

# ACTS OF REBELLION



## THE WARD CHURCHILL READER



W A R D C H U R C H I L L

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## **ACTS OF REBELLION**

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# **ACTS OF REBELLION**

**THE WARD CHURCHILL READER**

**WARD CHURCHILL**

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*in memory of Leah Renae Kelly (Kizhiibaabinesik)*  
*February 19, 1970-June 1, 2000*  
*lost love of my life*

## FOREWORD

I want my words to be as eloquent  
As the sound of a rattle snake.

I want my actions to be as direct  
As the strike of a rattle snake.

I want the results to be as conclusive  
As the bite of a beautiful red and black coral snake.

—Jimmie Durham  
*Columbus Day*

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# INTRODUCTION

## ACTS OF REBELLION

### Notes on the Interaction of History and Justice

As ye sow, so shall ye reap.

—*Galatians*, 6:7

ON SEPTEMBER 11, 2001, A DATE NOW AND FOREVER EMBLAZONED IN THE shorthand of popular consciousness as a correlation to the emergency dialing sequence, “9–1–1,” a quick but powerful series of assaults were carried out against the paramount symbols of U.S. global military/economic dominance, the Pentagon and the twin towers of New York’s World Trade Center (WTC). About one-fifth of the former structure was left in ruins, the latter in a state of utter obliteration. Some 3,000 U.S. citizens were killed, along with 78 British nationals, come to do business in the WTC, and perhaps 300 other “aliens,” the majority of them undocumented, assigned to scrub the floors and wash the windows of empire.<sup>1</sup>

In the immediate aftermath, while the identities of the attackers was still to some extent mysterious, a vast wail was emitted by the American body politic, asking in apparent bewilderment, “Who are they and why do they hate us?”<sup>2</sup> The answer came shortly, in the form of a videotaped and briefly televised statement by Usama bin Laden, expatriate Saudi head of al-Qaida, one of a plethora of terrorist organizations spawned by the CIA over the past half-century to carry out a broad range of “dirty” as-signments for the United States (al-Qaida parted company with “The Company” during the 1990–91 U.S. war against Iraq).<sup>3</sup>

Bin Laden’s message was quite clear:<sup>4</sup> The attacks were carried out in response to blatant and ongoing U.S. violations of the laws of war, together with almost every aspect of international public and humanitarian law. The matter, as he pointed out, is of no mere academic concern: over the past decade well upwards of a half-million Iraqi children and at least a million of their adult counterparts have died as the result of pal-pably criminal U.S. actions against their country.<sup>5</sup> United Nations officials have resigned in protest, denouncing what one of them, Assistant Secretary General Denis Halliday, was widely quoted in the press describing as America’s “policy of deliberate genocide” against the people of Iraq.<sup>6</sup> The accuracy of Halliday’s—and bin Laden’s—assessment of the situation was, moreover, bluntly corroborated on NBC’s *60 Minutes* by no less senior a U.S. spokesperson than U.N. Ambassador, and subsequent Secretary of State, Madeleine Albright.<sup>7</sup>

Reaction among average Americans to revelations of the horror perpetrated in their name has been to all intents and purposes nonexistent. Since it can hardly be argued that the public was “uninformed” about the genocide in Iraq, its lack of response can only be seen as devolving upon a condition of collective ignorance—that is, of having information but ignoring it because it is considered inconsequential<sup>8</sup>—as profound as it must be intolerable to those whose children lie murdered en masse. How, under these conditions, are the victims to claim the attention necessary to impress upon their tormentors the fact that they, too, count for something, that they are of consequence, that in effect they will no longer accept the lot of being slaughtered, conveniently out of sight and mind or with impunity?

It is all well and good to observe, as others have, that those who struck on 9–1–1 should instead have taken their case before “the World Court.”<sup>9</sup> Genocide is, without doubt, the worst of all crimes against humanity. In this instance, it has been effectively admitted, and the plaintiffs would thus undoubtedly have received a favorable ruling. These truisms uttered, however, a serious question must be posed: To what effect might the victims have pursued such an option? The U.S., its lofty rhetoric to the contrary notwithstanding, self-evidently disdains the rule of law.<sup>10</sup> It long ago repudiated notions that the venerable International Court of Justice (ICJ) holds the least authority over it.<sup>11</sup> The same pertains, and more so, to the newly established International Criminal Court (ICC).<sup>12</sup> Plainly, the U.S. is a “rogue state” which,<sup>13</sup> like the Third Reich before it, imagines itself possessed of a “sovereign right” to operate in a manner unfettered by any but its own customs and conventions of comportment.<sup>14</sup>

The ICJ might nonetheless have entered a ruling. And then? The issue would immediately become one of enforcement.<sup>15</sup> The means decreed in this regard by the United Nations Charter and numerous other international instruments are mostly constrained to imposing economic and/or diplomatic sanctions upon offenders.<sup>16</sup> It is assumed that such embargoes, pressed with sufficient vigor by the world community, will compel targeted states to correct their behavior. No provision is made, however, for dealing with violators like the U.S., which exercises not only an undeniable global economic suzerainty, but formal veto power over U.N. sanctions.<sup>17</sup> Other countries are thereby left in the position of having to elect between attempting to militarily enforce international law against the “world’s only remaining superpower” or acquiescing in its ever-expanding pattern of gross illegalities.

There is but one route out of this particular box. It traces the trajectory of an obligation inherent in the citizens of each country to do *whatever* is necessary to ensure that their government complies with the requirements of international law.<sup>18</sup> Enunciated as part of the postwar Nuremberg Doctrine with the Germans in mind, the principle applies no less to Americans.<sup>19</sup> Yet it is *precisely* this civic/human responsibility upon which Americans have defaulted so conspicuously in the aggregate of their willful ignorance concerning the ghastly toll exacted from Iraq.

The question reverts thus to whether, under the conditions at hand, there might have been some “more appropriate means” by which the victims of U.S. aggression might have conveyed the consequences of their agony. Posing it may best be left to the moral cretins who, having done so much to foment the situation in the first place, now revile and seek

to exterminate the messengers, demanding “defense” against the truth of their statement.<sup>20</sup> For the rest of us, the method of communication employed was what it was, a mere pinprick when measured against the carnage America so routinely inflicts on others, more akin to a wake-up call than anything else.

In retrospect it will be seen that September 11, 2001, marked the point at which the U.S. was put on notice that business-as-usual would no longer prevail: if Americans wish ever again to be secure from the ravages of terrorism, their top priority must at long last become that of preventing their own government from instigating and participating in it;<sup>21</sup> if, in substance, they desire safety for their own children, they will first have to “stop killing other peoples babies.”<sup>22</sup> While there remain tremendous disparities in the scales of lethality involved, a nonetheless unmistakable symmetry is embodied in these grim equations. Some might even call it justice, and from justice there can be no ultimate escape.

### ON THE MATTER OF SELF-CONCEPT

This said, it must be admitted that there remains a considerable potency to the fantasy of a forum not unlike the Nuremberg Trials in which America’s international criminals would take their proper place in the defendants’ dock. While the near-term prospect of any such scenario materializing is virtually nil—absent the unlikely emergence of an alliance among secondary powers both capable and willing to literally pound the U.S. into submission—reveries of malignant toads like Henry Kissinger, Madeleine Albright, and Jesse Helms squatting in the shadow of the gallows are simply too pleasant to be suppressed.<sup>23</sup> This gives rise to more serious contemplation of how such worthy objectives might actually be attained over the longer run. Fortunately, there are possibilities in this regard.

The trials precipitated by their total military defeat and occupation forced the Germans into an unprecedented form of self-reckoning. Compelled to face what Karl Jaspers termed the “Question of German Guilt” because of overwhelming courtroom evidence concerning their societal responsibility for the crimes of nazism, they were left no viable alternative but to search for a coherent explanation of their behavior.<sup>24</sup> Eventually, the process led them to collectively embrace an “internationalization of [their] ‘national’ history” as an antidote to the “collective, narcissistic self-exaltation” enshrined in previous narratives of German identity.<sup>25</sup> In this manner, the duality of triumphalism and denial forming the Germans’ “mass psychology of fascism” was gradually transformed into its antithesis.<sup>26</sup>

By 1959, shortly after West Germany regained its autonomy, their psychointellectual denazification had evolved to such an extent that the Germans themselves could undertake the first of what by 1981 would total nearly 6,000 trials of nazi criminals in their country’s domestic courts.<sup>27</sup> Concomitantly, although its record in this respect remains far from perfect, Germany has voluntarily paid—in fact, continues to pay—billions of dollars in compensation to those it victimized during World War II (or, in some cases, their descendants).<sup>28</sup> Imposition of the death penalty has all along been constitutionally prohibited, as has, until very recently, the deployment for any purpose whatever of German troops abroad.

One wonders whether the transformative process evident in postwar Germany might not yield similarly constructive results if undertaken through a reversed sequence in the

contemporary United States. In theory, rather than international trials serving as the catalyst for a radical reinterpretation of national history, hence national character, a reconfigured history might serve to galvanize popular initiatives culminating in international trials (and/or domestic trials evoking international law).<sup>29</sup> A surmounting of America's well-nurtured public evasion of such "unpleasantness" is of course necessary, as it so obviously was in Germany, yet it seems possible that the means are already at hand. Taken together with a growing awareness that there are likely other, much heavier shoes ready to drop unless Americans show signs of getting their house in order—biochemical weapons? a nuclear device?—9-1-1 may well have injected the essential element of self-interested incentive to change.<sup>30</sup>

Thus must the country at last and in the fullest sense commence the task of coming face to face with the stark horrors of which its historical burden is comprised: not just what has been done to the Iraqis, but, as bin Laden himself pointed out, to the Palestinians as well.<sup>31</sup> And, to be sure, there are others: the millions of Timorese,<sup>32</sup> Guatemalans,<sup>33</sup> Indonesians<sup>34</sup> and comparable victims of America's client regimes since 1945;<sup>35</sup> the millions of Indochinese slaughtered by U.S. troops during the "Vietnam Era";<sup>36</sup> the untold numbers of Koreans massacred at places like No Gun Ri;<sup>37</sup> the million-odd Japanese civilians deliberately burned alive not just at Hiroshima and Nagasaki, but in the massive incendiary raids flown against Tokyo and other cities during World War II;<sup>38</sup> the hundreds of thousands of Filipinos butchered during the American conquest of their homeland at the dawn of the twentieth century.<sup>39</sup>

To this, still more must be added: the millions lost to the Middle Passage, shipped as livestock from Africa to fuel the rise of America's economy through their slavery;<sup>40</sup> the millions of their relatives worked to death as chattel labor, both before and *since* "Emancipation";<sup>41</sup> the thousands of blacks lynched during the Klan's century-long postreconstruction "festival of violence";<sup>42</sup> the Chinese who stood not "a Chinaman's chance" of surviving their indenture while building America's railroads and sinking its deep shaft mines;<sup>43</sup> the Mexican migrant laborers dead of pesticides in California fields;<sup>44</sup> the twelve-million-or-more Third World kids who perish each year of poverty-induced afflictions, their very subsistence siphoned into providing the cellphones and other paraphernalia now deemed all-important to the average Americans "quality of life."<sup>45</sup>

These are but a few of the highlights—more accurately, the low points—of the history American triumphalism has sought not only to silence, but to transmute into the opposite of itself.<sup>46</sup> Recasting the country's narrative self-conception in a form wherein such matters assume their proper place as defining ingredients would go far towards dispelling the illusion that the words "innocent" and "American" are synonymous.<sup>47</sup> From there, it should be possible to break down the intricate codes of misunderstanding through which average Americans have come to see themselves, both individually and collectively, as being somehow entitled to possess, control, and/or consume that which belongs to others (including even their very lives, "where need be").<sup>48</sup> On this basis, it would at least be arguable that the U.S. polity had intellectually equipped itself to participate as responsible citizens within the world community it now purports to "lead."<sup>49</sup>

## IN SEARCH OF A METHOD

The question arises of how best to approach the mass of information upon which any radical (re)interpretation of “The American Experiment” must proceed.<sup>50</sup> The sheer volume of what has been shunted aside in canonical recountings threatens to overpower the most intrepid of counternarratives, dissolving into a fine mist of contrarian detail. How then to give shape to the whole, ordering and arranging its contents in ways that explicate rather than equivocating or obscuring their implications, making the conclusions to be drawn not just obvious but unavoidable? How, in other words, to forge an historical understanding which in itself amounts to an open demand for the sorts of popular action precipitating constructive social change?<sup>51</sup>

There are several methodological contenders in this connection, beginning with Howard Zinn’s commendable effort in *A Peoples History of the United States* to more or less straightforwardly rewrite Samuel Eliot Morison’s *Oxford History of the American People* in reverse polarity, effigizing rather than celebrating the status quo.<sup>52</sup> Historical materialism,<sup>53</sup> functionalism,<sup>54</sup> structuralism,<sup>55</sup> hermeneutics,<sup>56</sup> and even some of the less tedious variants of postmodernism offer themselves as alternatives (usually as *the* alternative).<sup>57</sup> So, too, do subgenres of postcolonialism like subaltern studies.<sup>58</sup> Each of these “visions of history,” at least in some of their aspects, are of utility to the development of a bona fide U.S. historical praxis.<sup>59</sup> At face value, however, none are able to avoid the fate of either descending into a state of hopeless atomization,<sup>60</sup> or, alternately, overreaching themselves to the point of producing one or another form of re-reductionist metahistorical construction.<sup>61</sup>

Perhaps the surest route to avoiding these mirrored pitfalls will be found in the Nietzschean method of “historical genealogy” evolved by Michel Foucault in works such as *The Archaeology of Knowledge*.<sup>62</sup> This is a highly politicized endeavor in which the analyst, responding to circumstances s/he finds objectionable in the present, traces its “lineage” back in time until a fundamental difference is discerned (this “historical discontinuity” is invariably marked by an “epistemological disjuncture”). Having thus situated the source of the problem in its emergence from a moment of historical transition, the analyst can proceed to retrace the unfolding of the specific history at issue forward in time, with an eye toward what would need to be “undone”—and how—if the future is to be rendered more palatable than the current state of affairs. In this, whatever set of circumstances prevailed prior to the discontinuity is mined for its potentially corrective features.<sup>63</sup>

Instead of condemning the barbarism of pre-modern society, its inhumanity, injustice, and irrationality, Foucault presents the difference of the pre-modern system by demonstrating that, on its own terms, it makes sense and is coherent. The reason for doing so, let it be noted, is not to present a revised picture of the past, nostalgically to glorify [its] charms...but underline the transitory nature of the present system and therefore remove the pretense of legitimacy it holds by dint of a naïve, rationalist contrast with the past.<sup>64</sup>

Although firmly grounded in Nietzsche, Foucault’s model also incorporates a “post-structuralist strategy of detotalization oriented to the particularity of the phenomena”

studied, and “a structuralist strategy oriented to remove the analysis from the register of subjectivist humanism.”<sup>65</sup> To this might be added occasional forays into a strategy of immanent critique in which the contemporary order is held strictly accountable to the standards and ideals it typically claims as being descriptive of its own composition and character.<sup>66</sup> Overall, the object is to reveal in all their squalor the pretensions of “modern” *morés* and institutions, “undermining the [illusion of] natu-ralness” in which they seek to cloak themselves, and to make explicit thereby both the necessity and tangible possibility of their being dismantled or transcended.<sup>67</sup>

This book follows Foucauldian procedure. In the U.S., irrespective of which among the earlier-sketched grotesqueries is emphasized—be it America’s voracious greed and genocidal disregard for the wellbeing of others, the concomitants of militarism and virulent racism, or the weird psychic stew in which imperial/racial arrogance has been blended in equal part with the most sanctimonious professions of peaceful innocence—its lineage traces to precisely the same source: the invasion(s) of Native North America by Europeans during the sixteenth and seventeenth centuries.<sup>68</sup> Absent that profound and violently imposed rupture in historical continuity, nothing else that is objectionable in American history—slavery, for instance—or in contemporary American life—“globalization,” to name a salient example—would have been materially possible (or, in the main, conceivable). The relationship between Euroamericans and American Indians is therefore the most fundamental of any on the continent. It is the bedrock upon which all else is built, the wellspring from whence all else flows.<sup>69</sup>

Hence, in tracing the course and temper of Indian-white relations, a considerable light is shed upon the relationship of the U.S. “mainstream” population and virtually every other people it has encountered over the past two and a quarter centuries, both “domestically” and abroad. It might indeed be argued that Euroamerica’s attitude towards and treatment of the peoples indigenous to the “homeland” it has seized for itself has been in many respects definitive of those it has accorded all Others, including not least—and in some cases increasingly—certain sectors of its own nominal racial/ethnic constituency.<sup>70</sup> The postinvasion history of Native America thus provides the lens through which all of American history must be examined if it is to be in any sense genuinely understood. To put it more personally, it is essential, if one is to truly appreciate the implications of one’s own place in American society, that one “read” them in terms of U.S./Indian relations.<sup>71</sup>

It follows that correction of the socioeconomic, political, and other repugnancies marking modern American life is, in the final analysis, entirely contingent upon rectification of nonindian America’s abecedarian relationship to American Indians. Here, history provides the agenda concerning what must be done. So long as Native North America remains internally colonized, subject to racial codes, unindemnified for the genocide and massive expropriations we’ve suffered—and *continue* to suffer—genocide, colonialism, racism, and wholesale theft will remain the signal attributes of American mentality and behavior.<sup>72</sup> Insofar as this is so, the U.S. will undoubtedly continue to comport itself in the world as it has in the past. And this, in turn, will inevitably result in responses far more substantial than that made on 9–1–1.



## ACTS OF REBELLION

Plainly, there are choices to be made. Arriving at the right choices, however, depends to a considerable extent upon being able to see things clearly. *Acts of Rebellion*, then, although it is a reader, and therefore by both intent and design far from comprehensive, is meant to facilitate the attainment of the insights requisite to deciding where one stands on many of the core issues confronting American Indians. Call it, if you will, an exercise in values clarification. In any event, I flatter myself to think that one cannot read it and, without entering into active falsehood, afterwards claim “not to know” what has been/is being done to Native North America. Knowledge, of course, associated as it is with power, demands action. To possess knowledge and ignore its demands is to nullify claims of innocence. Ignorance, in effect, equates to complicity, a variety of guilt.<sup>73</sup>

Since the book is a reader it seeks to accomplish a number of things. Not only does it cover a fairly broad range of discrete but related topics, for instance, but it does so by employing a variety of styles. The majority of the essays—“The Law Stood Squarely on Its Head,” “The Nullification of Native America?” and “A Breach of Trust,” for example—are “formal,” at least in the sense that they were originally prepared for publication in academic journals and rely upon extensive annotation. Others, such as “False Promises” and “The New Face of Liberation,” have been developed from the transcripts of lectures delivered at various universities. “Lets Spread the ‘Fun’ Around” was written as an op-ed piece,<sup>74</sup> while “Confronting Columbus Day” was originally prepared as a legal brief. One object of this “eclectic” arrangement is to demonstrate that in writing—which may in itself be viewed as a mode of activism<sup>75</sup>—it is unnecessary to pull one’s punches, regardless of the venue in which one seeks to publish.

A word on annotation is in order. Mine is almost always extensive, sometimes notoriously so. There are reasons for this that go well beyond the “scholarly” imperative of demonstrating “command of the literature” bearing upon whatever topic I may be writing. Many of my notes amplify points raised in my texts, offering caveats or digressions that would, if incorporated into the body of the essay itself, disrupt its flow. The notes thus serve in a literal sense as a conscious and deliberate “subtext,” and should be approached as such. Still, the citations appearing in my notes are quite extensive, and this is because I want no reader to have to simply “take my word for” anything I say. Anyone wishing to know more than I observe about anything I mention, or apprehend the concrete basis upon which I’ve said what I’ve said, is empowered by my citations to examine things for themselves—without necessarily having to do thirty years of intensive research in the process—and appreciate for themselves how I’ve “connected the dots.”

*Acts of Rebellion* is divided into four sections. The first, which concerns the application of European/Euroamerican legality to North America’s indigenous peoples, is designed to debunk the smug lie that the U.S. is or ever has been “a nation of laws, not men.”<sup>76</sup> Particularly in “The Law Stood Squarely on Its Head,” great care is taken to demonstrate exactly how both the Law of Nations and the constitutional requirements of U.S. domestic law itself have been cynically and consistently subverted by American jurists almost from the inception of the republic, always for purposes of political/military dominance and material gain. “The Law” has always been used as toilet paper by the status quo where American Indians are concerned, a circumstance to be heeded by anyone naïve enough to

believe—or duplicitous enough to argue without really believing—that the problems we face can somehow be resolved through recourse to the sort of “due process” available to us in the courts of our colonizers. The lesson should be taken especially to heart by other “out groups” in American life, all of whom are subject to at least some of the illegitimate juridical principles articulated by the U.S. judiciary vis-à-vis the continents native inhabitants.<sup>77</sup>

The second essay, “The Nullification of Native America?,” explores a specific example of how legalistic rationalizations have lately been employed to subvert the most intimate aspect of native self-determination: the question of identity (in both individual and collective terms). The third and final essay of the first section, “Confronting Columbus Day,” examines, again in a very specific way, the manner in which the tenets of U.S. jurisprudence and statutory legality conflict with the requirements of international law. The latter argument in particular, in that it was successfully employed by the defense in an actual criminal proceeding, can be mined for its utility to others in similar situations.

As should have become apparent in reading the first section, if it wasn’t already, a purportedly strict adherence to legality has been absolutely central to the false image of itself America has persistently projected to the world. Hence, law serves as an ideal medium by which to perform immanent critique (analyzing, that is, the question of whether or to what extent the realities of American comportment differ from its enunciated self-description).<sup>78</sup> The reader will find it regularly deployed for this purpose not only in the opening section, but throughout the remainder of the book. This is especially true in the second section, wherein “The Earth Is Our Mother” investigates the historical process by which Native North Americans were/are dispossessed of some 98 percent of our property, “A Breach of Trust” examines America’s internal colonial structure in the specific connection of uranium mining (thus confirming Sartre’s equation of colonialism to genocide), and “Like Sand in the Wind” discusses the creation of an American Indian diaspora in North America.

The final essay in this sequence, “The Bloody Wake of Alcatraz,” details the grue-some counterinsurgency campaign mounted by the Federal Bureau of Investigation and collaborating military and police agencies during the mid-1970s against the American Indian Movement on and around the Pine Ridge Reservation in South Dakota. Since many of the techniques employed by the FBI against AIM were patently illegal, even in terms of U.S. law, and because the entire operation was undertaken to prevent AIM from asserting rights held by native people under a host of treaties, covenants, and conventions, the gulf separating America’s often flowery verbiage on “law enforcement” from the sordid realities of its practice in this regard have seldom revealed themselves in bolder relief. The distinctions will, however, be readily appreciated by similarly targeted dissident groups ranging from the United Negro Improvement Association to the Black Panther Party,<sup>79</sup> and should be studied closely by all who set upon the task of forging a positive future.

The third section is devoted to examining the instrumentalities of popular culture through which the settler society has sought to disguise the conditions it has imposed upon native people, vigorously denying the reality even (or especially) to itself, meanwhile degrading its indigenous victims in an ever more ubiquitous and refined fashion. The centerpiece of this ugly endeavor has been cinema—movies—as is discussed in “Fantasies of the Master Race.” Film is by no means the sole offender, however, as is brought out in

“Let’s Spread the ‘Fun’ Around,” which deals with the issue of sports team mascots, and “Indians ‘R’ Us,” which takes up the matter of the “Men’s Movement” and the question of “New Age” sensibilities more generally. The moral of the story, so to speak, is that words and images *do* hurt, as is witnessed by the fact that nazi propagandist Julius Streicher was tried at Nuremberg,<sup>80</sup> convicted of crimes against humanity, and executed for having engaged in derogations of Jews no worse than those to which American Indians are routinely subjected. That criminal activities of the sort engaged in by Streicher are protected under the rubric of U.S. domestic law is a circumstance imbued with negative implications for any group suffering the psychic ravages of Euroamerica’s customary racist discourse.<sup>81</sup>

To conclude, three essays are offered which explore in various ways the kinds of action and alternatives pointed to in the preceding three sections. “False Promises” endeavors to explain in capsule form exactly how and why marxism is an unsatisfactory paradigm for the attainment of native rights. “The New Face of Liberation” explores the indigenist alternative from yet another angle, finding more common ground with anarchism than any other European praxis. The sections—and the book’s—last essay, “I Am Indigenist,” concerns itself with explaining what the consummation of the indigenist agenda in the U.S. portion of North America might look like, and why no other progressive program can succeed unless something of the sort actually occurs. A message on priorities is obviously embedded therein.

As I said, *Acts of Rebellion* is far from comprehensive. It should, nonetheless, provide sufficient stimulation to set at least some readers on what I see as the right track, empowering them to make contributions of their own. If so, it will have accomplished its purpose. No more can be asked by an author of any book than that it be put to such use.

# PART I

## IN MATTERS OF LAW

Although the United States did not have to exercise great legal imagination in incorporating [indigenous nations] within its boundaries, it made a great effort to do so. From the recognition of the treaty system as the most appropriate method of legal dealings with [native peoples], to the early-nineteenth-century “Cherokee cases” that gave the legal system meaning, to the “plenary power” decisions that ended the century and the notion of tribal sovereignty, U.S. law helped structure not only U.S. Indian policy but also Indian-white relations. . . . Law was used to perpetrate murder and land frauds of all sorts and the legal rights of American Indians were ignored by state and federal courts. The product of this great concern with the “legality” of nineteenth century federal Indian policy was genocide: more than 90 percent of all Indians died, and most native land was alienated, the balance occupied by Indians “owned” by the United States. Indian people were under the control of Indian agents, political hacks sent out from Washington to manage the lives of native people and backed by the army.

—Sydney L. Haring  
*Crow Dog’s Case*