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The Rediscovery of America

Native Peoples and the Unmaking of U.S. History

Guide and Discussion Questions

1

American Genesis

Indians and the Spanish Borderlands

Following wars of conquest, Spanish and Indigenous communities together shaped the earliest phases of European colonization of the Americas.

SUMMARY

Through the journals of Franciscan friars Francisco Atanasio Domínguez and Silvestre Vélez de Escalante, who mounted a failed expedition from Santa Fe, New Mexico to Monterey, California in 1776, Chapter 1 examines the continent-wide influence of Spanish colonialism. From Columbus' arrival in the Caribbean and through the formative centuries of Spanish conquest, Spanish power expanded and consolidated in constant relationships with Indigenous peoples. By the 18th century, distinct and varied colonial societies had evolved.

The collision of the European and Indigenous worlds was a violent, asymmetrical, as well as a reciprocal process. Over three centuries, Spanish violence, enslavement, and European-introduced pathogens radically reshaped Native culture and demographics. At the same time Indigenous resources—foods, minerals, technologies, and labor — became central to the formation of Spanish colonial societies and the reshaping of the European and world economy.

Within the Spanish colonial administration tensions emerged between the adventurers and mercenaries who led the military conquests and Church reformists who tried to limit abuses. On the borderlands, a hybrid culture of allegiances and conflict between European imperial authority and Native political power developed as Indigenous groups, changed, survived, and even resisted.

In New Mexico, only three dozen Pueblo villages out of eighty endured the first century of colonization. But in 1680, the Pueblo Revolt overthrew Spanish colonial rule and exiled settlers, soldiers, and missionaries. Even after the Spanish reconquest 12 years later, the Pueblo world had been forever changed unleashing new technologies, ideas, and practices throughout the Southwest — resulting in a balance of economic, cultural, and military power between Spanish, Pueblo, and Plains groups that endured until the time of Domínguez and Escalante's expedition.

OUTLINE

Introduction

- From the beginning of Spanish domination of the Americas in the late 15th Century, power was contested and shared between imperial and Native groups.

Spain's Earliest American Conquests

- Spanish colonization of the Caribbean was marked by violence, terror, famine, enslavement, and genocide.
- The “New Laws” of 1542 were passed to reign in abuse — specifically enslavement — of the Native population under Spanish rule, in response to lobbying by reformist missionaries such as Bartolomé de las Casas.

The Meeting: Spanish and Nahua Empires in Mexico

- The “Meeting” of the Spanish and Nahua (or Aztec) empires — each governing millions of people — was the beginning of an interconnected global society

De Soto and Coronado across the Spanish Borderlands: 1539–42

- In 1539 the first Spanish forces entered North America, led by Hernando de Soto and Francisco Vázquez de Coronado.
- The expeditions didn't achieve military goals, but the diseases Spanish soldiers and animals carried reshaped culture and power across the Southeast as existing groups disintegrated and their members regrouped.

The Colonization of the Silver Frontier: The Mixtón War of 1540–41 and After

- Cortés' rule of New Spain was marked by terror and subjugation, but also by alliances as the Spanish continued to capitalize on existing power rivalries during their campaigns to take territory in what is now central and northern Mexico.
- Along with the Andean mines at Potosi, Mexican silver reshaped the European monetary system in the latter half of the 16th century; they also encouraged their Native allies to move into northern Mexico — a form of Indigenous settler colonialism

Juan de Oñate and the Conquest of New Mexico

- In response to Pueblo resistance at the village of Acoma in 1599, governor Juan de Oñate destroyed the community and ordered mass mutilations and the enslavement of its people.
- Even as colonial political and military authority expanded, Catholic missionaries — empowered by the New Laws of 1542, worked to limit abuses.

Pueblo Struggle and Survival: The 1600s

- Displacement, death, and disease followed the Spanish conquest of New Mexico,
- As the Pueblo communities dispersed, they build new alliances on the far reaches of the New Mexico territory, spreading European technology and cultural influence, in particular the use of horses.

The Pueblo Revolt of 1680

- By the end of the 17th century, an unsteady balance of power emerged in New Mexico between the Spanish, the remaining Pueblo villagers, and the Apache, Navajo, and Ute powers.
- In 1680, following decades of increasing repression and forced labor, Pueblo communities organized a revolt against the Spanish, burning churches in villages across the territory, marching on the Spanish capital at Santa Fe, and eventually driving the Spanish forces out of the region and regaining autonomy — arguably the first American Revolution.

New Mexico's Growing Heterogeneity and Diversity: The 1700s

- Spanish control was reestablished 12 years later, but a hybrid culture arose.
- After the revolt, equestrian culture and cattle herding spread throughout the Southwest Native communities, shaping new political power among the Ute and other Plains groups.
- A new social formation, *genízaros*, or detribalized Indians, lived within the Spanish colonial communities

CONVERSATION STARTERS

1. The convergence of European and American societies following 1492 is generally referred to as the Columbian Exchange. What developments in the 1500s led to the Spanish colonization of northern Mexico and what is now the American Southwest? How successful were the Spanish in incorporating these distant parts of what became known as New Spain, and in what ways did such colonization contribute to the Columbian Exchange?
2. What does it mean to recast our understanding of the period of contact between North Americans and Europeans beginning in the late 15th century in terms of “encounter” rather than “discovery”?
3. The New Laws of 1542 represent one of the first attempts at humanitarian legislation as we would understand it today. What does the fact that the Laws (which forbade enslavement and limited the worst abuses of Native peoples) were needed say about how power in Spanish colonial America was shared between mercenaries, missionaries, and imperial officials?
4. Often we think of abuses of the past as somehow “of their time” — but de las Casas and his fellow reformists clearly came to understand that colonialist violence was wrong, even by the standards of the day. How does that change your understanding of the period?
5. Spanish colonialism depended on mercenaries and adventurers — for more than a century, the empire had neither the ships nor soldiers to rule the Americas directly. How does an empire exist without the means to project power at a distance to govern by law? And what do those arrangements have to do with how colonialism evolved?

6. When we consider Spanish colonization of the Americas, we typically think only of Spanish conquest, and consider Native peoples as a single, opposing, and militarily inferior power. In reality, the Spanish exploited — and were dependent on — existing rivalries and built allegiances with local powers. How does understanding this change your understanding of the agency of Indigenous people during the period?

RECOMMENDED RESOURCES

New Laws of 1542, text	https://www.csus.edu/indiv/o/obriene/art111/readings/thenewlawsoftheindies1542.htm
Bartolomé de Las Casas, Brief Account of the Devastation of the Indies	https://dp.la/primary-source-sets/exploration-of-the-americas/sources/408
New Mexico and the Pimería Alta: The Colonial Period in the American Southwest	https://www.jstor.org/stable/j.ctt1mmftg6

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The Native Northeast and the Rise of British North America

English disease, slave-trafficking, and colonization disrupted the diverse and concentrated world of the Native Northeast. epidemics killed two-thirds of the Native population, creating a “widowed land” for many Puritan settlements, the earliest years of English survival depended upon stable trading and social relations with Native nations. By 1647, however, English dominance over New England grew as inter-related catastrophes for Native peoples increasingly limited their previous power and autonomy

SUMMARY

Giovanni da Verrazzano sailed into Long Island Sound in 1524, opening another front in European colonization of North America. The Native Northeast was no wilderness but was populated by some 150,000 Algonquian-speaking villagers living within dozens of interconnected nations. But over the next century and a quarter, the Northeast would be reshaped by waves of English immigration and the violence and disease the new settlers carried with them.

Unlike the Spanish colonizers, many English settlers — especially those who formed the Puritan Great Migration of 1620-1640 — saw themselves as divinely inspired to reshape the American continent and convert its Native peoples to Christianity.

Disease and enslavement, however, did more of the work of colonization than ideas alone. Two-thirds of the Native population of New England died in epidemics, leaving behind a “widowed land” that allowed Puritan communities to flourish.

Forced Indian labor built English settlements locally (and Native slaves were exported abroad). Native captives were also valuable for information about local peoples and topography, ensuring the survival of early settlements (as in the case of Tisquantum's assistance to the Plymouth colonists).

Meanwhile the Dutch sphere of influence grew around Long Island Sound, with trade alliances around wampum and furs with the Narragansett and Pequot and Iroquois peoples, coming into conflict with the English and their allies among the Wampanoag. The tensions led to the Pequot War of 1636-1637, which broke the Pequot Confederacy and consolidated British rule in New England.

OUTLINE

Introduction

- On his 1524 voyage, Giovanni da Verrazzano noted that the New England coast was heavily populated.

The Violent Origins of British North America

- While Spanish colonization was driven primarily by financial gain, New England's settlers were religiously motivated — but equally dependent on violence.
- Puritan colonists took Indigenous land and enslaved Native people during the Pequot War (1636-1637). By 1700, fewer than 10 percent of the Native population of New England remained.
- The New England colonies were dependent on unfree labor, directly and in providing the ships, goods, and services that drove the plantation economy of the Chesapeake and Caribbean colonial world

Ideologies of Difference: Puritanism

- The Puritan settlers sought to build religiously organized societies— bringing Christianity to the Americas and converting Native peoples.

The Native Northeast on the Eve of Colonization

- Before the arrival of English Puritan colonizers, the fur trade with the French had already reshaped New England's Native communities.
- Disease killed huge numbers of Native people, and the “widowed land” made colonization possible during the Puritan “Great Migration” of 1620-1640.

English Enslavement of Native Peoples: Tisquantum's Travels

- European capture and trade in Indian slaves shaped New England
- Tisquantum, captured in 1614, was New England's best known captive. Taken to England, he returned to North America where he found his village abandoned, and subsequently lived among the English,

Puritan Settlement upon a Widowed Land

- Before colonization, rivalries between the Wampanoag Confederacy around Massachusetts Bay and the Pequot and Narragansett communities to the south in what is now Rhode Island and Connecticut shaped New England
- After the European arrival, the remaining Wampanoag communities retreated from previous trade relationships and built alliances with the European settlers to survive.

Wampum and Anglo-Dutch Rivalry on Long Island Sound

- Further south, the impact of the Great Pandemic was less severe, and expanded trade in *wampum* (shell beads) and furs dominated the economy of Long Island Sound and trade between the Pequot, Iroquois, Mohawk and Dutch.

- Incidents in which English traders were killed and their ships destroyed led to the organization of an English militia, a campaign against the Narragansett on Block Island, and the beginning of war.

The Battle for Long Island Sound: The Pequot War (1636–37)

- English demands for beheadings in response to the killings of traders Oldham and Stone were refused by the Pequot Confederacy, and in 1636 the English militia burned Pequot towns, opening the Pequot War.
- Within a year the Pequot Confederacy was destroyed, its people had recognized Puritan rule throughout New England, and the British had consolidated power in North America.

CONVERSATION STARTERS

1. Histories of the United States have often started with English men and women in New England. Such histories have led to the “erasure” of Native Americans from the nation’s colonial past. Drawing upon specific examples and individual biographies, please examine the history of the Native Northeast prior to Puritan settlement, doing so in ways that highlight the struggles for survival that pervaded the region prior to Puritan settlement.
2. Often, we think of the New England colonies as built on family labor and (to a lesser extent) indentured servitude and the Southern colonies as a wholly separate slave society, linked into the world economy via the Triangular Trade. Why has Northern slavery — and economic interdependence — with the South been written out of story of colonial and Revolutionary North America? How does an understanding of the interconnectedness of these economies dependent on unfree labor change the story of America?
3. Disease played as important a role as violence in the colonization of North America. English colonization was possible because the newcomers in the Puritan Great Migration found a “widowed land” — empty villages, abandoned fields — in the wake of epidemics that had already swept New England after the first European contacts. The deaths also drove alliances between Native communities and European settlers, as stricken groups looked for allies with Europeans against local rivals, and Native captives like Tisquantum (“Squanto”) — who were essential to the survival and expansion of European colonies. Tisquantum’s — were motivated by the death and dispersal of their people. How were Native approaches to the European colonists shaped by the toll of disease?
4. History has often represented Native Americans as monolithic, when in fact Native peoples spoke hundreds of languages and lived in societies ranging from small family bands to large-scale empires with emperors and vassal subjects. European colonization efforts ranged from mercenary resource extraction to religiously motivated settler colonialism, even within those regions within the sphere of a single European power. How does this more varied understanding impact our view of the encounter?

RECOMMENDED RESOURCES

Verrazzano's letters to Francois I	https://www.verrazzano.com/wp-content/uploads/2020/04/Letter-from-Giovanni-da-Verrazzano-to-King-Francois-I.pdf
Bradford's treaty with the Wampanoag people	https://blogs.loc.gov/law/2017/03/the-treaty-that-made-thanksgiving/
Mourt's Relations: a journal of the Plymouth settlement, 1622	http://www.histarch.illinois.edu/plymouth/mourt1.html
Documents of the Pequot War	https://cthistory.org/connecticut-research-index/

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The Unpredictability of Violence

Iroquoia and New France to 1701

The Iroquois Confederacy resisted French colonial violence and employed European weaponry and violence to take territory from Native rivals, survive a century of warfare and disease, and eventually achieve a negotiated peace with New France.

SUMMARY

The story of French colonization of North America, beginning with the arrival of Jacques Cartier in 1534, unfolded differently from the Spanish and British encounters. The Five Nations — Mohawk, Oneida, Onondaga, Cayuga, and Seneca — that comprised the Iroquois Confederacy were better prepared than other Native communities to harness the disruptions of colonization, and after nearly a century of violence managed to carve a diplomatic accord that shared power and lasted through the French colonial period in North America.

After a series of initial setbacks, the Iroquois adopted European weaponry and carved out territory in what is now southern Ontario and throughout the Great Lakes region, establishing trade contact with the Dutch, overrunning the territories of Indigenous rivals such as the Mahican and Wendat nations, and building a hybrid society—often through violence, capture, and naturalization.

By the end of the 17th Century, the Iroquois Confederacy controlled much of the former Mahican and Wendat territory and had opened a campaign that disrupted trade throughout New France. The French government responded by sending troops and beginning a military offensive, meant to destroy Iroquois power, but only managed to fight to a standstill.

Ultimately, diplomacy prevailed, and the Great Peace of 1701 established a multilateral, hybrid order across eastern North America that preserved colonial trade and Iroquois sovereignty.

OUTLINE

Introduction

- The Iroquois Confederacy survived initial encounters and maintained economic, social, and political control in eastern America through until the eighteenth century

Initial Encounters: Champlain and the Iroquois Confederacy

- Pre-colonization, the Mohawk, Oneida, Onondaga, Cayuga, and Seneca nations had united in the Iroquois Confederacy — the Great League of Peace — and were better prepared to withstand European contact.
- After Samuel de Champlain founded Quebec in 1608, the French North American empire expanded as missionaries, traders, and officials built alliances with the Algonquin and Montagnais peoples, rivals of the Iroquois.
- Champlain's forces — along with Native allies — marched against the Mohawks in 1609, defeating them with firearms and beginning a shift in Iroquois political and military strategy.

The Centrality of Violence in the Atlantic World

- Continuing French violence and technological superiority led the Iroquois to adopt a defensive strategy, and eventually a détente was negotiated with New France and its Native allies.

The Rise of the Dutch-Iroquois Alliance

- Dutch traders south of Lake Champlain, traded European manufactured goods for American resources such as furs, attracting Mohawk trade and driving rivalries and alliances with the Mahican, Delaware (Lenape), and Munsee nations.
- In 1613 the first treaty agreement between Natives and Europeans in North America was negotiated between the Dutch and the Mohawk and Mahican people.
- Tensions continued, however, and grew into the Mohawk-Mahican War, which ended in 1628, pushing the Mahican people out of the region and triggering an Algonquian-speaking diaspora.

The Iroquois and Wendat Confederacies in the Age of Disease

- The Mohawks controlled local trade with the Dutch, exchanging furs for European firearms and building military power to compete with the colonial powers.
- As European settlements spread, smallpox outbreaks devastated Native communities — including the Wendat (Huron) and the Iroquois — in the 1630s.

Origins of Iroquois Expansion

- Iroquois expansion pushed the Wendat and Mahican people out of the region, and by 1650 the Iroquois Confederacy controlled Southern Ontario.
- Iroquois raiding parties captured Wendat people to repopulate their disease-stricken villages, integrating them into Iroquois life.

The Effects of Iroquois Assaults on Wendake: 1648–53

- Wendat refugees fled West, encountering Siouan-speaking peoples, and eventually turning to the French for support.

- Iroquois forces cut off French access to trade and French governors attempted to make peace with the Iroquois through the 1650s.

The Iroquois and the Remaking of New France

- In 1663 France revoked the charters of the companies managing its colonies and in 1665 sent more troops to defeat the Iroquois, militarizing New France.
- A French campaign into Iroquoia in 1696, interrupted Iroquois hegemony but ended in a stalemate — and a period of diplomacy.

The Great Peace of 1701

- In 1701, French and Iroquois representatives and envoys from the other Great Lakes nations met in Montreal and negotiated the Great Peace of 170, which led to coexistence and shared power between the Iroquois Confederacy and New France for the next six decades.

CONVERSATION STARTERS

1. Rather than forming monolithic groups, many competing communities of both origins competed for territory and trade, and shifting rivalries and temporary power-sharing arrangements between these groups were the norm. How does that change your understanding of the colonial period?
2. Acquisition of European technology — in particular firearms — changed the balance of power within New France. As would also happen in New Mexico, a détente followed the adoption by Native peoples of European technologies and practices, who were then able to reduce the imbalance of power they had faced in battle. How does this affect your understanding of power relationships in the Americas?
3. The first treaty agreement between Native Americans and Europeans is thought to have been negotiated in 1613, between the Dutch, Mohawk, and Mahican people. The history of treaty making is fraught and asymmetric, but diplomacy, in place of and in concert with violence, was a primary force shaping the encounter between Native peoples and European settler colonialism. How does thinking about Native nations as political peers of the European imperial powers change your understanding of the evolution of colonial power in the Americas?

RECOMMENDED RESOURCES

An argument for the authenticity of the 1613 treaty agreement between the Haudenosaunee and the Dutch

<https://www.onondaganation.org/history/2012/an-analysis-of-the-1613-tawagonshi-treaty/>

Journals, Jacques Cartier's second voyage, 1535-1536

<https://nationalhumanitiescenter.org/pds/amerbegin/exploration/text2/cartier.pdf>

Excerpt, journals of Samuel de Champlain, 1609	https://historymatters.gmu.edu/d/6594
The “Great Peace” of Montreal, 1701	https://ecampusontario.pressbooks.pub/chotr/chapter/historical-document-3-great-peace-of-montreal-1701/

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The Native Inland Sea

The Struggle for the Heart of the Continent, 1701-55

The interior — the Great Lakes region or “Native Inland Sea” — was the center for control of North American territory and resources. As war between the British and French brewed, the Iroquois Confederacy that had depended on maintaining neutrality between the European powers struggled to preserve its own sovereignty, and the many Indigenous allies of New France became drawn into the global crisis of the Seven Year’s War.

SUMMARY

The fur trader Pierre Gaultier de Varennes de La Vérendrye kept journals of his 1739 journey into the Canadian west, preserving a picture of the “Native Inland Sea,” — the region around the Great Lakes — that was the heart of a world of trade between Native nations and French traders. This world became the eventual site of contest between the French and British empires.

The first half of the eighteenth century was marked by growing stability conflict after earlier wars of expansion. In the interior, hybrid political arrangements meant that Native forces supported French interests as far-flung imperial officials made Native causes their own, providing legal recourse, trading supplies, and mediation in local power struggles.

When the War of the Austrian Succession broke out in Europe in 1740, the conflict spread to North America as King George’s War, and contest between British and French forces disrupted trade — disrupting French and Iroquois hegemony in the interior.

The Seven Years’ War, which broke out in 1754, upended power relationships in North America. When it ended with the Treaty of Paris in 1763, New France was no more, and the French had retreated from North America, beginning a new period of uncertainty and conflict.

OUTLINE

Introduction

- The fur trader Pierre Gaultier de Varennes de La Vérendrye kept journals of his journey into the Canadian west in 1739, into the territory of the Mandan people, whose densely populated network of “forts” in the Dakotas was a center of trade and the biggest urban center in North America until the American Revolution.
- The journals capture the “Native Inland Sea” before 1753 and the Seven Years’ War between France and Britain.”

After 1701: The Reconfiguration of Iroquois Power in the Eighteenth Century

- In 1701, Iroquois leaders convinced English officials to recognize Iroquois autonomy between New France and British North America and control over a string of dependent villages across the Ohio River.
- Both French and English leaders feared the other might ally with the Iroquois; Iroquois diplomacy was based on maintaining a neutral position between the European powers.

Trade, Mediation, Justice, and Religion: French Ties across the Interior

- From New Orleans to the St. Lawrence the political and economic infrastructure of New France was defined by mutually dependent trade relationships.
- Terms of exchange and competition for guns, hatchets, knives and alcohol generated tensions and conflict.
- Conflicts demanded mechanisms for resolution. As Indigenous and imperial sovereignties collided across New France, mediation became a second key realm of Indigenous-imperial politics.
- The Jesuit “white collars” or “black robes” began missionizing in new France the seventeenth century. They were also the empire’s most prolific historians.

Intermarriage, Kinship, and Sexuality

- Many French traders helped to secure the empire by becoming kinsmen to Indian families, gaining social standing within village societies.
- Among Indian communities two-spirit “berdaches” and an acceptance of homosexuality and same-sex relationships drew French attention and scorn.

Indigenous Warfare and Captivity along the Violent Edges of Empire

- Indian and French allies enlisted one another in a seemingly never-ending cycle of conflicts, and an expansion of militarism and enslavement.
- Captive raiding brought streams of slaves — mainly women and children — into settlements, onto French plantation colonies, and eventually to France itself.
- In the western Great Lakes region, rivalries between the Dakota, Lakota, Anishinaabe, and Ho-Chunk and the Cree and Assiniboine led to the Fox Wars.
- The interests of Native allies were intertwined with those of the French empire. Native forces used guns, powder, and metal weaponry.

Alliances and Tensions: The Origins of the Seven Years’ War

- France and England came into conflict during the War of the Austrian Succession, or King George’s War (1740–48). In the Americas British blockades curbed shipments and closed ports, limiting trade, and French leaders attempted to build allegiances with Native leaders, bringing Illinois, Missouri, and Osage leaders to Paris for talks.
- In 1745 after British forces seized the Fortress of Louisbourg at the mouth of the St. Lawrence, Native traders turned to British supplies for trade goods.

- Detroit's commander Pierre-Joseph Céloron de Blainville built a series of fortified outposts to defend territory in the interior; the largest was Fort Duquesne, at the confluence of the Ohio, Allegheny, and Monongahela rivers (present-day Pittsburgh, Pennsylvania).
- The Beginnings of the First World War
- War between the French and British in North America broke out in May of 1754 when troops led by a young George Washington, with Seneca leader and English trade ally Tanaghrisson and ambushed French troops under Joseph Coulon de Jumonville, to the southeast of Fort Duquesne
- Following initial French victories in 1754, British reinforcements arrived and by 1760 had taken the string of French forts along the Ohio and pushed the French forces to surrender.
- In 1763, the French gave up their claims to North America with the ratification of the Treaty of Paris and New France was dissolved.

An Interior Still at War

- British settlements spread to the interior, threatening peace with the Iroquois, who could no longer rely on the balance between French and British power.
- The end of the war also brought the British colonies together. The colonies could not manage Indian affairs individually.

CONVERSATION STARTERS

1. The Seven Years' War is often called the first "World War." Why is this the case, given that European colonial powers had already been in conflict over far-flung imperial territories for more than two hundred years?
2. The history of early America emerged from the encounter between the continent's Indigenous populations and the many European empires who began charting North America in the 1500s. In New France, such encounters eventually bred new social relations that brought Natives and newcomers together in surprising and durable forms. In what five primary ways did French-Indian relations bind Native villagers and French leaders together throughout the eighteenth-century? How did the Seven Years' War both originate from and ultimately challenge these relationships?
3. When the French gave up control of their North American territories after 1763, Native powers lost the ability to negotiate between the two powers for trade agreements and preservation of sovereignty. How did this affect the relationship between Native nations and the British colonies? How did it change the relationships between Native powers who had formerly been allied with different European imperial powers? And how did it affect British settlers' ideas of authority over Native land?

RECOMMENDED RESOURCES

Journal of the Expedition of the Chevalier de La Vérendrye and One of His Brothers to Reach the Western Sea, Addressed to M. the Marquis de Beauharnois, 1742-43	https://archive.org/details/P000027/P000027/
The Jesuit relations and allied documents [microform] : travels and explorations of the Jesuit missionaries in New France, 1610-1791	https://rla.unc.edu/Louisiane/jesuit.html
Treaty of Aachen/Aix-la-Chapelle, 1748	https://www.ieg-friedensvertraege.de/treaty/1748%20X%2018%20Friedensvertrag%20von%20Aachen/t-283-1-de.html
Treaty of Paris, 1763	https://www.archives.gov/milestone-documents/treaty-of-paris

5

Settler Uprising

The Indigenous Origins of the American Revolution

After the Seven Years' War, British settlers, hungry for land and resentful of efforts to build alliances with Native rivals, defined a new identity that was anti-monarchical, Indian-hating and, based on whiteness. Eventually, such interior conflicts supported the American Revolution. Meanwhile Indigenous people built their own nativist movement during the determinative period of Pontiac's War.

SUMMARY

The end of the Seven Years' War and the consolidation of British power over North America changed how European settlers saw themselves and transformed their relations with Native people in the interior.

Most Indians had not lost any lands during the Seven Years' War. Even those allied with the French hoped to maintain autonomy for themselves and sought to continue trade with the British. Meanwhile, the war with France had nearly bankrupted the British empire and left it deep in debt and hardly able to govern its new territories. Odawa, Potawatomi, and Wendat Indians around Detroit — former French allies — organized revolts against British policies.

Settlers moving into the interior found themselves with little support from coastal colonial governments. Suspicious of Native nations that had been French allies, resentful of British imperial efforts to build alliances with Natives, and hungry for land, European settlers began to form militias and vigilante groups, seeing both colonial authority and Indians as their enemies.

Meanwhile, a nativist movement among Indigenous people grew in strength, headed by leaders such as Neolin and Pontiac, who advocated against the idea of accommodation with the British and rejected the adoption of European ways of life and technologies.

Tensions erupted into violence during Pontiac's War. The uprising ended in a stalemate in 1765, but afterward Vigilante groups like the Paxton Boys and Black Boys murdered Native captives and threatened violence against colonial administrators.

The violence defined a new sort of politics among the colonists that was anti-monarchical, Indian-hating, and centered on a shared whiteness. As veterans of the militias became part of the colonial government itself, their resentments became part of the dissent that would lead to the American Revolution a decade later.

OUTLINE

Introduction

- After the Seven Years' War, British colonists saw the availability of land in the interior as an opportunity for expansion.
- Indians that had allied with the French hoped to maintain autonomy for themselves and to continue trade with the British.
- Pontiac's two-year uprising against the British ended in stalemate and a treaty, and in its aftermath, British imperial regulations protected trade in the interior and sheltered Indian villages.
- Treaties with Native peoples generated resentment among colonists that in turn drove anti-monarchical sentiment and eventually settler rebellions that loosened British imperial control of North America.

The Unexpected Costs of the Seven Years' War

- At the end of the war, Britain and the American colonies were deep in debt
- Maintaining the new territories and suppressing slave revolts was hugely expensive, and left the newly expanded British empire unable to secure territory.

Cultural Hybridity and Indigenous Power After 1760

- In 1760, Odawa, Potawatomi, and Wendat Indians — former French allies — revolted against British policies.

Religious Diversity across the Interior

- French language, trade, and diplomatic arrangements persisted in the interior, causing confusion for and conflict with British commanders.
- Many Indians had accepted some Christian practices, and European clothing or settled into religiously organized villages.
- Christian missionaries had been the first to ally with Indian peoples over land, rights, and protection; in Pennsylvania, Quakers, Moravians, and other Protestant groups were allies of the Lenape people.

Neolin and the Troubled Aftermath of War

- As British settlers seized land, many Lenape joined an Algonquian-speaking diaspora and moved to the Alleghenies, outside of British and Iroquois territory.
- Some leaders, like Tamaqua attempted to build diplomatic ties with the new British administrators.
- Others, like Neolin, rejected the idea of accommodation with the British and the adoption of European goods and customs, believing colonialism was the root problem and needed to be disrupted altogether to bring liberation and renewal to Indian homelands.
- Pontiac's Uprising and the Revolutionary Costs of Peace

- Neolin's nativist revival built a large following, including the Odawa leader Pontiac, who saw in the prophetic movement a way to move against the British.
- Following the end of the Seven Years' War in 1763, Pontiac led his forces against the English, destroying nine British-held forts and settlements, seizing livestock, capturing settlers and soldiers and driving others from their farms.
- Western Pennsylvania and the Crisis of British Imperialism
- Settlers formed militias, outside the control of the colonial administration, rejecting attempts at diplomacy. The struggle for control began to be defined as a battle between "Indians" and "whites."
- British leaders fought the rebellion with violent and even genocidal intent. Under the direction of Lord Amherst, smallpox-infested blankets were distributed to representatives of the interior nations.

The Conestoga Massacre of 1763 and the Expansion of Racial Violence

- The Royal Proclamation of 1763 regulated commerce and defining borders between European settlers and Indigenous nations.
- Settlers — hungry for land and angered by taxation and what was seen as conciliatory Royal policy towards Indians — resented and rejected the new rule of law and attacked Native communities.
- Vigilante militias found common cause in Indian hatred and in an emerging notion of common white identity.
- In December 1763 the Paxton Boys, attacked Indian villagers at Conestoga Town and killed all of its residents; the vigilantes then marched on Lancaster and killed the remaining Conestoga there.

Colonial Divisions and Endemic Indian Violence

- The Paxton Boys plan to attack Philadelphia in 1764 was defused by a meeting with Benjamin Franklin, who offered the vigilantes immunity.
- The crisis was averted, but resentment of the administration in Philadelphia grew, deepening divisions between western settlers and colonial leadership.

Pontiac's War and the Political Culture of Interior Settlements

- By 1765, following the siege of Detroit, and a renewed push for interior diplomacy under Thomas Gage, who had replaced Lord Amherst, Pontiac and Colonel George Croghan began to negotiate a peaceful end to Pontiac's War.
- A new vigilante group, the Black Boys, were opposed to any sort of negotiated settlement; organized around Indian hatred, they would only accept a violent solution and rejected any Native autonomy.

"To Serve the Enemies of Mankind": The Indigenous Origins of the Revolution

- In March 1765, the Black Boys destroyed British trade goods, meant to ease negotiations with Pontiac, in an effort to derail the treaty.

- The Black Boys continued to raid trading groups, and even threatened British positions, stealing arms and ammunition.
- The Black Boys “popular constitutionalism” marked the beginning of the end of British rule in North America.

After 1765

- Black Boy leaders James Smith and John Moore represented Western Pennsylvania at the new state's Constitutional convention.
- The Pennsylvania Constitution of 1776 has roots in the decade of interior warfare and the distrust of concentrated authority that go back to the vigilante mob actions that united white men as “the people.”

CONVERSATION STARTERS

1. How did Neolin's millennialist, nativist movement, and Pontiac's subsequent adoption of his ideas (and prescient diagnosis of colonialism) redefine the relationship between Native peoples and European colonists? How did the war that followed contribute to the end of British control over the Americas and affect the shape of colonial — and ultimately U.S. — power?
2. “Frontier” populism depended upon colonial land grants yet came to oppose overarching authority, fueling a new form of “popular constitutionalism” grounded in a shared identity against perceived enemies. This ideology and its anti-Indian sentiments arose at the beginning of American politics, predating the Articles of Confederation and the Constitution. It not only offered marked contrasts with the cosmopolitan Enlightenment values associated with coastal colonial leaders like Franklin but also helped to unify the colonists against English rule. Vigilante leaders — including Black Boy leaders James Smith and John Moore — were delegates to the Pennsylvania Constitutional Convention, directly shaping the legal structure of the new state, and the accommodation between urban cosmopolitanism and frontier populism (brokered by a shared whiteness) is woven into the new nation from the start. How does this challenge our understanding of the motivations behind the American Revolution? What does it mean to consider populism as having roots in the very beginning of the United States?
3. Consider why the participants in the Boston Tea Party were dressed as “Indians”? Was this an explicit reference to the faux-Native dress that had been used by the Black Boys in their raids on British trade and supply convoys?

RECOMMENDED RESOURCES

Royal Proclamation of 1763

https://avalon.law.yale.edu/18th_century/proc1763.asp

Treaty of Paris, 1763	https://avalon.law.yale.edu/18th_century/paris763.asp
Digitized collection of the “pamphlet wars” around the Paxton Boys	http://digitalpaxton.org/works/digital-paxton/exhibition
Ghost River; graphic novel about the Conestoga Massacre	https://ghostriver.org
Pennsylvania Constitution of 1776	https://avalon.law.yale.edu/18th_century/pa08.asp

6

Colonialism's Constitution

The Origins of Federal Indian Policy

On the borders of the new nation, the question of which authority — state or federal — would manage relationships with Native nations would shape not just government policy towards Native peoples, but the evolution of the Constitution and the way the United States would govern itself.

SUMMARY

The Revolution changed the landscape for European Americans, who emerged in political and economic crisis and with competing visions of sovereignty. Some advocated for shared power between the new states and a diffuse federal power while others struggled to articulate a more “federalist” system of governance.

Partly due to irresolvable struggles over interior lands and with Native Nations, America's Founding Fathers abandoned the first government of the United States—the Articles of Confederation—and adopted a new constitutional government in 1787.

The new Constitution granted exclusive authority to the federal government to regulate trade and commerce with Native peoples, settling the question of the federal government's supremacy over the states and the Indian nations — at least on paper.

In practice, expansion remained chaotic, threatening Indian autonomy and the newly defined national authority. By century's end, western Pennsylvania held ninety-five thousand settlers, up from thirty-three thousand before the war. Kentucky's settlers had grown even faster, from twelve thousand in 1783 to seventy-three thousand in 1790.

From the Native perspective, the Constitution had created a federalist system that was simultaneously weak and strong, one capable of projecting violence through an organized military rather than a series of state militia, but one that barely addressed the new country's relationship with its Indigenous residents and left Native people facing a patchwork of state and federal sovereignty.

The situation at the end of the century set the stage for the creation of what Thomas Jefferson would later call an American “empire of liberty” that left out the continent's Indigenous peoples.

OUTLINE

Introduction

- In February 1783, the Treaty of Paris recognized the independence of the United States.
- The new Congress was unpopular and the new nation began in an economic crisis
- The Articles of Confederation were eventually abandoned and a new government formed in the Constitutional Convention of 1787.

American Indians and the Revolutionary Republic

- Across Iroquoia and the interior South, thousands of British-allied Cherokee, Creek, and Iroquois had been killed, villages destroyed, and crops burned
- After 1783 Congress established “lines of property” between the United States and Native peoples; with the Ohio River as physical and political boundary
- The postrevolutionary American government had little ability to project national power, compete with European powers, or manage its new border with the Native nations.

Interior Indian Lands and the Origins of American Federalism

- To the Americans, the interior offered the prospect for property, important as land ownership became synonymous with American democracy.
- Settlers moved west into Western Virginia and Kentucky, seizing territory, which devastated the hunting economy and drove Native populations north of the Ohio River.
- The new Constitution granted exclusive authority to the federal government to regulate trade and commerce with Native peoples.
- The Chaotic Interior and the Republic's Search for Order
- In practice, expansion remained chaotic, threatening Indian autonomy and national authority. Settler raiding parties invaded Native lands and stole trade goods.
- State leaders offered bounties for Indian body parts, expanding the practice of scalping as raiding parties murdered Indians.

When States Illegally Seized Indian Lands: New York and Iroquoia in the 1780s

- State competition over interior lands became a central problem under the Articles of Confederation
- Some believed only the federal government had the power and ability to secure and administer interior land transfers; others believed that states or even individuals held an independent right to claim and manage territory
- State governments seized Indian lands for themselves, violating federal agreements and threatening national authority and Native sovereignty.

Virginians View Indian Lands: Washington's Proposal of 1784

- New York and Virginia saw Iroquoia as land for expansion. Squatting and speculation threatened Native residents and United States plans for organized expansion.
- George Washington sought to recognize the sovereignty of tribes, understanding that tribal authority was useful in curbing the lawlessness of settlers in the West.

American Federalism, American Indians

- Treaties — such as the 1785 Cherokee Treaty — dispossessed Native people of land within the states but recognized their authority in their remaining lands.
- Recognition of Indian sovereignty limited the amount of land available for legitimate expansion, raising the value of land within government jurisdiction and helping to stabilize the new Republic's economy.

The Failures of the Articles of Confederation

- By late 1784 the Articles of Confederation were failing. State legislatures held nearly unbridled autonomy and rarely cooperated on interstate commerce or infrastructure projects.
- Interior nationalism was a growing threat. In addition to sectional divides, violent conflicts between settlers and Native communities recurred across the interior.
- In 1787, Congress passed the Northwest Ordinance, establishing the Northwest Territory and creating mechanisms for admitting new territories, prohibiting the expansion of slavery within them, and giving the federal government exclusive authority to dispossess Native nations.

Indians and the U.S. Constitution

- In 1787, the United States Constitution created a more powerful national government, clarifying the jurisdictions of the states and the federal government.
- The Constitution excluded Native peoples from representation in Congress, defined them as separate from both the states and foreign nations, and aided in their further dispossession by centralizing military power.

CONVERSATION STARTERS

1. The evolution of American federalism is rooted in contests between the national and state governments as they evolved following the Articles of Confederation and in the struggles U.S. leaders had with managing settler expansion and their relationships and conflicts with sovereign Indian nations who governed interior lands. Talk about how the ideas like “states’ rights” and the relationship between state and federal power evolved in the context of relationships with sovereign Native states.

2. With Native residents throughout the colonies, and the Native nations the most powerful North American neighbors of the new United States, why do you think the Constitution pays so little attention to Native peoples and nations?
3. Connect the western militias — the interior settlements Washington feared might become breakaway foreign powers and were behind the Whiskey Rebellion — and look back to the discussion of the Paxton Boys and Black Boys in the previous chapter; talk about the uneasy compromise between individuals and the state following the Revolution and how the tensions between individual, state, and federal rights shaped the country — and continues to shape it today.
4. What are some of the Indigenous origins of the American revolution?

RECOMMENDED RESOURCES

Treaty of Paris, 1783	https://www.archives.gov/milestone-documents/treaty-of-paris
Articles of Confederation	https://www.archives.gov/milestone-documents/articles-of-confederation
Northwest Ordinance	https://www.archives.gov/milestone-documents/northwest-ordinance
U.S. Constitution, full text	https://www.archives.gov/founding-docs/constitution-transcript
Treaty with the Cherokee, 1785	https://treaties.okstate.edu/treaties/treaty-with-the-chokeee-1785-0008

7

The Deluge of Settler Colonialism

Democracy and Dispossession in the Early Republic

In the early nineteenth century Native Americans were systematically dispossessed in an organized process of removal, African American slavery expanded into the new states, and the notion of citizenship in the constitutional democracy became identified with white men. As the United States became a world power, its foreign policy evolved from the experience of treaty making with Native nations.

SUMMARY

Unlike the seventeenth-century challenges of colonialism, nineteenth-century “settler colonialism” threatened to extinguish the foundations of Native daily life. The political economy of the region was transformed by the opening of the Erie Canal in 1826, opening world markets to Great Lakes agriculture, attracting new settlement, and making the United States a world power after the War of 1812.

Across the interior and Southeast, Indians were now pressured to abandon their homes in a process of “removal.” Those who remained faced growing threats, as the flood of newcomers — European-American settlers — and the new way of life provided few avenues for economic, political, and social survival.

Removal offered no easy answer either, as technically, treaties mandated that lands were to be provided to Native communities “in exchange” for their homelands, but in practice the guarantees — as had been the case with the previous treaties the new decrees replaced — had little meaning.

In 1830 the federal government passed the Indian Removal Act, meant “to extinguish the Indian claim” within eastern states.” The “Removal Era” unleashed death, dispossession, and state-sanctioned violence throughout eastern North America. Despite their constitutional standing as the “supreme law of the land,” treaties were broken with impunity.

At the same time, African American slavery expanded to the new territories as agriculture took over the spaces left by Native American dispossession.

The nation’s longest-standing racial inequalities were defined in the early nineteenth century, as American lawmakers struggled to establish legible distinctions between “red,” “white,” and “black” people.

OUTLINE

Introduction

- Through the early 18th century coerced treaties removed Native peoples from the Native Inland Sea.
- In 1830 the federal government passed the Indian Removal Act, superseding previous treaties, and in subsequent treaties tribes ceded tens of millions of acres of land.

Racial Formations and the Market Revolution

- In 1826, the new Erie Canal connected the Great Lakes — and the Native Inland Sea — to the Atlantic Seaboard. Commercial farms expanded, the new settlers cut down forests and destroyed hunting grounds.
- The expansion of trade led to further removals, began to articulate citizenship in the constitutional democracy as white and male, and drove the expansion of African American slavery — defining the racial inequalities that would define the nation.

A Deluge of Opportunities

- As Indian homelands became farms and plantations, Great Lakes exports reached Buffalo and then New York City via the Erie Canal, creating a market revolution that expanded the national economy.
- The new trade also linked the United States with the international economy, as cotton and fur exports created trade relationships with Europe and Asia.

Whiteness, Gender, and Naturalization

- Territorial expansion and Indigenous dispossession complicated republicanism and its racial and gendered assumptions
- Since the early colonial period, it had been understood that who governed held property, and property ownership formed the basis for the republican principle.
- Frontier societies were opposed to central control and to government and defined American individualism as white and male.
- The Naturalization Act reserved citizenship to “white” people, and the Militia Act of 1792 restricted military service to whites.

Myth Making in the American Imagination

- Racial solidarity and myth making fueled the nation's growing self-conception, erasing the reality of violence and dispossession.
- European-American settlers were seen as the natural stewards of the land; the removal of Native peoples was explained as part of the civilizing process.

Expulsion or Incorporation: The Ambiguity of Indian Policy

- During the age of revolutions, American leaders feared both slave revolts and Native populations.

- Both removal and assimilation were considered as solutions to the “Indian problem.”

Early Federal-Indian Diplomacy

- Native nations remained powerful adversaries with lands, soldiers, and even continued alliances with England.
- Jefferson allied with agrarianism and popular sovereignty and skeptical about federal power, worried about France's deteriorating hold on Haiti.

Slave Revolts and Interior Indian Campaigns, 1791–1800

- The Haitian Revolution in 1791 confirmed Jefferson's fears about the possibility of slave revolt.
- In 1793 the Fugitive Slave Act was passed. In 1794 Eli Whitney patented the cotton gin, and in 1800 Gabriel's Rebellion threatened slavery in Virginia.
- Clashes continued with Algonquian-speaking peoples — the United Indian Nations, who wanted to preserve the Ohio River as a permanent border.
- Attempts to resolve conflict with the Indian nations shaped the beginnings of U.S. foreign policy; the Republic's first two international treaties — Jay's Treaty (1794) and the Treaty of San Lorenzo (1795 — concerned interior land boundaries, informed by Indian treaties.

Indian Treaty Making and the Practices of Federal Power

- From ratification to debates on their respective provisions, to the financing of annual budgets for interior forts, to annual tribal payments—treaties became the first instruments of American statecraft.

Jay's Treaty, the Treaty of Greenville, and Foreign and Domestic Affairs

- In November 1794, the United States and Great Britain signed Jay's Treaty; the British surrendered their remaining posts in the Northwest, depriving the Indian nations of an important European ally and its resources.
- In August 1795, eighty-nine Native signatories from nine Nations signed the “Treaty With the Wyandot, etc.” or Greenville Treaty, ceding two-thirds of Ohio to the U.S. in recognition of their sovereignty over their remaining homelands but limiting their right to sell land to any party but the U.S., the first doctrine of federal preemption.

Treaty Making and the Origins of the Louisiana Purchase

- Jay's treaty was unpopular, because it transferred power from the House to the Senate and the executive, and recognized Native sovereignty
- The Louisiana Purchase expanded United States territory, but also increased executive authority, and further racialized citizenship, naturalizing white subjects and guaranteeing slavery in the acquired territories.

Indians and States' Rights in the South

- New land seizures contributed to an explosion in slavery and its ideologies of racial superiority.
- By 1820 a domestic slave trade involving over a million slaves expanded across the “deep South.” Cotton became king, and it did so upon former Indian homelands.
- Federal power had been limited in the South and antifederalist “states’ rights” thinking meant the states ignored Federal treaties with Native nations, seized land, and extended their jurisdictions. Violence against Native communities was carried out by militias.
- Native peoples continued to resist dispossession and deportation, some resisting and others assimilating, adopting European culture, dress, and notions of patriarchy; some communities began to resemble white settlements and some Native groups ran plantations worked by African American slaves

Indian Removal and the Marshall Court

- Georgia argued that federal treaties violated state jurisdiction, and that Indian land title was invalid — and used violence to enforce their ideas, imprisoning and murdering Cherokee citizens and seizing property.
- In 1828, Andrew Jackson a staunchly anti-Indian states’ rights advocate was elected president.
- The Indian Removal Act of 1830 upended decades of treaties and the Office of Indian Affairs coordinated removal
- Two cases challenging the attempt to legislate Indians out of the United States reached the Supreme Court: *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832). These created a new definition of Indian status: “domestic dependent nation” — standing in relation to the U.S. as a ward to a guardian — but found that tribes did have right to govern their territories and jurisdiction over those who entered them.

CONVERSATION STARTERS

1. While the first presidents had been committed to the concept of federalism, Andrew Jackson entered office a proponent of states’ rights. While Thomas Jefferson had been committed to the notion of state sovereignty as well, Jackson espoused political ideas that were about racial rights and specifically believed citizenship to be white and male. How did the evolving tension between federalists and states’ rights advocates affect practical relationships between the U.S., the states, and Native nations?
2. It was during this period that the notion of “whiteness” took hold as part of the definition of Americanness. Talk about how this notion of a monolithic “white” culture also defined Native people in a monolithic way, collapsing a diverse multitude of peoples with very different traditions, identities, and cultures into a single notion of “Indians.”

3. How does the idea of the existence of a “frontier” — the idea that empty, wild, land is there for the taking and for the expansion of a civilization defined by white, male authority — reinforce this idea? And how does this grow out of earlier ideas about the American continent held by the first European (and especially British) settlers?
4. The U.S. Constitution of 1787 holds that “all treaties made, or which shall be made... (to) be the Supreme law of the land.” How did such treaty-making with Native nations evolve in the first fifteen years of the early Republic? What ways did making treaties with Native nations shape the diplomatic and political developments of the first three U.S. presidential administrations?
5. The U.S. Constitution locates the power of Indian affairs with the federal government. In what part of the Constitution is such federal authority found, and how did Chief Justice John Marshall interpret this authority in the *Cherokee Nation v. Georgia* and *Worcester v. Georgia* cases of 1831 and 1832, respectively?
6. Discuss the notion that “all men are created equal” in the context of the racial definition of citizenship that developed in the United States that excluded Native peoples, Black enslaved people, and all free peoples of color.

RECOMMENDED RESOURCES

Treaty with the Choctaw, 1830	https://treaties.okstate.edu/treaties/treaty-with-the-choctaw-1830-0310
Treaty with the Chippewa, etc., 1833	https://treaties.okstate.edu/treaties/treaty-with-the-chippewa-etc-1833-0402
Jay Treaty, 1794	https://avalon.law.yale.edu/subject_menus/jaymenu.asp
Treaty with the Wyandot, etc., 1795	https://treaties.okstate.edu/treaties/treaty-with-the-wyandot-etc-1795-0039
Treaty of San Lorenzo/Pickney Treaty, 1795	https://avalon.law.yale.edu/18th_century/sp1795.asp
Louisiana Purchase	https://www.archives.gov/milestone-documents/louisiana-purchase-treaty

8

Foreign Policy Formations

California, the Pacific, and the Borderlands Origins of the Monroe Doctrine

The Monroe Doctrine and the definition of Indian nations as “domestic dependent nations” established federal powers that limited the sovereignty and agency of Native people; this new structure of power shaped domestic and foreign policy as the United States empire expanded.

SUMMARY

Framed by the story of Franciscan missionization in California (and the specific story of Mission San Gabriel) and Spanish violence toward the Tongva or Gabrielino people, this chapter explores the collapse of the Spanish empire in the Americas and the expansion of the United State to the Pacific Coast following war with Mexico in 1846-1848.

During the period of Spanish colonization of California, environmental devastation, disease, and labor exploitation were the norm, and soldiers preyed on Native families. Colonial authorities prohibited Native religious practices, and Indigenous leaders — who had been part of the local administration — led uprisings against Spanish rule.

On the Pacific Coast, Spanish colonial power encountered and competed with Russian and British rivals, and the United States made initial moves toward a Northwest presence with the establishment of Astoria as a trade post after the Lewis and Clark expedition.

Political tensions grew as the Spanish empire began to collapse and revolutionary change swept its territories in the Americas. During the war for Mexican independence, the U.S. began to incorporate territories west of the Mississippi, displacing Native peoples further west and as it did so the debate over the expansion of slavery to the new states inflamed tensions that would eventually lead to the Civil War.

As revolutions swept the Western Hemisphere, concerns about the boundaries between New Spain and the United States fueled the evolution of the Monroe Doctrine and the subsequent consolidation of U.S. territorial claims across much of North America.

In the Seminole War, U.S. troops fought Spanish, Native, and free Black soldiers as the U.S. took Florida from Spain; the Adams-Onís Treaty of 1819 transferred the territory to the U.S. and opened the way to expansion to the Pacific.

Meanwhile, in the first of three major decisions on Indian rights, the Marshall Court found that Native land rights were subordinate to the U.S. governments, defining a new category of “Indian

title” that meant Native nations could only sell land to the U.S. Government, and not to private individuals.

OUTLINE

Introduction

- After the 1846-48 war with Mexico, the United States acquired California and New Mexico.
- As the Republic added Pacific regions to its domain, it acquired territories in which Native peoples had long retained varying forms of autonomy.
- In California more than in any other region, settlers used informal and state-sanctioned violence to shatter Native worlds and legitimate their own, even as Indigenous labor, power, and resistance indelibly shaped the formation of colonial and national authority.

Mission Uprising: Persecution and Colonialism

- During the period of Spanish colonization of California, violence, environmental devastation, disease, and labor exploitation were the norm, and missions offered a degree of sanctuary. Indigenous leaders had some autonomy within the system, serving as municipal authorities
- In October 1785, in response to Spanish abuses and the prohibition of local ceremonies including sacred memorial dance, Nicolás José, an *alcalde* at Mission San Gabriel, and Toyupurina led an uprising against the Spanish colonizers.

Changes in California's Maritime Economy

- By 1800 the mission system had undercut the region's Indigenous populations and attracted settlers.
- On the Pacific coast, the Chumash people maintained communities and a maritime economy as they provided labor for mission agriculture.

Imperialists from the North: The Russian-American Company

- The opening of deepwater ports in San Francisco and Monterey drew Spanish traders coming from South America, Russian traders from the north, and British and U.S. traders in pursuit of trade with Asia, remaking the political economy of the region.
- U.S. claims to the Pacific were cemented in the Adams-Onís Treaty of 1819 in which Spain ceded Florida to the United States and established an international border between New Spain and the expanding American Republic.

The Pacific Coast in the Age of Revolution

- Before 1769, California was one of the most linguistically diverse areas on earth; Spanish colonialism exacerbated Indigenous rivalries and divisions by importing Indigenous peoples from other parts of New Spain.

- In 1804 the Lewis and Clark expedition set out (entirely dependent on Indigenous knowledge, power, and hospitality), surveying territory across the Northwest.
- The Treaty of Ghent (1814) ended the War of 1812 and reset British-American relations to the prewar status quo. The only American settlement on the Pacific — John Jacob Astor's Astoria, returned to U.S. control.

Attempted Incorporations of the Northwest

- In the Northwest, Native leaders worked to shape a borderlands world that focused on trade (of guns for furs, among other goods) rather than missionization or colonization.

The Economic and Epidemiological Roots of Dependency

- As in other parts of the Americas, violence always followed European trade in the Northwest. The trade in furs and guns incentivized hunters to deplete natural resources, to invade neighboring regions for their resources, and to monopolize trade networks
- Sexual violence was a part of Russian and Spanish rule, and epidemic syphilis swept through the Native populations.

Smallpox and the Reordering of Western Indian Societies

- Through the end of the 18th and beginning of the 19th century, smallpox epidemics swept across the Spanish empire.
- In the Northwest, smallpox killed up to 60 percent of the Native population, reshaping their communities and — as had happened centuries earlier in the Northeast, opening “empty” territory for European exploitation.

Missouri and the Crisis of Mexican Independence

- During the war for Mexican independence (1810-1821), the U.S. began to incorporate territory west of the Mississippi
- After the admission of the Missouri Territory into the Union the debate over whether to extend slavery into the new territories — reignited the debates that would eventually lead to the Civil War.
- Concerns about the boundaries between New Spain and the United States fueled the evolution of the Monroe Doctrine and the consolidation of U.S. territorial claims across much of North America.

Borderlands Standoff: Florida and Spain's Crumbling Empire

- East Texas and West Florida became the first parts of the Spanish empire to fall to U.S. expansion.
- In 1817, the Seminole War pitted the United States — bent on seizing Florida — against Spain and Britain, and Native nations and African American freedmen.
- As revolutions swept the Western Hemisphere, U.S. racial politics and slavery ruled out common cause with the new nations of Latin America.

The Seminole War and the Adams-Onís Treaty of 1819

- U.S. leaders believed that freedom and equality did not apply to multiracial people and that the Enlightenment principle of popular sovereignty did not extend to them. Jackson believed that the laws of war did not apply to U.S. forces confronting Native nations as it did when they confronted Spanish and British subjects during the Seminole War.
- The Adams-Onís Treaty of 1819 transferred Florida to the United States, established a southern border with the Spanish Empire, and set out U.S. claims to the Pacific along the 42nd Parallel.

James Monroe, John Marshall, and the Doctrines of 1823

- Both Britain and France had an interest in Spain's former colonies; limiting foreign nations' ability to acquire Spanish possessions became national policy.
- The Monroe Doctrine, laid out in an address to Congress in 1823, consolidated this position, declaring the Americas independent of European colonization.
- In *Johnson v. M'Intosh* the Supreme Court ruled (in the first of three major Native rights cases) that the federal government held an exclusive right to both acquire and thus extinguish the newly defined "Indian title," and only the federal government had the constitutional power to receive the transfer of such lands

CONVERSATION STARTERS

1. In the age of revolutions, the newly independent nations of Latin America would have seemed natural allies of the United States. But U.S. racial policies meant that these allegiances did not develop, and the paternalistic Monroe Doctrine, which excluded other European powers, defined the politics of the Western Hemisphere instead. Talk about how new U.S. foreign policies limited the possibilities for Native peoples — within the expanding United States and throughout the hemisphere.
2. How did the passage of the Indian Removal Act in 1830 grow out of the dispute within federalism over "states' rights" — and over the expansion of the institution of slavery into existing and new territories?
3. Social diversity and divisions within Indigenous communities predated the arrival of European settlement and colonization. Drawing upon the history of colonial California (1769-1820), assess how such diversity facilitated the settlement of Spanish settlements across the region. What factors contributed to the survival of Spain's eighteenth-century mission system?
4. Why is *Johnson v. M'Intosh* so important in defining the rights of Native Americans and their relationship to the U.S. government and its citizens?
5. Related to this, what is "Indian title" and how is the degree of control the federal government claims related to the other big territorial policy change of that year, the Monroe Doctrine (which sought to limit the imperial reach of European powers in the Americas)?

RECOMMENDED RESOURCES

Treaty of Ghent, 1814	https://www.archives.gov/milestone-documents/treaty-of-ghent
Adams-Onís Treaty, 1819	https://avalon.law.yale.edu/19th_century/sp1819.asp
Monroe Doctrine, State of the Union, 1823	https://www.archives.gov/milestone-documents/monroe-doctrine
Gold Chains: The Hidden History of Slavery in California	https://www.aclunc.org/sites/goldchains/explore/native-american-slave-market.html
Early California Laws and Policies Related to California Indians	https://www.courts.ca.gov/documents/IB.pdf
Johnson v. M'Intosh	https://tile.loc.gov/storage-services/service/ll/usrep/usrep021/usrep021543/usrep021543.pdf
"The International Law of Colonialism: Johnson v. M'Intosh and the Doctrine of Discovery Applied Worldwide," Robert J. Miller	https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4403557

9

Collapse and Total War

The Indigenous West and the U.S. Civil War

While the Civil War ended African American slavery, it also consolidated the power of the U.S. government over Native peoples. Congress began to establish “plenary” — unquestionable — power over Indian affairs, and as the country continued to expand West, policy makers launched new campaigns of warfare and removal as tens of thousands of Native peoples also perished during the Civil War Era.

SUMMARY

As settlers moved West, a new economic and industrial order centered on mining soon reordered Indigenous worlds and increasingly drew upon the power of a more capable federal government, devastating Native communities.

Settler booms followed the West's new economies, particularly in California and Colorado, and thereby destabilized Indigenous communities, leading to their displacement. Previous diplomacy and treaties — like the Treaty of Traverse des Sioux in 1851 in Minnesota—had established circumscribed but still self-sufficient reservations, but the pressures and betrayals of the Civil War years ruptured these agreements. Violence and war soon followed. The Dakota War was fought in 1862 after squatters and state officials violated the 1851 Treaty and the war ended with the mass execution of Dakota soldiers—the largest execution in U.S. history.

Other Native nations, especially within Indian Territory, faced decisions about whether to secede from the Union and to join the Confederacy. Many, such as the Cherokee Nation, had adopted Euro-American economies, and some ran plantations worked by African American slaves.

This chapter highlights how the U.S. government developed administrative and military infrastructure during the war that subsequently enabled the subjugation of Native peoples across the West.

In California, Colorado, and New Mexico, a policy of total war was employed, continuing a legacy of indiscriminate Indian killing. In campaigns such as the Owens Valley War, Edward Patrick Connor's attack on the Shoshone at Bear River, and the Diné (Navajo) “Long Walk” — the U.S. troops and volunteer militias used extreme violence to subjugate and remove Indian communities. To see the Civil War as solely a conflict between the North and South is to miss this settler revolution in the West and its transformative violence.

OUTLINE

Introduction

- During the 1850s, a series of crises around slavery — the end of the Missouri Compromise, the failure of the Compromise of 1854, the passage of the Fugitive Slave Law and the *Dred Scott* decision, and the rise of the Republican party — threatened the Union.
- In 1860, the southern states seceded to form the Confederate States of America, beginning the Civil War.
- The Emancipation Proclamation of January 1, 1863 ended slavery and ensured that a Union victory would reconfigure the South's political economy and social relations, ruling out further compromise.
- Federal power reshaped the West during and after the war, and settlers moved West, launching a new economic and industrial order that reordered the Indigenous world.

Settler Booms and the Absence of the State

- The settler boom of the 1850s destabilized Indigenous communities and often led to their displacement.
- The 1851 Treaty of Traverse des Sioux confined Dakota bands along the Minnesota River to a fraction of their former homelands, and in under a decade, the settler population grew thirty-fold to 150,000.
- Throughout the antebellum era, a defining feature of American settler colonialism was the limited presence of the state, opening the way for genocidal violence against Native populations.
- It was not until wartime that the government projected its power on the West, with the Homestead Act, the Morrill Act, and the chartering of the Union Pacific Railroad, all in 1862,

The Dakota War and Indigenous Genocide

- Starting in 1861, U.S. Army officials attempted to mitigate conflicts with Native nations and to use diplomacy to extend U.S. sovereignty, though settler violence remained ubiquitous.
- The Dakota War was fought in 1862 after squatters and state officials violated the 1851 Treaty of Traverse des Sioux that created the Dakota reservation.
- Following the end of the war, thousands of Dakota soldiers were held prisoner; 38 were hanged in the largest mass execution in U.S. history. The Dakota were forcibly removed to the Dakota Territory.
- To claim the Civil War was solely a conflict between the North and South is to miss this settler revolution in the West and its transformative violence.

California Militias at the Beginning of the Civil War

- In California tens of thousands of Indians were killed by settler militias.

The Civil War and the Union's Ineffective Indian Office

- During the Civil War, there was no consistent federal Indian policy.
- Federal Indian officials remained understaffed and often came into conflict with settler populations, and treaty obligations were violated or ignored.

Settler Colonialism and Infrastructure during the Civil War

- The Civil War developed the administrative and military infrastructure that subsequently enabled the federal government to subjugate the West.
- As settlements and herds eroded the economies of Native nations, Native raiding became one of the few ways to survive. Counter-raids and warfare followed.
- The first trains reached Denver in 1859. Animal power was still central to settler and Plains Indian economic life — the seasonal trade and pasture rotation of the Ute, Cheyenne, Arapaho, Lakota, and Comanche peoples.
- Conflicts intensified between Plains societies, as immigrant travel consumed pasturage and water sources, but other Native nations allied to resist settler encroachment on Indian lands. Some, like the Pawnee, suffered under both settler expansion and Indigenous contests for territory.

The Hybridity of the Southwest

- Traders from the south brought a continental trade in horses, furs, alcohol, and sheep radiated out of the Southwest.
- Meanwhile, the Pacific fur trade at Astoria and across the Columbia River Basin drew traders into the intermountain west.
- Plains equestrian nations had maintained power since the war with Mexico; following the U.S. acquisition of New Mexico they allied with former Mexican citizens unhappy with U.S. rule.
- Indian communities evaded census takers, while officials never answered the question as to whether Mexican citizens qualified for U.S. citizenship, and the territory did not become a state until 1912.

Treaty Making on the Northern Plains

- The treaty of 1851 at Fort Laramie had been the West's most consequential initial attempt at incorporating Native nations — including many rival powers — into the folds of state power, setting territorial boundaries for Native nations in the West.
- Like other treaties, scattered state power was unable to enforce it, land cessions resumed, and annuity payments were inconsistent.
- Peace and diplomacy grew strained by the ineffective policies and failed promises of the divided United States.

Oklahoma Indians and the Crisis of Secession

- As Southern leaders, with allies among the leaders of Oregon and California, pressed for expansion of slavery into the West, many tribes became involved in secessionist politics
- Many tribal leaders believed their sovereignty was best served by the Confederacy, and southern tribes, including the Cherokee, had long practiced African American slavery.
- Indian Territory lay within the Confederacy, which established its own Bureau of Indian Affairs. Many Oklahoma groups seceded, joining and fighting with the Confederacy; others appealed to the Union for assistance — a civil war within the Civil War.
- Following the war, punitive treaties forced assimilation that eroded the power of tribal governments.

Western Mining and Economic Booms

- During the war, the mining industry began to transform the West, seizing lands and resources and displacing Native communities in the new territories of Colorado, Nevada, Idaho, Arizona, and Montana.
- As mining deprived Native populations and remade the multiracial composition of the region with an influx of Euro-American labor (an experience that shaped the life and career of Samuel Clemens), even as it funded the war effort, eventually driving the postwar economic boom that powered the Gilded Age.

California Volunteers outside of California: From Owens Valley to Bear River

- During the Civil War Federal forces in the west were used to extend U.S. sovereignty and defend U.S. outposts, subjugating Native peoples.
- In the Owens Valley War of 1861–62. Union forces removed residents to the Fort Tejon reservation, executing thirty-four Paiute soldiers without trial, the campaign against the Shoshone destroyed encampments at Bear River,

The Long Walk and Confinement at Bosque Redondo

- In New Mexico the Union used tactics of total war to subordinate the Diné, forcibly removing the local population to the Bosque Redondo reservation in the “Long Walk,” killing thousands.

The Road to Sand Creek

- Tens of thousands of settlers moved into Colorado, the Cheyenne and Arapaho Nation were forced into new treaties, provoking Native raids on settlements and livestock.
- In a climate of building anti-Indian racism, forces under John Evans and John Chivington adopted the indiscriminate killing that had been employed in California and New Mexico, even massacring noncombatants under federal protection.

CONVERSATION STARTERS

1. The settler revolutions of the 1850s, which brought tens of thousands west in pursuit of economic gain and land following gold strikes in California and Colorado, devastated Native communities in the Mountain West. Before the Civil War, however, federal authority was minimal. After secession, however, the Union asserted military authority as it added territory in the West. as it incorporated volunteer militias, it also extended and intensified violence toward Native people (including widespread killing of noncombatants). Talk about how and why, even in the context of a war fought to end slavery, government power was used to extend and then maintain white property and white supremacy in the new territories.
2. In the South, several Native nations adopted European practices (and were thus known as the “civilized tribes”). Even as these tribes were shaped by intermarriage with whites and Black freed people, one of these practices was slavery of African Americans. Parts of these tribes (and many others within Indian Territory) joined the Confederacy, calculating that their best chance for long-term preservation of their own sovereignty lay with leaving the Union, and many Native soldiers fought for the South. Many other groups remained allied with the Union, however, leading to a “civil war within the Civil War.” How does this complicate your understanding of the Civil War?
3. Why is the conflict in the West left out of most accounts of the Civil War? And how does the violent campaign against Native people in the western territories call into question assumptions about what was at stake during the conflict, which supposedly had its roots in the attempt to keep the West free?

RECOMMENDED RESOURCES

Treaty of Traverse des Sioux, 1851	https://dc.library.okstate.edu/digital/collection/kapplers/id/29608/rec/1
Homestead Act, 1862	https://www.archives.gov/milestone-documents/homestead-act
Morrill Act, 1862	https://www.archives.gov/milestone-documents/morrill-act
Pacific Railway Act, 1962	https://www.archives.gov/milestone-documents/pacific-railway-act
Treaty of Fort Laramie, 1851	https://commons.und.edu/cgi/viewcontent.cgi?article=1101&context=indigenous-gov-docs
Fort Laramie Treaty, 1868 case study	https://americanindian.si.edu/nk360/plains-treaties-fort-laramie/

10

Taking Children and Treaty Lands

Laws and Federal Power during the Reservation Era

The Reconstruction era saw renewed federal power used in attempts to remake Native communities and individuals in a European mold.

SUMMARY

Framed by the stories of Mary H. Taylor and Lucía Martínez — the latter a servant who challenged the former for custody of her children by the former's husband, as well as financial redress from his estate — this chapter explores an essential feature of western history—the clash between territorial and federal laws.

The settler revolutions that had begun before the war developed with even greater fury as more and more Native peoples become confined to bounded lands. Throughout the West, new towns, territories, and states emerged, and every day, Native people watched their previous territories become white farms, homesteads, and properties.

New territorial lawmaking transformed and redefined Native lands, families, and jurisdictions. After decades of racial coexistence, the West witnessed the rise of a new racial order, centered on whiteness.

Native peoples were challenged by these local efforts as well as excluded from national ones: the Fourteenth Amendment's extension of the rights of citizenship, due process, and voting to all men regardless of "race, color, or previous condition of servitude"; and from the Civil Rights Act of 1866. Monumental legal redefinitions occurred annually by 1871, the Indian Appropriations Act ended treaty making altogether. By the late 1870s Congress had assumed a "plenary" — supreme, uncontestable, and beyond judiciary review — power to override previous treaty commitments, though this power was shrouded in constitutional uncertainty. Did Congress have the power to break treaties and force Native peoples to bend to the will of the federal government in new ways?

The following generations during the "reservation era" would confront this challenge. New policies were developed to remake Native individuals, communities, families and collective property in the mold of Euro-American family structures, gender roles, and inheritance. Assimilation became the key goal of the federal government.

New "allotment" policies divided reservation lands into individual parcels of 160 acres for heads of household and opened the remainder to sale and development. This strategy tore Native lands apart and alienating Native people often from their communities and one another. A system of boarding schools was developed to conduct forced assimilation — removing Indian children from their communities, families, and identity.

In 1890, the frontier was declared closed, ending the availability of unincorporated western lands for settlement. Native people continued to resist and practice their diverse traditions; that year the Seventh Cavalry massacred a group of Ghost Dance worshippers on the Pine Ridge Reservation in the Wounded Knee Massacre.

OUTLINE

Introduction

- During Reconstruction, throughout the West, towns like Yuma, Arizona grew up around the new railways, and drew settlers from around the world
- The legal battle between Mary H. Taylor and Lucía Martínez over child custody and inheritance frames the legal conflicts conflict between territorial and federal law.

The West's New Legal Regimes

- Western settlers placed racial restrictions on marriage and depended on gendered servitude. Anti-miscegenation laws became common as laws were created to secure the rights of white men.
- New laws redefined Native lands, families, and jurisdictions. After decades of racial coexistence, these laws built a new racial order centered on whiteness.

New Land and Educational Policies

- Throughout the Reservation Era (1879–1934), new laws redefined the use of reservation lands. Government officials developed new ideas that aimed to eradicate Native American cultures.
- Allotment divided reservation lands into individual parcels of 160 acres for heads of household and opened the remainder to sale and development, part of a strategy to alienate individuals from collective structures of tribal governance.
- Under the new laws, the federal government held title to reservation lands. Superintendents and agents — often patronage appointments — assumed unbridled power as they oversaw the distribution of resources and the establishment of schools, hospitals, and churches.
- Captain Richard Henry Pratt developed a system of boarding schools to discipline Native children, forcibly assimilating them to ensure there would be no “Indian in [children] when they are grown.”

Indians, the Fourteenth Amendment, and the Growth of the Federal Government

- Native peoples were excluded from the Fourteenth Amendment's extension of the rights of citizenship, due process, and voting to all men regardless of “race, color, or previous condition of servitude”; they were also excluded from the Civil Rights Act of 1866.
- Treaty provisions were routinely broken. Indians could be hunted, killed, seized, and indentured with impunity, and children taken from their families.

Treaty Making during Reconstruction

- During the war, the Senate ratified 37 treaties with American Indian communities —10 percent of the 369 total ratified treaties between Native Americans and the U.S. government — recognizing Native sovereignty over large portions of the Plains, Northwest and Plateau, Southwest, and Inter-Mountain West.
- In 1868, treaties were struck with Lakota, northern Cheyenne, and northern Arapaho in Montana and Wyoming, the Ute of Colorado, Crow of Montana, Shoshoni of Utah and Idaho, Nimiipuu (Nez Percé) of Washington and Idaho, and Diné (Navajo) of Arizona and New Mexico, establishing Indian sovereignty over millions of acres.
- In Oklahoma — Indian Territory — new, separate treaties were signed between the federal government and the Seminole, Choctaw, Chickasaw, Creek, and Cherokee Nations, in which the federal government claimed powers to remove Indian tribes from other parts of the U.S. to Indian Territory and proceeded with new rounds of forced removals.

Infrastructure and Environmental Change

- With the Delawares' removal to Indian Territory, Kansas became a hub for railway development, new town construction, and cattle ranching.
- While the treaties of 1868 had created giant reservations in the interior — the Ute, Navajo, and Lakota reservations so large they resembled independent states, the future of Indian rights remained in flux and challenged by the expansion of new settlements and commerce.

The Origins of the Great Sioux Reservation

- Despite extended provisions for allotments and subsidies for farming, most Lakota did not choose to become farmers, but returned to the Plains to hunt remaining bison herds and to resume their way of life.
- On the borders of the reservation, settlers repeatedly violated treaty terms, took lands and resources, leading to widespread dissent from Lakota leaders such as Red Cloud and Spotted Tail. When they complained, they were presented with altered treaty terms.
- In 1871, the Indian Appropriations Act ended United States treaty-making with Native nations.

The Great Sioux War and Centennial America

- The 1871 act upheld existing treaties, but Congress passed statutes that worked “to invalidate or impair” the obligations of treaties — the new policy goal was forcible inclusion and assimilation.
- Miners and settlers encroached on the Black Hills, leveling forests, killing game, and consuming the water supply. Settler lawlessness was met with Indian raids.
- In March of 1876, U.S. Army generals launched campaigns against Lakota villages that escalated into the Great Sioux War. Losses on both sides included the defeat of the

Seventh Cavalry under George Custer at Little Big Horn in June of 1876 — on the eve of the Centennial.

- The 1877 Lakota Act ended the conflict and diminished Lakota sovereignty, revoked Native access to off-reservation territories, and marked a new exercise of federal power — in this case Congress' assumption of “plenary” or uncontested power to override previous treaty commitments.

The Challenges of Assimilation

- Through land policies and boarding schools, the United States committed to eradicating Native Americans by eliminating their culture — to “kill the Indian, and save the man,” in the words of Richard Henry Pratt.
- Native peoples resisted the assimilation programs that targeted their lands, economies, religions, and politics. On the reservations, they maintained traditional political and cultural structures.
- Reservation officials targeted children for removal to boarding schools, withholding rations unless children were given up, or kidnapping them while parents were working.
- Students were forced to learn English and wear woolen clothing. Boys' heads were shaved. Students were beaten for speaking their languages or had their mouths washed with soap. Untold numbers suffered physical and sexual abuse, and thousands died due to disease, overly strict discipline, and deprivation.

Expansion of the Assimilation Campaign: 1880s–1920s

- During the Assimilation Era, U.S. policy makers dismantled reservations, removed children to faraway schools, and established property ownership as a path to citizenship. Within matrilineal kinship networks, women's authority structured households and family units, and reservation officials sought to break these ties, which they saw as preserving a primitive social order.
- Railway companies, settlers, and corporate leaders, meanwhile, viewed reservations as sources of unrealized property.
- South Dakota became a state in 1889, and that year Congress subdivided the Great Sioux Reservation into six smaller reservations, in the process gaining additional title to 13 million acres of treaty lands.

The Supreme Court Affirms the Plenary Power Doctrine

- In 1883, the Court ruled in *Ex Parte Crow Dog* that Congress held the power to override tribal authority in criminal law, and the Major Crimes Act of 1885 asserted this authority overrode the power of treaties in matters of criminal law.
- In 1903 the Court ruled in *Lone Wolf v. Hitchcock* that Kiowa treaty provisions were not binding if Congress determined otherwise, ruling that Congress holds an inherent power that supersedes the authority of treaties — giving Congress full administrative power over Indian tribal property.

- This doctrine of plenary power remade the Republic's oldest diplomatic agreements and contradicted the vision of retained tribal sovereignty outlined by leaders of the early Republic and the Marshall Court.

The Wounded Knee Massacre of 1890

- In 1890, the U.S. Census declared the national "frontier" to be officially closed, ending for the first time in U.S. history recognition of the availability of unincorporated western lands.
- A millennialist cultural revitalization known as the Ghost Dance empowered many across the West to abandon the debilitating influence of white culture.
- In December of 1890, the Seventh Cavalry, believing a group of Ghost Dance worshippers to be a hostile force, disarmed and then massacred the group at Wounded Knee Creek on the Pine Ridge Reservation.

CONVERSATION STARTERS

1. Anglo-American gender norms, notions of domesticity, and patriarchal ideas of authority drove reformists like Pratt, Dawes, and other federal officials. The goal, as put by Morgan, was that "They must stand or fall as men and women, not as Indians." Talk about how Native ideas of belonging, identity, and communal land ownership conflicted with Anglo-American notions.
2. "Plenary" power is power that is not subject to review by any other bodies — applied here to Congress' powers over Indian tribal property, which is placed beyond review by the courts. In practice, this gave the federal government absolute administrative power over Native lands. How did the doctrine that developed after the decision in *Lone Wolf v. Hitchcock* change how Native people would fight for their rights?
3. The Ghost Dance movement, a set of millenarian practices and ceremony that synthesized many cultural traditions, including those of multiple Native peoples and some Christian rituals, was a cultural response to forced assimilation that gained many adherents at the end of the nineteenth century. How does it resemble earlier fundamentalist and millenarian movements like those adopted more than a century earlier by the followers of Neolin and Pontiac (that drove Pontiac's war). The panic the movement induced in federal and military authorities led to the U.S. Army's massacre of Lakota at Wounded Knee. Talk about why the movement was met with such violence, and what the lasting impact of the Ghost Dance and the reaction to it has been.
4. It can difficult to judge historical wrongs in contemporary terms, but the courts have weighed in on the abuses of this era, after a century of legal challenges: In 1980 the U.S. Supreme Court in *United States v. Sioux Nation of Indians* affirmed a court of claims ruling that "the 1877 Act . . . effected a taking of tribal property which had been set aside by the Fort Laramie Treaty." Such a "taking," the Court found, "implied an obligation on the Government's part to make just compensation to the Sioux. That obligation, including an award of interest, must now be

paid.” What does it mean to right a historical wrong like this? Who does it satisfy, when the injury has been so great and recompense likely impossible?

5. How was the Great Sioux Reservation established and what specific challenges brought its eventual dismantlement and dispossession? How did Congress develop the authority to refashion the federal government's treaty obligations, and what legacies over time did this growing authority have upon Native Nations, such as the Lakota?

RECOMMENDED RESOURCES

Legislative acts of colonial land appropriation	https://lib.guides.umd.edu/c.php?g=1261350&p=9246797
Indian Appropriations Act, 1851	https://govtrackus.s3.amazonaws.com/legislink/pdf/stat/9/STATUTE-9-Pg574a.pdf
Treaty of Fort Laramie, 1868	https://www.archives.gov/milestone-documents/fort-laramie-treaty
Civil Rights Act of 1866	https://teachingamericanhistory.org/document/the-civil-rights-act-of-1866/
Indian Appropriation Act, 1871	http://recordsofrights.org/records/285/indian-appropriations-act/

11

Indigenous Twilight at the Dawn of the Century

Native Activists and the Myth of Indian Disappearance

At the turn of the twentieth century, the myth of Indian disappearance became part of an overarching story of American progress, and Native activists worked against assimilation to regain legal and land rights, and to establish a place in contemporary American society for Native people.

SUMMARY

At the Centennial, mythological visions of history gained currency across the United States; its history was one of progress, including the conquest of Indian lands. Native people were part of the past — obstacles that had been overcome. Indians even appeared as living exhibits at the World's Fairs but were otherwise invisible to most Americans.

At the same time, Native activists were working to unmake the violence wrought by assimilation. Activists like Laura Cornelius Kellogg and Henry and Elizabeth Roe Cloud — educators who had seen the Indian boarding school system both as students and employees — worked to remake Native education. They also became advocates for legal and land rights and Native political power.

Kellogg was a founder of the Society of American Indians (SAI), the first national inter-tribal political association; while Henry Roe Cloud worked with the federal government during the “Indian New Deal” period, coauthoring the Meriam Report of 1928 and working under the New Deal commissioner of Indian Affairs, John Collier, to investigate abuses.

The Meriam Report and Collier's work led up to the Indian Reorganization Act (IRA) of 1934, which ended allotments, reformed and funded tribal education, and recognized Native rights to self-government and for the first time.

Self-governing tribal communities working in partnership with the federal government became the ideal model of the IRA, but it was not universally accepted across Indian Country, as many tribes remained distrustful of federal initiatives and suspicious of new promises by white officials.

But even by rejecting these reforms, Native communities were exercising their powers of self-governance, and soon the Supreme Court became a part of this effort with the historic 1941 “Hualapai Decision.” Also in 1941, Native nations began to fight alongside non-Native citizens in World War II. For a brief period, a new era of federal Indian affairs emerged.

OUTLINE

Introduction

- Mythological visions of history gained currency across the United States, recasting history as progress, if not Providence. The United States emerged from the conquest of Indian lands and achieved its destiny through continental expansion.
- Historians such as Francis Parkman and Frederick Jackson Turner offered visions of “frontier” societies overcoming Indigenous obstacles that had stood in their way.
- The phenomenon of being Indian — of being both familiar and forgotten, absent from the present — became an overarching feature of the ideological terrain upon which Native peoples had to navigate life in modern America.
- Activists such as Laura Cornelius Kellogg, founder of the Society of American Indians, worked collectively to create an American future that included Native peoples. They challenged white supremacy, lobbied for Indian citizenship, and pressed for land reforms and treaty rights.

World's Fairs and the Politics of Representation

- Thousands of Native people worked in staged human exhibitions at world's fairs and Wild West-themed traveling shows, where they were displayed as object lessons for the racial and historical superiority of Euro-Americans.
- Native participants such as Potawatomi author Simon Pokagon and Kwakwaka'wakw activist George Hunt, drew attention to the contemporary existence and challenges they faced, using the fairs as opportunities for protest.

American Imperialism and Growing Movements of Indigenous Resistance

- Indigenous critiques of American colonialism accelerated throughout the 1890s, particularly after the United States supported the 1893 overthrow of Queen Lili'uokalani and the Hawaiian monarchy while adding imperial possessions during the Spanish-American War.
- As the American empire expanded, it was staffed by missionaries, military officials, and state officials who had staffed Indian administrative agencies, and used forms of education, policing, and military surveillance that paralleled those developed during the Indian wars.

The Society of American Indians

- Oneida activist Laura Cornelius Kellogg — who had taught in R.H. Pratt's schools — argued that radical change was needed to reform national policies as well as the institutions of reservation governance that they had spawned.
- Kellogg was one of six founders of the Society of American Indians (SAI), the first national Indian political organization, working to “bring about a condition whereby the white race and all races may have a better and broader knowledge of the red race [and] its ability to contribute materially and spiritually to modern civilization.”

- Kellogg was anti-assimilationist, rejecting the label of “Red Progressive.” As she proclaimed, “I am not the new Indian; I am the old Indian adjusted to new conditions.”

The Vexed Place of Citizenship: Communal Sovereignty versus Individualism

- To raise support for American Indian Day, Red Fox James of Montana rode on horseback to multiple state capitols.
- Others SAI members lectured about the harmful effects of U.S. commemorations that perpetuated racist ideologies, like Columbus Day.
- The society targeted that “part of the white race [that believed] that it has inherently superior rights and was morally justified in oppressing” Native peoples.
- Regional and class divisions also divided the society, particularly regarding the expansion of the Native American Church.
- American ideologies of Indigenous disappearance remained so pervasive that arguing against them was often futile. Even seemingly positive commemorations — like the unveiling of monuments to Sacagawea — offered variants of this pernicious dogma.
- By 1924 SAI lobbying had helped advance the American Indian Citizenship Act, which ended the 137-year history of excluding Native Americans. The concept of citizenship was contested even within the Society; activists sought to develop a notion of “layered citizenship” — political assimilation that was still distinct and preserved treaty and property rights
- The society had been active in the struggle for women’s suffrage, and encouraged suffragists to advocate for Indian citizenship in return.
- In 1928 the Republican Party nominated Kansas Senator Charles Curtis — a descendent of the Kaw Nation — as Herbert Hoover’s vice-presidential candidate; he became the first Native American (and first minority) to serve in the office.
- Building reservation capacities remained equally important. Poverty and underemployment remained chronic problems across Indian Country; athlete Jim Thorpe and war hero Joseph Oklahombi, struggled to find employment during the Depression.

Laura Cornelius Kellogg’s Internationalism and Iroquois Advocacy

- In 1919 Kellogg traveled to Europe to “plead [the] cause of the Indians before the League of Nations,” while Cayuga leader Levi General did the same in 1920.
- Kellogg offered an emancipatory vision of the future that differed from those of policy makers. Unlike other SAI leaders, who focused on legislative reforms, she advocated for land returns and relief for reservation families.
- Oneida leaders had sued for land beginning in 1795 with efforts continuing until the present; Kellogg and her allies established grounds for Native claimants to sue for relief of their land claims.
- The Six Nations Club approached the Iroquois Confederacy Council at Onondaga to build a network across Iroquois communities—in New York, Wisconsin, Oklahoma, and Canada—to raise funds for the litigation of land claims.

Allotment, Race, and the Meriam Report's "Problem of Indian Administration"

- By the end of the 1920s, public debate focused on whether (as *Forum* Magazine put it in 1924, "the Indian should be encouraged to preserve his individuality, tradition, arts, and customs, or be received into the melting pot.")
- Tribal communities had rejected assimilation, maintained traditions and cultural ties, and kept Indian names, rejecting those imposed by boarding schools.
- Allotments — the division of collective land into individual parcels — had devastated Indian economies, as had the federal mismanagement of reservation oil, timber, and grazing leases.
- Reservation superintendents, railway developers, and western ranchers conspired to use Indian lands for their gain
- Kellogg was invited to testify to the Senate after the delivery to Congress of the 1928 Meriam Report, a devastating critique of federal Indian policy.

Henry Roe Cloud and Elizabeth Bender Cloud's Shared Visions of Empowerment

- Henry Roe Cloud was the Meriam Commission's only Native author.
- He and Elizabeth Bender Cloud had been SAI members and were 20-year veterans of the struggle to reform federal Indian policy, aiming to reverse assimilation and strengthen tribal autonomy.
- The Clouds ran the American Indian Institute, which opened in 1915 in Wichita, Kansas and aimed — contrary to the boarding school system — to strengthen tribal capacity by employing Native teachers and educating students in both Western academics and tribal knowledge.
- Henry Roe Cloud attempted to build support for an appointment to become commissioner of Indian Affairs but was unable to persuade his white colleagues on the Meriam Commission of his capability to take on the position.

The Great Depression and the Indian New Deal

- In 1933 Henry Roe Cloud was appointed superintendent of Haskell Indian Institute in Kansas, reconfiguring it along the lines of his own educational philosophy. By 1935, he had helped 28 students gain admission to the University of Kansas.
- Destructive educational, land, and cultural practices had guided the assimilation campaign and Indian education, but the process fueled a generation of activism
- After his appointment at Haskell, Roe Cloud continued to advocate for Indian reforms under the new commissioner of Indian Affairs, John Collier, a reformer who had been influenced by the Meriam Report.
- Collier became commissioner in 1933, the most consequential in U.S. history, commissioning the *Handbook of Federal Indian Law* (1941) and overseeing the Indian Reorganization Act (IRA) of 1934, which ended the allotment system, enshrined in federal law the right to draft tribal constitutions and to self-government, and closed numerous schools while increasing resources for local education

- Popular culture and scholarly discourses still preserved the mythology of Indian disappearance, but within the federal government, partnerships with tribal communities emerged and even flourished.

Activism at the Local and National Levels: The Origins of the Hualapai Decision

- Navajo leaders such as Chief Manuelito implored their community to maintain values and practices while accessing U.S. education as a ladder upon which the Navajo “would again rise to independence.”
- Many SAI members had worked as teachers, nurses, and administrators within the Indian Service. Thousands of Native people staffed the schools that had been designed to assimilate them, and many leaders anticipated that boarding school graduates would return to their communities to improve the punitive systems around them.
- Fred Mahone, a Hualapai tribal member and veteran, proposed a new tribal organization for his community, worked to reverse the seizure of one-third of his tribe’s reservation in 1883 by the Atchison, Topeka and Santa Fe Railroad and subsequent abuse of water rights; the Supreme Court decision, *United States v. Santa Fe Pacific Railroad Co.* (1941), upheld Hualapai rights to their lands, and became the twentieth century’s first major articulation of Native American land rights.
- Autonomous, self-governing tribal communities working in partnership with the federal government attempted to unmake the violence wrought by assimilation. The idea was not universally accepted across Indian Country—far from it—as many tribes remained so distrustful of federal initiatives that they rejected the IRA, though in the process also exercising their right to self-governance.

CONVERSATION STARTERS

1. By the end of the 1920s, public debate focused on whether (as *Forum Magazine* put it in 1924), “the Indian should be encouraged to preserve his individuality, tradition, arts, and customs, or be received into the melting pot.” What does it mean to apply the language of assimilation — of the “melting pot” — to Indigenous people? Considering new immigrants, the notion of might make sense, but who is assimilating to whose set of cultural norms when the suggestion is that Native people be “received” into the culture of European immigrants?
2. Native citizenship advocates raised the question as to whether the language of “progressivism” was applicable to them. Kellogg said, “I am not the new Indian; I am the old Indian adjusted to new conditions.” What did she mean by this, and how did her sense of citizenship differ from that, for example, of her allies who were working for women’s suffrage?
3. What did Kellogg and other SAI leaders mean by “layered citizenship”?
4. Does the myth of Indian disappearance still persist? In what ways? How do even positive commemorations contribute to the problem?

5. Kellogg, Henry Roe Cloud, and Elizabeth Bender Cloud came from different cultural, regional, and political communities, yet they confronted common challenges. What were the most pressing challenges confronting each of them during their careers? What strategies did they use to address them, and why? Which of the three do you think had the biggest impact on the evolution of federal Indian policy in the 20th-century?

RECOMMENDED RESOURCES

Handbook of Federal Indian Law, 1945	https://thorpe.law.ou.edu/cohen.html
The Problem of Indian Administration/the "Meriam Report"	https://files.eric.ed.gov/fulltext/ED087573.pdf
Collected Records of the Indian Reorganization Act	https://www.archives.gov/research/native-americans/indian-reorganization-act
U.S. v Santa Fe Railroad Co.	https://www.loc.gov/item/usrep314339/

12

From Termination to Self-Determination

Native American Sovereignty in the Cold War Era

During World War II and the Cold War, Native Americans shaped the “American Century” in countless ways. Native soldiers served in every theater of the War and became immortalized in national memory. After the War, Native lands and new resources, such as uranium, continued to fuel American economic and military development, and a threatening new assimilation policy, “termination”, attempted to once again erode tribal sovereignty. The fight against termination helped consolidate new visions of tribal authority that framed the post-war American Indian sovereignty movement. In cities and reservations, in Congress and court rooms, Native leaders advocated for a vision of U.S-Indian relations that centered upon the constitutionally distinct powers of Native peoples to govern themselves, their lands, and those non-Native peoples who live, travel, and work upon them.

SUMMARY

Native Americans are often left out of the story of the “American Century” but they shaped and were shaped by it. The atomic bomb took shape on Indian territory became tested on Pueblo and Western Shoshone homelands and made with materials mined under the Navajo Nation. Massive dams, power plants, and infrastructure works also powered and connected postwar America with Native lands.

With the Indian Claims Commission (1946), Congress established a mechanism for adjudicating outstanding land claims and offering financial restitution of alienated reservation lands. But that would be the end of the progressive Indian New Deal. As the Cold War took shape, the U.S. became suspicious of any dual loyalty, and self-governing Native nations began to be seen as a threat to the national interest.

Meanwhile, Western films — the morality tales of the Cold War — became popular and featured Indian subjects as inarticulate savages. Every American child learned from Walt Disney’s *Peter Pan* that Indians spoke and behaved in threatening and irrational ways.

Tragically, America’s treatment of its Native people had served as an inspiration for Japanese colonial expansion and as a direct model for Nazi racial policy; German lawyers looked to federal Indian policy as they built their racist theories and planned their colonization of Europe. When the war began, however, some 44,000 Native soldiers served, both in Europe and the Pacific, including Ira Hayes (Pima), one of the Marines captured raising the U.S. flag on Iwo Jima.

As the 1950s began, with a Republican administration looking to reverse the spending of the New Deal period, policy turned back towards assimilation, and a new federal strategy — “termination” — sought to end government obligations to Native people and achieve mass assimilation at the same time. Termination involved stripping tribes of official recognition and political authority and turning tribal members into individual property owners or shareholders in trusts as state governments assumed jurisdiction over lands. More than 100 tribes were terminated, with hundreds of thousands of tribal citizens moved and/or “relocated” to cities.

But even stripped of collective land rights and urbanized, assimilation was unsuccessful. Many displaced Native people formed the foundation for a generation of activism later in the century, joining groups like the American Indian Movement (AIM) and developing theories of Indigenous liberation and Red Power.

By the mid-1970s, reformers and activists reversed the tide of termination. In the process, they did something broader: they had inaugurated the modern American Indian sovereignty movement. By strengthening treaty law, raising public awareness, and passing new legislation, they demonstrated that Native peoples could in fact be citizens of both their respective tribal nations *and* of the United States.

OUTLINE

Introduction

- After the World War II, the reforms of the Indian New Deal became more politically threatening. Native Americans are often left out of accounts of the “American century,” though they shaped it in countless ways.
- The majority of the nation’s uranium reserve lay under portions of the Navajo Nation. Western Shoshone lands in Nevada provided the basis for atmospheric nuclear testing, while Southern Paiutes and other “downwinders” suffered disproportionate fallout from over one hundred detonations
- To fuel the war effort and the Manhattan Project, massive dams were built, flooding the Columbia, Colorado, and Missouri watersheds and inundating reservation communities
- Congressional leaders became convinced that reservation communities were their own worst enemy and that they stood in the way of the nation’s broader goals of democracy and capitalist development.
- A new policy, “termination,” meant to end federal obligations to Native people, ended recognition of more than 100 tribes. House Concurrent Resolution 108 (1953) stripped tribes of political autonomy, gave state governments jurisdiction over tribal lands, healthcare, and education; over 500,000 tribal members moved to cities.
- “Urban Indians” formed communities that eventually gave rise to Red Power and activist movements like the American Indian Movement (AIM), produced a new generation of Native intellectuals, and created the modern American Indian sovereignty movement,

Native Americans and World War II

- Japanese and Germans took Manifest Destiny, American colonization, genocide against Native Americans, and American theories about and legal justifications of the inferiority of the Indian as a model for their own actions
- In the U.S. wartime mobilization took thousands of Native Americans away from reservations for jobs in the war industries
- 44,000 Native soldiers served, including women

The Early Cold War in Indian Country

- Popular opposition to government spending encouraged Congress to think of ways to minimize expenditures on Indian affairs and end the federal government's treaty obligations to Indians
- Western films — the morality tales of the Cold War — became popular and featured Indian subjects as inarticulate savages

Ideology versus Practice: The Twisted Implementation of Termination

- Termination was promised as a way to move from the economic margins into the mainstream “freeing” tribal members from the “limitations” of being Indians.
- Many accepted termination in exchange for fair market value of the land, divided among tribal members. Tribal members living off the reservation were especially amenable to selling their lands
- Young Indians were encouraged to move to cities, in the hope of breaking up tribal communities; urban Indians faced problems of poverty and lack of community

Reservation Resources and Menominee Termination

- Some tribes, such as the Menominee of Washington, sought to use the termination process to get compensation for historical mismanagement of their land.
- The tribe won an \$8.5 million settlement against the U.S. government for corruption in the oversight of their communal lumber sawmill business, but the government made the award contingent on termination.
- The tribe accepted the award and termination, but the effects were negative: new tax burdens, loss of contracts; the federal government held land in trust for years, limiting timber production, and ultimately the tribe was forced to sell thousands of acres.

The Cold War and the Racial Logic of Termination

- The nation's Indian policies and the federal trust doctrine remained invisible to most Americans.
- Anti-communism so powerfully shaped national policies that few questioned termination, relocation, or the nation's extractive resource economies.
- Racist policy considered that as sovereign nations with their reservation jurisdiction over non-Indians, Indians intruded upon the freedom of white people.

- Founded in 1944, the National Congress of American Indians (NCAI) began critiquing termination policy; and by 1960 activism had spread across Indian Country, an initial attempt at building coalition politics.

Termination and Indian Child Welfare

- For most of the 1950s and 1960s, NCAI's advocacy, research, and proposals failed to alter national policy
- During termination, as states gained increased jurisdiction over tribes, they also gained new financial burdens. — educational, housing, and healthcare responsibilities for terminated tribes, the most impoverished communities in the country.
- In 1958 BIA officials came up with a solution and instituted a program designed to help offset state responsibilities. The Indian Adoption Project — a new national policy of Indian removal — encouraged state welfare workers to expand their foster care and child placement programs.
- A quarter to a third of all American Indian children were removed from their families during the Termination Era and placed into adoptive families, foster homes, or orphanages.
- Native people went to court, worked with advocacy groups, and called for national protections.

The Rising Tide of Red Power

- Students continued organizing. Leaders such as Clyde Warrior and Mel Thom (Walker River Paiute) met in Gallup in August 1961 and founded the National Indian Youth Council (NIYC), drawing inspiration from the African American freedom struggle.
- NIYC brought Indian affairs into the nation's consciousness. It created a grammar of Indian politics rooted in cultural pride and sovereignty.
- The Institute of American Indian Arts (IAIA), a federally funded school for arts education, was established in Santa Fe in 1962.
- Indian activists began protests in 1964 — “fish-ins” around Puget Sound, a march on Olympia, Washington, and an occupation of Alcatraz by Belva Cottier and other Lakota members — that shaped a decade of subsequent reforms.

The Road to Self-Determination: 1969–78

- On November 20, a group led by Richard Oakes (Mohawk) seized Alcatraz again, inaugurating a period of hope and militancy. For eighteen months, they transformed the prison into a new community with a school, museum, religious center, and radio station.
- Alcatraz heightened national consciousness, and activists from across North America who joined launched new actions of their own and joined organizations, such as AIM, that led subsequent takeovers at Fort Lawton, Seattle (1970), the BIA headquarters in Washington, D.C. (1972), and Wounded Knee, South Dakota (1973).
- In a stark reversal of termination's politics of austerity, President Lyndon Johnson's “War on Poverty” poured resources into Indian affairs.

- Multiple government agencies, such as Housing and Urban Development and the Department of Education, expanded education, housing, health, and land management. It also loosened the BIA's stranglehold over tribes.
- Tribal leaders pressed for new legislation and sought legal remedies in the courts. A sweep of landmark legislation — including a series of “restoration” bills — and favorable court rulings followed, including *U.S. v. Washington* (1974), which restored not only recognized treaty rights but also off-reservation authority.
- Throughout the 1970s, tribes gained increased control over their natural resources, membership criteria, and hiring preferences within federal agencies; the Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975 provided funding to exercise this power, transferring control from the federal government to tribal communities.

Expansion and Backlash: Self-Determination in the Late Twentieth Century

- As tribes secured more power, however, they also faced new forms of resistance. In 1973 state officials challenged the right of tribes to arrest non-Indians, and in 1978 in *Oliphant v. Suquamish Indian Tribe*, the Supreme Court said tribes do not possess such authority.
- Thousands of non-Indians reside on reservation lands and clarifying tribal jurisdiction over “non-Indians” remains a challenge; the Violence against Women Act (2013) authorized tribal courts to seek prosecutions against non-Indian assailants and abusers.
- Per capita income had risen for Native peoples in the 1970s but fell throughout the 1980s, in response tribes took advantage of exemptions from state regulation and taxation.
- Tribal members sold fireworks in the summer and cigarettes and gasoline year-round.
- After tribal gaming efforts were initially criminalized, *Cabazon v. California* (1987) established the right to conduct gaming, and the American Indian Gaming and Regulatory Act (AIGRA) of 1988 established a national framework for states and tribes to regulate gaming and share revenues. The Oneida Nation of Wisconsin, Seminole Nation of Florida, and the Mashantucket Pequot Tribe and Mohegan Nation of Connecticut are now major employers generating hundreds of millions of dollars in revenue.
- By the end of the century, the dark days of termination had faded, but challenges remain. A third of all tribal members lived below the poverty line, health, educational attainment, and economic development continued to impair tribal nations.
- Language loss, continued ecological destruction, and innumerable legacies of colonialism endure. And as the twenty-first century began, continued challenges to those sovereign gains reappeared as congressional law makers, court justices, and other concentrations of power again took aim at Indian lands, jurisdiction, and resources.

CONVERSATION STARTERS

1. Charges of dual loyalties levied against Indians during the Cold War period echo other abuses of the post-war and Cold War period. Consider what it means to accuse Native Americans — with national affiliations that precede the United States, and longer claims to the land — of “dual loyalties” in the context of American history and of the Cold War. What does it mean for European Americans to accuse Native peoples of being “alien”?
2. How does the postwar policy of termination fit into other neoliberal economic policies that exacerbated inequality in the United States? How did the federal government partner with state and local foster agencies to handle Indian adoption processes? What effects did the adoption of Indian children into non-Indian families have for Native adoptees?
3. The American Indian Movement (AIM) was in many ways a reaction to termination programs. As has been the case with many of the civil rights organizations that emerged around the same time, it has not persisted in its original form, but it has had long-term influence. Talk about the role of movement actions — community organizing, demonstrations, occupations, etcetera — and legal and political action — lawsuits, lobbying, at the state and federal levels — in making change.
4. Why has the debate over criminal jurisdiction on tribal land persisted into the present day, and why does it continue to generate such energy? For example, the 2020 ruling in *McGirt v. Oklahoma* — which assigned jurisdiction in major crimes to tribal authorities in much of eastern Oklahoma — has been seen as a threat to state sovereignty.
5. During the Cold War era, Native American intellectuals, artists, and writers offered new visions of Native peoples that challenged existing representations and popular discourses. How would you characterize these intellectual practices? Which popular representations did they most directly confront and how successful do you think they were in reorienting national visions of Native peoples?
6. The Indian Gaming Regulatory Act (IGRA) changed American Indian economic development in countless ways and remains among the most important federal Indian laws of the late twentieth century. What are some of the other consequential laws of federal Indian policy passed by Congress after 1970?
7. Since the nation's founding, American courts have not always been receptive to American Indian claims, grievances, and struggles for justice. However, beginning in the 1970s, judges and justices have reinterpreted key features of the federal government's long-standing commitments and legal obligations to Native nations. What are the most consequential court rulings upholding these commitments and obligations since 1970?

RECOMMENDED RESOURCES

"Brown and Red: Defending Jim Crow in Cold War America," Gregory Briker & Justin Driver <i>Stanford Law Review</i>	https://review.law.stanford.edu/wp-content/uploads/sites/3/2022/03/Briker-Driver-74-Stan.-L.-Rev.-447.pdf
Bureau of Indian Affairs, Records on termination	https://www.archives.gov/research/native-americans/bia/termination
Indian Self-Determination and Education Assistance Act, 1975	https://www.bia.gov/sites/default/files/dup/assets/bia/ots/ots/pdf/Public_Law93-638.pdf
Oliphant v. Suquamish Indian Tribe, et. al., 1978	https://tile.loc.gov/storage-services/service/ll/usrep/usrep435/usrep435191/usrep435191.pdf
Indian Child Welfare Act, 1977-1978	https://www.congress.gov/bill/95th-congress/senate-bill/1214
Indian Gaming Regulatory Act, 1988	https://www.nigc.gov/general-counsel/indian-gaming-regulatory-act
American Indian Religious Freedom Act, 1994	https://www.govinfo.gov/content/pkg/USCODE-2010-title42-chap21-subchapI-sec1996/pdf/USCODE-2010-title42-chap21-subchapI-sec1996.pdf
United Nations Declaration On The Rights Of Indigenous Peoples	https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples