

American Indians And State Law Sovereignty Race And Citizenship 1790 1880

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Against Citizenship Amy L Brandzel 2016-04-15 Numerous activists and scholars have appealed for rights, inclusion, and justice in the name of "citizenship." Against Citizenship provocatively shows that there is nothing redeemable about citizenship, nothing worth salvaging or sustaining in the name of "community," practice, or belonging. According to Brandzel, citizenship is a violent dehumanizing mechanism that makes the comparative devaluing of human lives seem commonsensical, logical, and even necessary. Against Citizenship argues that whenever we work on behalf of citizenship, whenever we work towards including more types of peoples under its reign, we inevitably reify the violence of citizenship against nonnormative others. Brandzel's focus on three legal case studies--same-sex marriage law, hate crime legislation, and Native Hawaiian sovereignty and racialization--exposes how citizenship confounds and obscures the mutual processes of settler colonialism, racism, sexism, and heterosexism. In this way, Brandzel argues that citizenship requires anti-intersectionality, that is, strategies that deny the mutuality and contingency of race, class, gender, sexuality and nation--and how, oftentimes, progressive left activists and scholars follow suit.

African American Culture and Legal Discourse R. Schur 2009-12-07 This work examines the experiences of African Americans under the law and how African American culture has fostered a rich tradition of legal criticism. Moving between novels, music, and visual culture, the essays present race as a significant factor within legal discourse. Essays examine rights and sovereignty, violence and the law, and cultural ownership through the lens of African American culture. The volume argues that law must understand the effects of particular decisions and doctrines on African American life and culture and explores the ways in which African American cultural production has been largely centered on a critique of law.

American Indian Sovereignty and the U.S. Supreme Court David E. Wilkins 1997 Like the miner's canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith, wrote Felix S. Cohen, an early expert in Indian legal affairs. In this book, David Wilkins charts the fall in our democratic faith through fifteen landmark cases in which the Supreme Court significantly curtailed Indian rights. He offers compelling evidence that Supreme Court justices selectively used precedents and facts, both historical and contemporary, to arrive at decisions that have undermined tribal sovereignty, legitimated massive tribal land losses, sanctioned the diminishment of Indian religious rights, and curtailed other rights as well. These case studies--and their implications for all minority groups--make important and troubling reading at a time when the Supreme Court is at the vortex of political and moral developments that are redefining the nature of American government, transforming the relationship between the legal and political branches, and altering the very meaning of federalism.

Native Removal Writing Sabine N. Meyer 2022-01-27 During the Standing Rock Sioux protest against the Dakota Access Pipeline, an activist observed, "Forced removal isn't just in the history books." Sabine N. Meyer concurs, noting the prominence of Indian Removal, the nineteenth-century policy of expelling Native peoples from their land, in Native American aesthetic and political praxis across the centuries. Removal has functioned both as a specific set of historical events and a synecdoche for settler colonial dispossession of Indigenous communities across hemispheres and generations. It has generated a plethora of Native American writings that negotiate forms of belonging--the identities of Native collectives, their proprietary relationships, and their most intimate relations among one another. By analyzing these writings in light of domestic settler colonial, international, and tribal law, Meyer reveals their coherence as a distinct genre of Native literature that has played a significant role in negotiating Indigenous identity. Critically engaging with Native Removal writings across the centuries, Meyer's work shows how these texts need to be viewed as articulations of Native identity that respond to immediate political concerns and that take up the question of how Native peoples can define and assert their own social, cultural, and legal-political forms of living, being, and belonging within the settler colonial order. Placing novels in conversation with nonfiction writings, Native Removal Writing ranges from texts produced in response to the legal and political struggle over Cherokee Removal in the late 1820s and 1830s, to works written by African-Native writers dealing with the freedmen disenrollment crisis, to contemporary speculative fiction that links the appropriation of Native intangible property (culture) with the earlier dispossession of their real property (land). In close, contextualized readings of John Rollin Ridge, John Milton Oskison, Robert J. Conley, Diane Glancy, Sharon Ewell Foster, Zelda Lockhart, and Gerald Vizenor, as well as politicians and scholars such as John Ross, Elias Boudinot, and Rachel Caroline Eaton, Meyer identifies the links these writers create between historical past, narrated present, and political future. Native Removal Writing thus testifies to both the ongoing power of Native Removal writing and its significance as a critical practice of resistance.

How the United States Racializes Latinos Jose A. Cobas 2015-12-03 Mexican and Central American undocumented immigrants, as well as U.S. citizens such as Puerto Ricans and Mexican-Americans, have become a significant portion of the U.S. population. Yet the U.S. government, mainstream society, and radical activists characterize this rich diversity of peoples and cultures as one group alternatively called "Hispanics," "Latinos," or even the pejorative "Illegals." How has this racializing of populations engendered governmental policies, police profiling, economic exploitation, and even violence that afflict these groups? From a variety of settings--New York, New Jersey, Los Angeles, Central America, Cuba--this book explores this question in considering both the national and international implications of U.S. policy. Its coverage ranges from legal definitions and practices to popular stereotyping by the public and the media, covering such diverse topics as racial profiling, workplace discrimination, mob violence, treatment at border crossings, barriers to success in schools, and many more. It shows how government and social processes of racializing are too seldom understood by mainstream society, and the implication of attendant policies are sorely neglected.

Sovereign Forces John-Andrew McNeish 2021-06-11 Sovereignty is a significant force regarding the ownership, use, protection and management of natural resources. By placing an emphasis on the complex intertwined relationship between natural resources and diverse claims to resource sovereignty, this book reveals the backstory of contemporary resource contestations in Latin America and their positioning within a more extensive history of extraction in the region. Exploring cases of resource contestation in Bolivia, Colombia and Guatemala, Sovereign Forces highlights the value of these relationships to the practice of environmental governance and peacebuilding in the region.

The Nations Within Vine Deloria 1998 Traces relations between American Indians and early settlers and analyzes government policy Recognition, Sovereignty Struggles, & Indigenous Rights in the United States Amy E. Den Ouden 2013 Written in the 1750s by Scottish physician Alexander Hamilton, one of the founding members of the Tuesday Club of Annapolis, this book is a mock-heroic narrative of ten years in the life of an eighteenth-century social club, as well as a political satire of the proprietor struggles in colonial Maryland and a humorous treatment of the outcry against luxury. This edition contains drawings, music scores, and a full textual apparatus. This is Volume II of three volumes. Originally published in 2011. A UNC Press Enduring Edition -- UNC Press Enduring Editions use the latest in digital technology to make available again books from our distinguished backlist that were previously out of print. These editions are published unaltered from the original, and are presented in affordable paperback formats, bringing readers both historical and cultural value.

Legalized Racism A. R. Eguiguren 2000 "Two hundred and ten years into the constitutional existence of our federal republic, American Indians and non-Indians are still treated as if they were citizens of different countries. Thanks to Federal Indian Policy, the United States is not one country under one law but hundred of nations with a confusing array of laws, many of them based entirely on race. Since the early 1970s, there has been an organized movement to establish 'tribal sovereignty' and 'self-determination' for American Indian tribes. The goal: to distance two million Americans--Native Americans-- from the rest of the population and fragment the country along racial lines. Federal Indian Policy-- and an increasing number of lawsuits--is helping those behind this movement to reach their separatist goal, while activist courts rule in their favor and Congress looks the other way. Will the establishment of this unconstitutional, legalized racism continue unchallenged until it's too late?"--Back cover.

Term Paper Resource Guide to the American Indian History Patrick Russell LeBeau 2009 Presents one hundred term paper topics regarding American Indian history, from their relationships with early explorers to American legal disputes and battles, and modern civil rights activities.

A Companion to the Anthropology of American Indians Thomas Biolsi 2008-04-15 This Companion is comprised of 27 original contributions by leading scholars in the field and summarizes the state of anthropological knowledge of Indian peoples, as well as the history that got us to this point. Surveys the full range of American Indian anthropology: from ecological and political-economic questions to topics concerning religion, language, and expressive culture Each chapter provides definitive coverage of its topic, as well as situating ethnographic and ethnohistorical data into larger frameworks Explores anthropology's contribution to knowledge, its historic and ongoing complicities with colonialism, and its political and ethical obligations toward the people 'studied'

50 Events That Shaped American Indian History: An Encyclopedia of the American Mosaic [2 volumes] Donna Martinez 2016-12-05 This powerful two-volume set provides an insider's perspective on American Indian experiences through engaging narrative entries about key historical events written by leading scholars in American Indian history as well as inspiring first-person accounts from American Indian peoples. • Allows readers to understand the history of Indian communities and tribal governments in the United States and to consider complex and controversial questions on how to begin improving conditions for Indian communities in the 21st century • Highlights American Indian contributions to U.S. culture, economy, and politics • Includes first-person accounts and narratives as well as excerpts from official documents, letters, and other primary sources that help bring American Indian history to life and present a more personal look into the experiences of tribes • Addresses the historical and legal misconceptions as well as stereotypes affecting American Indians that continue to persist today

Cohen's Handbook of Federal Indian Law 2019-06-21 Cohen's Handbook of Federal Indian Law is an encyclopedic treatise written by experts in the field, and provides general overviews to relevant information as well as in-depth study of specific areas within this complex area of federal law. This is an updated and revised edition of what has been referred to as the "bible" of federal Indian law. This publication focuses on the relationship between tribes, the states and the federal government within the context of civil and criminal jurisdiction, as well as areas of resource management and government structure. The 2012 Edition of Cohen's Handbook of Federal Indian Law also includes coverage of: • Current topics such as Indian gaming and taxation • History and structure of tribal governments and tribal law • Tribal and individual Indian property rights, including intellectual property rights • Water rights • Hunting, fishing, and gathering rights • Economic development issues • Government programs This compact publication is the only comprehensive treatise explicating one of the most difficult areas of federal law. Used by judges as well as practitioners, this publication provides the tools to understand the law and to find relevant cases, statutes, regulations, and opinions critical to answering legal questions about federal Indian law. This updated edition remains the definitive guide to federal Indian law.

Frontier Democracy Silvana R. Siddali 2016 Frontier Democracy examines the debates over state constitutions in the antebellum Northwest (Indiana, Illinois, Iowa, Michigan, Minnesota, Ohio, and Wisconsin) from the 1820s through the 1850s. This is a book about conversations: in particular, the fights and negotiations over the core ideals in the constitutions that brought these frontier communities to life. Silvana R. Siddali argues that the Northwestern debates over representation and citizenship reveal two profound commitments: the first to fair deliberation, and the second to ethical principles based on republicanism, Christianity, and science. Some of these ideas succeeded brilliantly: within forty years, the region became an economic and demographic success story. However, some failed tragically: racial hatred prevailed everywhere in the region, in spite of reformers' passionate arguments for justice, and resulted in disfranchisement and even exclusion for non-white Northwesterners that lasted for generations.

Legal Codes and Talking Trees Katrina Jagodinsky 2016-01-01 CHAPTER 7. Louisa Enick, "Hemmed In on All Sides": Washington, 1855-1935 -- CHAPTER 8. "The Acts of Forgetfulness": Indigenous Women's Legal History in Archives and Tribal Offices Throughout the North American West -- Notes -- Index -- A -- B -- C -- D -- E -- F -- G -- H -- I -- J -- K -- L -- M -- N -- O -- P -- R -- S -- T -- U -- V -- W -- Y -- Z

American Indian Sovereignty and Law Wade Davies 2009-02-04 American Indian Sovereignty and Law: An Annotated Bibliography covers a wide variety of topics and includes sources dealing with federal Indian policy, federal and tribal courts, criminal justice, tribal governance, religious freedoms, economic development, and numerous sub-topics related to tribal and individual rights. While primarily focused on the years 1900 to the present, many sources are included that focus on the 19th century or earlier. The annotations included in this reference will help researchers know enough about the arguments and contents of each source to determine its usefulness. Whenever a clear central argument is made in an article or book, it is stated in the entry, unless that argument is made implicit by the title of that entry. Each annotation also provides factual information about the primary topic under discussion. In some cases, annotations list topics that compose a significant portion of an author's discussion but are not obvious from the title of the entry. American Indian Sovereignty and Law will be extremely useful in both studying Native American topics and researching current legal and political actions affecting tribal sovereignty.

States, American Indian Nations, and Intergovernmental Politics Anne F. Boxberger Flaherty 2017-10-04 American Indian nations are sovereign political entities within the United States. They have complex relationships with the federal government and increasingly with state governments. Regulatory conflict between Native nations and states has increased as Native nations have developed their own independent economies and some states have sought to assert their control over reservation territory. This book explores the intergovernmental conflict between Native nations and states, with a focus on the tension over the enforcement of state cigarette taxes for on-reservation sales. Anne F. Boxberger Flaherty asks: when do states and Native nations come to agreement, when do they disagree, and why are states sometimes willing to extend great efforts to assert their taxes on reservations? Flaherty uses a multi-method approach, with a historical review of expanding state involvement on reservations, a quantitative analysis of state enforcement of cigarette taxes on reservations, and a qualitative analysis of several specific case studies, including the potential for intergovernmental conflict over marijuana cultivation and sales on reservations to answer these questions. This book will be interest to scholars and researchers of Indigenous Politics, Native American Indian Politics, State Politics, and Intergovernmental Politics.

Rising from the Ashes William Willard 2020-06-01 Rising from the Ashes explores continuing Native American political, social, and cultural survival and resilience with a focus on the life of Numiipuu (Nez Perce) anthropologist Archie M. Phinney. He lived through tumultuous times as the Bureau of Indian Affairs implemented the Indian Reorganization Act, and he built a successful career as an indigenous nationalist, promoting strong, independent American Indian nations. Rising from the Ashes analyzes concepts of indigenous nationalism and notions of American Indian citizenship before and after tribes found themselves within the boundaries of the United States. Collaborators provide significant contributions to studies of Numiipuu memory, land, loss, and language; Numiipuu, Palus, and Cayuse survival, peoplehood, and spirituality during nineteenth-century U.S. expansion and federal incarceration; Phinney and his dedication to education, indigenous rights, responsibilities, and sovereign Native Nations; American Indian citizenship before U.S. domination and now; the Jicarilla Apaches' self-actuated corporate model; and Native nation-building among the Numiipuu and other Pacific Northwestern tribal nations. Anchoring the collection is a twenty-first-century analysis of American Indian decolonization, sovereignty, and tribal responsibilities and responses.

Deadliest Enemies Thomas Biolsi 2001-06-03 Thomas Biolsi's study traces the origins of racial tension between Native Americans and whites to federal laws themselves, showing how the courts have created opposing political interests along race lines."

Recognition, Sovereignty Struggles, and Indigenous Rights in the United States Amy E. Den Ouden 2013-06-03 This engaging collection surveys and clarifies the complex issue of federal and state recognition for Native American tribal nations in the United States. Den Ouden and O'Brien gather focused and teachable essays on key topics, debates, and case studies. Written by leading scholars in the field, including historians, anthropologists, legal scholars, and political scientists, the essays cover the history of recognition, focus on recent legal and cultural processes, and examine contemporary recognition struggles nationwide. Contributors are Joanne Barker (Lenape), Kathleen A. Brown-Perez (Brothertown), Rosemary Cambra (Muwেকma Ohlone), Amy E. Den Ouden, Timothy Q. Evans (Haliwa-Saponi), Les W. Field, Angela A. Gonzales (Hopi), Rae Gould (Nipmuc), J. Kehaulani Kauanui (Kanaka Maoli), K. Alexa Koenig, Alan Leventhal, Malinda Maynor Lowery (Lumbee), Jean M. O'Brien (White Earth Ojibwe), John Robinson, Jonathan Stein, Ruth Garby Torres (Schaghticoke), and David E. Wilkins (Lumbee).

The Extraordinary Book of Native American Lists Arlene B. Hirschfelder 2012 This is an extensively researched reference book on Native American accomplishments. Topics covered include Native American contributions to the performing arts, literature, art, history, sports, politics, education, military service, environmental issues, and many other areas. This book also features lists of Native languages, stereotypes, and myths. In addition, the authors provide a range of resources, links, and websites for readers to learn even more about each topic.

Divided Sovereignties Rochelle Raineri Zuck 2016-08-01 In eighteenth- and nineteenth-century debates about the constructions of American nationhood and national citizenship, the frequently invoked concept of divided sovereignty signified the division of power between state and federal authorities and/or the possibility of one nation residing within the geopolitical boundaries of another. Political and social realities of the nineteenth century—such as immigration, slavery, westward expansion, Indigenous treaties, and financial panics—amplified anxieties about threats to national/state sovereignty. Rochelle Raineri Zuck argues that, in the decades between the ratification of the Constitution and the publication of Sutton Griggs's novel Imperium in Imperio in 1899, four populations were most often referred to as racial and ethnic nations within the nation: the Cherokees, African Americans, Irish Americans, and Chinese immigrants. Writers and orators from these groups engaged the concept of divided sovereignty to assert alternative visions of sovereignty and collective allegiance (not just ethnic or racial identity), to gain political traction, and to complicate existing formations of nationhood and citizenship. Their stories intersected with issues that dominated nineteenth-century

public argument and contributed to the Civil War. In five chapters focused on these groups, Zuck reveals how constructions of sovereignty shed light on a host of concerns including regional and sectional tensions; territorial expansion and jurisdiction; economic uncertainty; racial, ethnic, and religious differences; international relations; immigration; and arguments about personhood, citizenship, and nationhood.

American Indian Politics and the American Political System David Eugene Wilkins 2011 "This book is a lively and accessible account of the remarkably complex legal and political situation of American Indian tribes and tribal citizens (who are also U.S. citizens) David E. Wilkins and Heidi Kiiwetinepinesik Stark have provided the go-to source for a clear yet detailed and sophisticated introduction to tribal sovereignty and federal Indian policy. It is a valuable resource both for readers unfamiliar with the subject matter and for readers in Native American studies and related fields, who will appreciate the insightful and original scholarly analysis of the authors."--Thomas Biolsi, University of California at Berkeley "American Indian Politics and the American Political System is simply an indispensable compendium of fact and reason on the historical and modern landscape of American Indian law and policy. No teacher or student of American Indian studies, no policymaker in American Indian policy, and no observer of American Indian history and law should do without this book. There is nothing in the field remotely as comprehensive, usable, and balanced as Wilkins and Stark's work."--Matthew L. M. Fletcher, director of the Indigenous Law and Policy Center at Michigan State University College of Law "Wilkins has written the first general study of contemporary Indians in the United States from the disciplinary standpoint of political science. His inclusion of legal matters results in sophisticated treatment of many contemporary issues involving Native American governments and the government of the United States and gives readers a good background for understanding other questions. The writing is clear--not a minor matter in such a complex subject--and short case histories are presented, plus links (including websites) to many sources of information."--Choice

Race and the Cherokee Nation Fay A. Yarbrough 2013-11-21 "We believe by blood only," said a Cherokee resident of Oklahoma, speaking to reporters in 2007 after voting in favor of the Cherokee Nation constitutional amendment limiting its membership. In an election that made headlines around the world, a majority of Cherokee voters chose to eject from their tribe the descendants of the African American freedmen Cherokee Indians had once enslaved. Because of the unique sovereign status of Indian nations in the United States, legal membership in an Indian nation can have real economic benefits. In addition to money, the issues brought forth in this election have racial and cultural roots going back before the Civil War. *Race and the Cherokee Nation* examines how leaders of the Cherokee Nation fostered a racial ideology through the regulation of interracial marriage. By defining and policing interracial sex, nineteenth-century Cherokee lawmakers preserved political sovereignty, delineated Cherokee identity, and established a social hierarchy. Moreover, Cherokee conceptions of race and what constituted interracial sex differed from those of blacks and whites. Moving beyond the usual black/white dichotomy, historian Fay A. Yarbrough places American Indian voices firmly at the center of the story, as well as contrasting African American conceptions and perspectives on interracial sex with those of Cherokee Indians. For American Indians, nineteenth-century relationships produced offspring that pushed racial and citizenship boundaries. Those boundaries continue to have an impact on the way individuals identify themselves and what legal rights they can claim today.

A Companion to American Legal History Sally E. Hadden 2013-02-22 *A Companion to American Legal History* presents a compilation of the most recent writings from leading scholars on American legal history from the colonial era through the late twentieth century. Presents up-to-date research describing the key debates in American legal history Reflects the current state of American legal history research and points readers in the direction of future research Represents an ideal companion for graduate and law students seeking an introduction to the field, the key questions, and future research ideas

Indigenous Peoples and the Law Benjamin J Richardson 2009-03-18 *Indigenous Peoples and the Law* provides an historical, comparative and contextual analysis of various legal and policy issues affecting Indigenous peoples. It focuses on the common law jurisdictions of Australia, Canada, New Zealand and the United States, as well as relevant international law developments. Edited by Benjamin J Richardson, Shin Imai, and Kent McNeil, this collection of new essays features 13 contributors including many Indigenous scholars, drawn from around the world. The book provides a pithy overview of the subject-matter, enabling readers to appreciate the seminal issues, precedents and international legal trends of most concern to Indigenous peoples. The first half of *Indigenous Peoples and the Law* takes an historical perspective of the principal jurisdictions, canvassing, in particular, themes of Indigenous sovereignty, status and identity, and the movement for Indigenous self-determination. It also examines these issues in an international context, including the Inter-American human rights regime and the 2007 UN Declaration on the Rights of Indigenous Peoples. The second part of the book canvasses some contemporary issues and claims of Indigenous peoples, including land rights, mobility rights, community self-governance, environmental governance, alternative dispute resolution processes, the legal status of Aboriginal women and the place of Indigenous legal traditions and legal theory. Although an introductory volume designed primarily for readers without advanced understanding of Indigenous legal issues, *Indigenous Peoples and the Law* should also appeal to seasoned scholars, policy-makers, lawyers and others who are knowledgeable of such issues in their own jurisdiction and wish to learn more about developments in other places.

Urban American Indians: Reclaiming Native Space Donna Martinez 2016-08-29 An outstanding resource for contemporary American Indians as well as students and scholars interested in community and ethnicity, this book dispels the myth that all American Indians live on reservations and are plagued with problems, and serves to illustrate a unique, dynamic model of community formation. • Presents information on an important topic—the growing number of American Indians living in urban areas—and sheds light on cultural problems within the United States that are largely unknown to the average American • Familiarizes readers with the policies of the U.S. federal government that created diasporas, removals, reservations, and relocations for American Indians • Encourages readers to consider fresh perspectives on urban American histories and exposes readers to a thorough analysis of colonial space, race, resistance, and cultural endurance • Written by expert scholars and civic leaders who are themselves American Indian

Native American Sovereignty on Trial Bryan H. Wildenthal 2003 Examines Native American governments and their interactions and conflicts with federal and state governments by examining five major controversies, including tribal gambling and tribal civil jurisdiction.

Indigenous Peoples and the State Bradley Reed Howard 2003 Long dismissed as relics of a primitive past, indigenous peoples are increasingly seeking international recognition and protection of their rights to land, water, and fundamental human freedoms. Anthropologist Bradley Reed Howard surveys the struggles of indigenous groups for self-determination in the United States and internationally, calling crucial attention to the urgent need for native social and political representation. *Indigenous Peoples and the State* presents an overview of the confrontation between tribal groups and both nation-states and international organizations. Howard places indigenous issues within the larger context of the work of nongovernmental agencies, United Nations initiatives on human rights, and national self-determination. Two specific case studies of indigenous legal status and rights--involving the Iroquois in the United States and the Maori in New Zealand--illuminate native peoples' claims to sovereignty, traditional culture, territory, and natural resources. Ethical problems inevitably arise in any attempt to define identity. Investigating the complex issues of colonialism and culture, Howard reveals that anthropologists have at times played a complicit role in tribal subjugation. He also emphasizes the contributions many cultural anthropologists have made to the progressive transformation of law and recognizes their efforts to preserve indigenous cultures and natural habitats. Anthropological approaches, Howard maintains, offer the best hope for understanding the magnitude of indigenous peoples' worldwide endeavors to attain human rights. *Indigenous Peoples and the State* draws extensively from native sources on questions of identity, rights, and sovereignty. North American Indians, the Maori, and numerous other native peoples assert international recognition of their independence and status as "peoples" through their treaties and agreements with Western nations. They further demand an accessible international forum through which they can achieve justice and promote national self-determination. Howard's bold analysis offers extraordinary anthropological and legal support for the declarations and aspirations of indigenous peoples.

Say We Are Nations Daniel M. Cobb 2015-09-24 In this wide-ranging and carefully curated anthology, Daniel M. Cobb presents the words of Indigenous people who have shaped Native American rights movements from the late nineteenth century through the present day. Presenting essays, letters, interviews, speeches, government documents, and other testimony, Cobb shows how tribal leaders, intellectuals, and activists deployed a variety of protest methods over more than a century to demand Indigenous sovereignty. As these documents show, Native peoples have adopted a wide range of strategies in this struggle, invoking "American" and global democratic ideas about citizenship, freedom, justice, consent of the governed, representation, and personal and civil liberties while investing them with indigenized meanings. The more than fifty documents gathered here are organized chronologically and thematically for ease in classroom and research use. They address the aspirations of Indigenous nations and individuals within Canada, Hawaii, and Alaska as well as the continental United States, placing their activism in both national and international contexts. The collection's topical breadth, analytical framework, and emphasis on unpublished materials offer students and scholars new sources with which to engage and explore American Indian thought and political action.

Who Belongs? Mika é la M. Adams 2016-10-13 Who can lay claim to a legally-recognized Indian identity? Who decides whether or not an individual qualifies? The right to determine tribal citizenship is fundamental to tribal sovereignty, but deciding who belongs has a complicated history, especially in the South. Indians who remained in the South following removal became a marginalized and anomalous people in an emerging biracial world. Despite the economic hardships and assimilationist pressures they faced, they insisted on their political identity as citizens of tribal nations and rejected Euro-American efforts to reduce them to

another racial minority, especially in the face of Jim Crow segregation. Drawing upon their cultural traditions, kinship patterns, and evolving needs to protect their land, resources, and identity from outsiders, southern Indians constructed tribally-specific citizenship criteria, in part by manipulating racial categories - like blood quantum - that were not traditional elements of indigenous cultures. Mika è la M. Adams investigates how six southern tribes—the Pamunkey Indian Tribe of Virginia, the Catawba Indian Nation of South Carolina, the Mississippi Band of Choctaw Indians, the Eastern Band of Cherokee Indians of North Carolina, the Seminole Tribe of Florida, and the Miccosukee Tribe of Indians of Florida—decided who belonged. By focusing on the rights and resources at stake, the effects of state and federal recognition, the influence of kinship systems and racial ideologies, and the process of creating official tribal rolls, Adams reveals how Indians established legal identities. Through examining the nineteenth and twentieth century histories of these Southern tribes, *Who Belongs?* quashes the notion of an essential "Indian" and showcases the constantly-evolving process of defining tribal citizenship.

American Indians and State Law Deborah A. Rosen 2007 *American Indians and State Law* examines the history of state and territorial policies, laws, and judicial decisions pertaining to Native Americans from 1790 to 1880. Belying the common assumption that Indian policy and regulation in the United States were exclusively within the federal government's domain, the book reveals how states and territories extended their legislative and judicial authority over American Indians during this period. Deborah A. Rosen uses discussions of nationwide patterns, complemented by case studies focusing on New York, Georgia, New Mexico, Michigan, Minnesota, Louisiana, and Massachusetts, to demonstrate the decentralized nature of much of early American Indian policy. This study details how state and territorial governments regulated American Indians and brought them into local criminal courts, as well as how Indians contested the actions of states and asserted tribal sovereignty. Assessing the racial conditions of incorporation into the American civic community, Rosen examines the ways in which state legislatures treated Indians as a distinct racial group, explores racial issues arising in state courts, and analyzes shifts in the rhetoric of race, culture, and political status during state constitutional conventions. She also describes the politics of Indian citizenship rights in the states and territories. Rosen concludes that state and territorial governments played an important role in extending direct rule over Indians and in defining the limits and the meaning of citizenship.

Twenty-First Century Perspectives on Indigenous Studies Birgit D ä wes 2015-04-24 In recent years, the interdisciplinary fields of Native North American and Indigenous Studies have reflected, at times even foreshadowed and initiated, many of the influential theoretical discussions in the humanities after the "transnational turn." Global trends of identity politics, performativity, cultural performance and ethics, comparative and revisionist historiography, ecological responsibility and education, as well as issues of social justice have shaped and been shaped by discussions in Native American and Indigenous Studies. This volume brings together distinguished perspectives on these topics by the Native scholars and writers Gerald Vizenor (Anishinaabe), Diane Glancy (Cherokee), and Tomson Highway (Cree), as well as non-Native authorities, such as Chadwick Allen, Hartmut Lutz, and Helmbrecht Breinig. Contributions look at various moments in the cultural history of Native North America—from earthmounds via the Catholic appropriation of a Mohawk saint to the debates about Makah whaling rights—as well as at a diverse spectrum of literary, performative, and visual works of art by John Ross, John Ridge, Elias Boudinot, Emily Pauline Johnson, Leslie Marmon Silko, Emma Lee Warrior, Louise Erdrich, N. Scott Momaday, Stephen Graham Jones, and Gerald Vizenor, among others. In doing so, the selected contributions identify new and recurrent methodological challenges, outline future paths for scholarly inquiry, and explore the intersections between Indigenous Studies and contemporary Literary and Cultural Studies at large.

A World Divided Eric D. Weitz 2021-06 A global history of human rights in a world of nations that grant rights to some while denying them to others Once dominated by vast empires, the world is now divided into some 200 independent countries that proclaim human rights—a transformation that suggests that nations and human rights inevitably develop together. But the reality is far more problematic, as Eric Weitz shows in this compelling global history of the fate of human rights in a world of nation-states. Through vivid histories from virtually every continent, *A World Divided* describes how, since the eighteenth century, nationalists have established states that grant human rights to some people while excluding others, setting the stage for many of today's problems, from the refugee crisis to right-wing nationalism. Only the advance of international human rights will move us beyond a world divided between those who have rights and those who don't.

A Fire Bell in the Past Jeffrey L. Pasley 2021-12-31 Many new states entered the United States around 200 years ago, but only Missouri almost killed the nation it was trying to join. When the House of Representatives passed the Tallmadge Amendment banning slavery from the prospective new state in February 1819, it set off a two-year political crisis in which growing northern antislavery sentiment confronted the aggressive westward expansion of the peculiar institution by southerners. The Missouri Crisis divided the U.S. into slave and free states for the first time and crystallized many of the arguments and conflicts that would later be settled violently during the Civil War. The episode was, as Thomas Jefferson put it, "a fire bell in the night" that terrified him as the possible "knell of the Union." Drawn from the of participants in two landmark conferences held at the University of Missouri and the City University of New York, those who contributed original essays to this second of two volumes—a group that includes young scholars and foremost authorities in the field—answer the Missouri "Question," in bold fashion, challenging assumptions both old and new in the long historiography by approaching the event on its own terms, rather than as the inevitable sequel of the flawed founding of the republic or a prequel to its near destruction. This second volume of *A Fire Bell in the Past* features a foreword by Daive Dunkley. Contributors include Dianne Mutti Burke, Christopher Childers, Edward P. Green, Zachary Dowdle, David J. Gary, Peter Kastor, Miriam Liebman, Matthew Mason, Kate Masur, Mike McManus, Richard Newman, and Nicholas Wood.

Speaking for the People Mark Rifkin 2021-08-13 In *Speaking for the People* Mark Rifkin examines nineteenth-century Native writings to reframe contemporary debates around Indigenous recognition, refusal, and resurgence. Rifkin shows how works by Native authors (William Apess, Elias Boudinot, Sarah Winnemucca, and Zitkala-Ša) illustrate the intellectual labor involved in representing modes of Indigenous political identity and placemaking. These writers highlight the complex processes involved in negotiating the character, contours, and scope of Indigenous sovereignties under ongoing colonial occupation. Rifkin argues that attending to these writers' engagements with non-native publics helps provide further analytical tools for addressing the complexities of Indigenous governance on the ground—both then and now. Thinking about Native peoplehood and politics as a matter of form opens possibilities for addressing the difficult work involved in navigating among varied possibilities for conceptualizing and enacting peoplehood in the context of continuing settler intervention. As Rifkin demonstrates, attending to writings by these Indigenous intellectuals provides ways of understanding Native governance as a matter of deliberation, discussion, and debate, emphasizing the open-ended unfinishedness of self-determination.

American Indians Jack Utter 2001 *Answer to today's questions.*

The Eagle Returns Matthew L.M. Fletcher 2012-01-01 An absorbing and comprehensive survey, *The Eagle Returns: The Legal History of the Grand Traverse Band of Ottawa and Chippewa Indians* shows a group bound by kinship, geography, and language, struggling to reestablish their right to self-governance. Hailing from northwest Lower Michigan, the Grand Traverse Band has become a well-known national leader in advancing Indian treaty rights, gaming, and land rights, while simultaneously creating and developing a nationally honored indigenous tribal justice system. This book will serve as a valuable reference for policymakers, lawyers, and Indian people who want to explore how federal Indian law and policy drove an Anishinaabe community to the brink of legal extinction, how non-Indian economic and political interests conspired to eradicate the community's self-sufficiency, and how Indian people fought to preserve their culture, laws, traditions, governance, and language.

Civil War Wests Adam Aronson 2015-03-07 This innovative study presents a new, integrated view of the Civil War and Reconstruction and the history of the western United States. Award-winning historians such as Steven Hahn, Martha Sandweiss, William Deverell, Virginia Scharff, and Stephen Kantrowitz offer original essays on lives, choices, and legacies in the American West, discussing the consequences for American Indian nations, the link between Reconstruction and suffrage movements, and cross-border interactions with Canada and Mexico. In the West, Civil War battlefields and Civil War politics engaged a wide range of ethnic and racial distinctions, raising questions that would arise only later in places farther east. Histories of Reconstruction in the South ignore the connections to previous occupation efforts and citizenship debates in the West. The stories contained in this volume complicate our understanding of the paths from slavery to freedom for white as well as non-white Americans. By placing the histories of the American West and the Civil War and Reconstruction period within one sustained conversation, this volume expands the limits of both by emphasizing how struggles over land, labor, sovereignty, and citizenship shaped the U.S. nation-state in this tumultuous era. This volume highlights significant moments and common concerns of this continuous conflict, as it stretched across the continent and throughout the nineteenth century. Publishing on the 150th anniversary of the end of the Civil War, this collection brings eminent historians into conversation, looking at the Civil War from several Western perspectives, and delivers a refreshingly disorienting view intended for scholars, general readers, and students. Published in Cooperation with the William P. Clements Center for Southwest Studies, Southern Methodist University.

Semblances of Sovereignty Thomas Alexander ALEINIKOFF 2009-06-30 In a set of cases decided at the end of the nineteenth century, the Supreme Court declared that Congress had "plenary power" to regulate immigration, Indian tribes, and newly acquired territories. Not coincidentally, the groups subject to Congress' plenary power were primarily nonwhite and generally perceived as "uncivilized." The Court left Congress free to craft policies of assimilation, exclusion, paternalism, and domination. Despite dramatic shifts in constitutional law in the twentieth century, the plenary power case decisions remain largely the controlling

law. The Warren Court, widely recognized for its dedication to individual rights, focused on ensuring "full and equal citizenship"--an agenda that utterly neglected immigrants, tribes, and residents of the territories. The Rehnquist Court has appropriated the Warren Court's rhetoric of citizenship, but has used it to strike down policies that support diversity and the sovereignty of Indian tribes. Attuned to the demands of a new century, the author argues for abandonment of the plenary power cases, and for more flexible conceptions of sovereignty and citizenship. The federal government ought to negotiate compacts with Indian tribes and the territories that affirm more durable forms of self-government. Citizenship should be "decentered," understood as a commitment to an intergenerational national project, not a basis for denying rights to immigrants. Table of Contents: 1. Introduction 2. The Sovereignty Cases and the Pursuit of an American Nation-State 3. The Citizen-State: From the Warren Court to the Rehnquist Court 4. Commonwealth and the Constitution: The Case of Puerto Rico 5. The Erosion of American Indian Sovereignty 6. Indian Tribal Sovereignty beyond Plenary Power 7. Plenary Power, Immigration Regulation, and Decentered Citizenship 8. Reconceptualizing Sovereignty: Toward a New American Narrative Notes Index Reviews of this book: This book not only provides careful analysis of U.S. Supreme Court and congressional relationships but also could lead to novel studies of rights and obligations in American society. Highly recommended. --Steven Puro, Library Journal Reviews of this book: Aleinikoff examines sovereignty, citizenship, and the broader concept of membership (aliens as well as citizens) in the American nation-state and suggests that American constitutional law needs "understandings of sovereignty and membership that are supple and flexible, open to new arrangements"...Sure to generate heated debate over the extent to which the rules governing immigration, Indian tribes, and American territories should be altered, this book is required reading for constitutional scholars. --R. J. Steamer, Choice Amid the overflowing scholarship on American constitutional law, little has been written on this cluster of topics, which go to the core of what sovereignty under the Constitution means. Aleinikoff asks not only how we define "ourselves," but exactly who is authorized to place themselves in the category of insiders empowered to set limits excluding others. The book stands out as a novel, intriguing, and interesting analysis against the sea of sameness found in the constitutional literature. --Philip P. Frickey, Law School, University of California, Berkeley What lends Aleinikoff's work originality and importance is its synthetic range and the new insights that flow from bringing immigration, Indian, and territorial issues together, and taking on such much criticized anomalies as the plenary power doctrine in their full ambit. In my view, he may well make good on his hope of helping to inspire a new field of sovereignty studies. Certainly, the idea of "problematizing" national citizenship and national sovereignty is afoot in the law schools and, far more so, in sociology, political science, and in various interdisciplinary fields like American Studies, regional studies, and global political economy and cultural studies. To my knowledge, no one has written a synthetic treatment of these issues that compares with Aleinikoff's in its mastery of constitutional law, its working knowledge or adjacent normative, historical and policy studies, and its intellectual clarity, stylistic grace, and morally sensitive but pragmatic political judgments. --William Forbath, University of Texas at Austin Law School

*american-indians-and-state-law-sovereignty-
race-and-citizenship-1790-1880*

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