public Affairs*, forthcoming.

Anatol Lieven, America Right or Wrong: An Anatomy of American Nationalism. *Rhetoric and Public Affairs*, 9:1 (2006).

Eva Marie Garroutte, Real Indians: Identity and the Survival of Native America. *Quarterly Journal of Speech* 90:1 (2004).

Stanley Renshon, One America? Political Leadership, National Identity and the Dilemmas of Diversity. *Rhetoric and Public Affairs* 5:2 (2003).

Charles Patterson, Eternal Treblinka: Our Treatment of Animals and the Holocaust. *Quarterly Journal of Speech* 89:1 (2003).

### **Works Under Review**

“Civic Engagement, Technology and the Rhetoric of Social Movements: The Promises of Student Activism through Electronic Curriculum,” book chapter, under review, with Beth S. Bennett.

“Remembrances of Removal: Native Resistance to Allotment and the Unmasking of paternal Benevolence,” mid-stage at *Southern Communication Journal*.

“Constituting the ‘Allotment Indian’: The Role of Paternal Rhetoric in America’s Dawes Act Era.” final stage at *Rhetoric & Public Affairs*.

### **Professional Papers**

“Remembering Indian Removal: Resistive Native Discourse and the Enactment of Collective Memory,” Carolinas Communication Association Convention, September 2006. Competitive Paper.

“Memorializing the Alabama Creek War, 1813-1814: Anglo/Native Identities in the Monuments of Fort Mims and Horseshoe Bend,” National Communication Association Convention: San Antonio, Texas, Nov. 2006. Panel Paper.

“*The Rhetoric of Native America* Course: Teaching at the Interstices of Context, Criticism and Multiple Cultures,” National Communication Association Convention: San Antonio, Texas, Nov. 2006. Panel Paper.

“Symbolic Suicide as Mortification and Transformation: The Conciliatory (Yet) Resistant Surrender of Maka-tai-mesh-ekia-kiak.” Southern States Communication Association Convention: Dallas, Texas, April 2006. Competitive Paper. **Top Paper in Kenneth Burke Division**

- “Sacagawea as Commodity, Currency and Cipher: Consequences of the U.S. Mint’s Gold Dollar for American Indian Women.” National Communication Association Convention: Boston, Massachusetts, November 2005. Competitive Paper.
- “Relocating Renegades/Raising Red Children: The Ideologies of Exclusion, Inclusion and Paternalism in America’s 1830s Indian Removal Rhetoric.” National Communication Association Convention: Boston, Massachusetts, November 2005. Invited panel piece.
- “Removal and Collective Memory: Native Responses to Allotment and the Reconfiguring of U.S. Benevolence.” National Communication Association Convention: Boston, Massachusetts, November 2005. Invited panel piece.
- “Codifying Plenary Power in Indian Country: *Lone Wolf v. Hitchcock* and the Construction of a Weakened Native America.” National Communication Association Convention: Boston, Massachusetts, November 2005. Competitive Paper. **Top Paper in Communication and Law Division**
- “Chief Black Hawk and Hybrid Identities of Chief/Child and Native/American.” *New Directions in American Indian Research*: Chapel Hill, North Carolina, October 2005. Competitive Paper.
- “Constituting the ‘Allotment Indian’: The Role of Paternal Rhetoric in America’s Dawes Act Era.” National Communication Association Convention: Chicago, Illinois, November 2004. **Wrage-Baskerville Award in Public Address.**
- “Teaching at the Crucible of Diversity and Public Address: A Case Study of *The Rhetoric of Native America*.” National Communication Association Convention: Chicago, Illinois, November 2004. Competitive G.I.F.T.S. Program
- “Enriching the Public Address Classroom through African-American Discourse: A Case Study of *The Rhetoric of Black America*.” National Communication Association Convention: Chicago, Illinois, November 2004. Competitive Poster Presentation.
- “Reflections on Fatherhood, Paternalism, Gender, Ethnicity, Class and Cognitive Dissonance.” National Communication Association Convention: Chicago, Illinois, November 2004. Invited panel piece.
- “Adjudicating the ‘Plenary Ward’: *Lone Wolf v. Hitchcock* and the Constitution of a Diminutive Native Identity.” Conference on Liminality and the Humanities: Salt Lake City, Utah, September 2004. Competitive Paper.
- “*Marshalling* Identity: America’s Cherokee Cases and the Role of Paternal Nationalism.” NCA Doctoral Honors Conference: Albuquerque, New Mexico, July 2004. Competitive Paper.

- “Constructing *Rez Indian* Identity? The Ironies of Paternal Imperialism in Dawes Act Rhetoric.” Eastern Communication Association Convention: Boston, Massachusetts, April 2004. Invited panel paper. Read by Celeste LaCroix.
- “Re/Claiming Indianness: Performative Rhetoric in Contemporary Native Protest.” New Directions in American Indian Studies Conference, Chapel Hill, North Carolina, March 2004. Competitive Paper.
- “*Marshalling* Identity: America’s Cherokee Cases and the Role of Paternal Nationalism.” Southern States Communication Convention: Tampa, Florida, April 2004. **Owen Peterson Award in Rhetoric & Public Address.**
- “Authoritarian Fatherhood: Jackson’s Early Lectures to America’s Red Children.” National Communication Association Convention: Miami Beach, Florida, November 2003. Competitive Paper.
- “Surrender as Mortification and Transformation: Chief Black Hawk’s Symbolic Suicide, September 1832.” National Communication Association Convention: Miami Beach, Florida, November 2003. **Top Four Paper in Burke Division.**
- “Justifying the Service Learning Component to Undergraduate Internship Programs.” National Communication Association Convention: Miami Beach, Florida, November 2003. Invited pre-conference paper. Read by Julie S. Gowin.
- “Re/Claiming Indianness: Performative Rhetoric in the Plymouth *Day of Mourning* Protests.” Carolinas Communication Convention: Raleigh, North Carolina, October 2003. **Jarrard Top Paper.**
- “Extending the Rights of Personhood, Voice and Sanctity of Life to Sensate *Others*: A Rhetorical Homology of the Right to Life and Animal Rights Movements.” Eastern Communication Association Convention: Washington, D.C., April 2003. Competitive Paper.
- “Debates, Dialogues and Civic Engagement.” Eastern Communication Association Convention: Washington, D.C., April 2003. Pre-Conference Paper, with Shawn Parry-Giles.
- “Exploring Native and University Identities: The Ideographic <Indian> as Mascot.” Southern States Communication Association Convention: Birmingham, Alabama, April 2003. Competitive Paper.
- “Re-Examining the SCLC: Free Speech, Civil Rights and the Battle of Birmingham.” Southern States Communication Association Convention: Birmingham, Alabama, April 2003. Competitive Paper

- “Unpacking the Collegiate Mascot Controversy: The Native American <Indian> as Representational Ideograph.” Carolinas Communication Association Convention: Greensboro, North Carolina, October 2002. **Jarrard Top Paper.**
- “Confederate Flags and the First Amendment: Free Speech Examined at the Stadium and Statehouse.” Southern States Communication Association Convention: Winston-Salem, North Carolina, April 2002. Invited panel paper.
- “Barking at the SLAPP on Greyhound Protection: Grey2K’s Struggle for Free Speech in the Electoral Process.” Southern States Communication Association Convention: Winston-Salem, North Carolina, April 2002. Competitive Paper.
- “Sublimity and the Social Movement Manifesto: The Ethos of SDS’s Port Huron Statement.” Eastern Communication Association Convention: New York, New York, April 2002. Competitive Paper.
- “Abolitionism and Non-Identification in the Rhetorical Process: William Lloyd Garrison’s Moral and Anti-Political Appeal.” National Communication Association Convention: Atlanta, Georgia, November 2001. Invited panel paper.
- “The Animal Protection Movement: Cases of Welfare and Rights.” 6<sup>th</sup> Communication Conference on the Environment sponsored by the Center for Environmental Communication Studies: Cincinnati, Ohio, July 2001. Competitive Paper.
- “Animal Rights, Identification and Competence in the Rhetorical Process: A Case Study of PETA’s Anti-Dairy Campaign.” Southern States Communication Association Convention: Lexington, Kentucky, April 2001. Competitive Paper.
- “Battling Cyber-Parody in the Political Arena: A Case Study of the Bush Campaign’s Clash with GWBush.com.” Southern States Communication Association Convention: Lexington, Kentucky, April 2001. **Top Paper in Free Speech Division.**
- “The Cold War Kid: A Narrative Critique of Billy Joel’s Rhetoric.” Southern States Communication Association Undergraduate Honors Conference: St. Louis, Missouri, April 1999. Competitive Paper.

### **Guest Lectures**

- “New Directions in Ideographic Criticism,” University of Alabama, Graduate Rhetorical Criticism (COM548), Dr. Janis Edwards, Spring 2006.
- “The Ideological Turn in Rhetorical/Cultural Studies,” University of Alabama, Graduate Rhetorical Criticism (COM548), Dr. Janis Edwards, Spring 2006.

“Hegemonic Masculinity,” University of Alabama, Communication & Gender (COM 469), Dr. Marsha Houston, Fall 2005.

“Visual Metaphors of Booker T. Washington as *Back-turning Spade*,” University of Alabama, Rhetorical Criticism (COM 340), Dr. Janis Edwards, Fall 2005.

“Introduction to Rhetoric,” University of Maryland, Communication Inquiry (COMM-250), Dr. Susan Hubbard, Spring 2005.

“Burkean Theory,” University of Maryland, Communication Inquiry (COMM-250), Dr. Susan Hubbard, Spring 2005.

“Fisher’s Theory of Narrative,” University of Maryland, Communication Inquiry (COMM-250), Dr. Susan Hubbard, Spring 2005.

“The Rhetorical Tradition,” University of Maryland, Communication Inquiry (COMM-250), Instructor David Payne, Summer 2004.

“Kenneth Burke and Dramatism,” University of Maryland, Communication Inquiry (COMM-250), Instructor David Payne, Summer 2004.

“Narrative Theory and Criticism,” University of Maryland, Communication Inquiry (COMM-250), Instructor David Payne, Summer 2004.

“Walking the Path of American Indian Activism,” University of Maryland, Voices of Leadership (COMM-461), Dr. Shawn Parry-Giles, Spring 2004.

“What to Expect When You’re Expecting (To Undertake Graduate Study in Communication!),” University of Maryland, Undergraduate Communication Association, Winter 2004.

“Publishing as a Graduate Student,” University of Maryland, Introduction to Graduate Study in Communication (COMM 700), Dr. Deb Cai, Fall 2003.

“Social Movement Inquiry in Rhetorical Studies,” University of Maryland, Public Relations Publics (COMM-617), Dr. James Grunig, Spring 2003.

“History and Ideology of the American Indian Movement,” University of Maryland, Voices of Leadership (COMM-461), Dr. Shawn Parry-Giles, Spring 2003.

“Tips for Crafting Essay Questions,” University of Maryland, Teaching Colloquium (COMM-686), Dr. Andrew Wolvin, Fall 2003.

“McCarthyism and the Rhetoric of the Red Scare,” Wake Forest University, American Rhetorical Movements II. (COM-341), Dr. Deepa Kumar, Spring 2002.

### **Civic Engagement**

Consultant, American Indian Student Association, University of Maryland, 2003-2005.

Consultant, The Veterans Corporation, Alexandria, VA, 2002-2005.

Advisory Committee, Harvey Milk City Hall Memorial Committee, 2005-present

Facilitator, Debate Watch, Fall 2004

Facilitator, trained by the Studies Circle Research Center, Washington, DC, Fall 2002.

Tutor, East Forsyth School, Advanced Placement American Government, Winston-Salem, NC, 2001-2002.

Tutor, Wake Forest University, Introduction to Communication, 2000-2002.

Chairperson, Planning Committee, Greyhound Friends of North Carolina, Greensboro, NC, 2001-2002.

Adoption Coordinator, Greyhound Friends of North Carolina, Greensboro, NC, 1999-2002.

### **Community Writing and Speaking**

“The State of African American Identity Constructions in the Media in the Wake of Hurricane Katrina,” panel discussion, Capstone Association of Black Journalists, February 20, 2006, Univ. of Alabama.

Book Review: Bill Yenne, The Campaign for the American West. *Anniston Star*, February 2006.

Book Review: Louis S. Warren, Buffalo Bill’s America: William Cody and the Wild West Show. *Anniston Star*, December 2005.

“American Indian mascots and the NCAA,” radio interview, WACT – Tuscaloosa, August 9, 2005

“London attacks violate Islamic principles,” editorial, *Tuscaloosa News*, July 17, 2005, p.7D

“Ramadan hunger strikes in Maryland,” interview, *Baltimore Sun*, March 3, 2004, p. 1D



### **Academic Memberships**

National Communication Association, 2000-present

Southern States Communication Association, 1998-present

Eastern Communication Association, 2001-present

Carolinas Communication Association, 2001-present

### **References**

Dr. Shawn Parry-Giles, associate professor, Department of Communication, University of Maryland. 2130 Skinner Building, College Park, MD 20742-7635. 301-405-6527.  
[spg@umd.edu](mailto:spg@umd.edu).

Dr. Janis Edwards, associate professor, Department of Communication Studies, University of Alabama, Box 870172, Tuscaloosa, AL 35487-0172. 205-348-8080.

Dr. Marsha Houston, professor, Department of Communication Studies, University of Alabama, Box 870172, Tuscaloosa, AL 35487-0172. 205-348-8080.

Dr. Trevor Parry-Giles, assistant professor, Department of Communication, University of Maryland. 2130 Skinner Building, College Park, MD 20742-7635. 301-405-8947.  
[tpg@umd.edu](mailto:tpg@umd.edu).

Dr. Mary E. Stuckey, professor, Department of Communication, Georgia State University. 1022 One Park Place South, Atlanta, GA 30303. 404-651-2519.  
[mstuckey@gsu.edu](mailto:mstuckey@gsu.edu).

Dr. Eric King Watts, associate professor, Department of Communication, Wake Forest University. Box 7347, Reynolda Station, Winston-Salem, NC 27109. 336-758-4441.  
[wattsek@wfu.edu](mailto:wattsek@wfu.edu).

Dr. Michael J. Hyde, professor, Department of Communication, Wake Forest University. Box 7347, Reynolda Station, Winston-Salem, NC 27109. 336-758-4441.  
[hydemj@wfu.edu](mailto:hydemj@wfu.edu).