#### The United States federal government should not use Armed Forces to remove Native American Nations from their lands.

#### Irreversible Power is the rhetorical beginning for the erosion of all Native American sovereignty only the plan can show how the U.S. should constrain that power as a form of engaging another sovereign entity. The plans conceptualization of the past is crucial to help open up and explain this process of “making savage” the Native American Nation.

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What do Indians want from writing? Certainly something other than the names¶ of white men sewn to our backs. And for its part, resistance to assimilation through the¶ acts of writing should entail something more than counting coup on the text (or for¶ that matter, torching the school). I suggest that our highest hopes for literacy at this¶ point rest upon a vision we might name rhetorical sovereignty. Sovereignty, of course,¶ has long been a contested term in Native discourse, and its shifting meanings over time¶ attest to an ongoing struggle between Americans and the hundreds of Indian nations¶ that occupy this land. Our claims to sovereignty entail much more than arguments for¶ tax-exempt status or the right to build and operate casinos; they are nothing less than¶ our attempt to survive and flourish as a people. Sovereignty is the guiding story in our¶ pursuit of self-determination, the general strategy by which we aim to best recover our¶ losses from the ravages of colonization: our lands, our languages, our cultures, our selfrespect.¶ For indigenous people everywhere, sovereignty is an ideal principle, the beacon¶ by which we seek the paths to agency and power and community renewal. Attacks¶ on sovereignty are attacks on what it enables us to pursue; the pursuit of sovereignty is¶ an attempt to revive not our past, but our possibilities. Rhetorical sovereignty is the¶ inherent right and ability of peoples to determine their own communicative needs and¶ desires in this pursuit, to decide for themselves the goals, modes, styles, and languages of¶ public discourse. Placing the scene of writing squarely back into the particular contingency¶ of the Indian rhetorical situation, rhetorical sovereignty requires of writing teachers¶ more than a renewed commitment to listening and learning; it also requires a radical¶ rethinking of how and what we teach as the written word at all levels of schooling, from¶ preschool to graduate curricula and beyond. In what follows, I hope to sketch out some¶ preliminary notes toward the praxis that is rhetorical sovereignty. I begin with a discussion¶ of the concept of sovereignty, followed by a dialogue between the fields of composition¶ and rhetoric and Native American studies, concluding with some very general¶ recommendations for expanding our canons and curricula. My argument is motivated in¶ part by my sense of being haunted by that little boy’s backward glance to those other Indian¶ children: Is it right for me to take a white man’s name?¶ Sovereignty is (also) rhetorical¶ Sovereignty, as I generally use and understand the term, denotes the right of a people to¶ conduct its own affairs, in its own place, in its own way. The concept of sovereignty originated¶ in feudal Europe, and as a term it arrived to the English language by way of France;¶ souverain signified a ruler accountable to no one save himself or God (Duchacek 47). Early¶ modern European monarchs employed the language of sovereignty to secure their grip on¶ state power in the face of a threatening nobility and papacy. A declaration of one’s right to¶ rule, a monarch’s claim to sovereignty “stood as a ringing assertion of absolute political¶ authority at home, one that could imply designs on territory abroad” (Fowler and Bunck¶ 5). As modern nations and states underwent¶ their various forms of development, the concept¶ was consistently deployed to address not¶ only domestic authority at home but a state’s¶ relative independence from and among other¶ states; thus, sovereignty came to mean something systemic and relational. A sovereign’s¶ power was generally a force understood in relation to other sovereigns in the emerging international¶ scene; hence, “a sovereign was to respect the sovereignty of its peers” (Fowler¶ and Bunck 6). As political institutions continued to develop under modernity, the meanings¶ of sovereignty changed with them, signifying such matters as the right to make and¶ enforce laws, notions of political legitimacy and international recognition, and national¶ self-determination. While the meanings of sovereignty have shifted and continue to¶ shift over time, the concept has nonetheless carried with it a sense of locatable and recognizable¶ power. In fact, the location of power has depended upon the crucial act of¶ recognition—and vice versa.¶ From the early moments of first contact on this continent, the construction of Indian¶ and non-Indian senses of sovereignty was a contested and contradictory process. It¶ was also a rhetorical one. Although there is no possible way to describe its many and¶ complicated logics in necessary detail here, we can see that for at least two centuries following¶ Columbus, “European states were compelled to recognize and engage Indian nations¶ as political actors in their diplomatic activities” (Berman 128). They did this in large¶ part through making treaties with Indian nations, a process that created a relationship¶ between groups of “an international rather than internal character,” even in sites of severe¶ colonizing activity (Berman 129). This acknowledged sense of Indian national sovereignty¶ was so strong among European states that it actually became a means of legitimizing¶ European claims to new world resources; a territorial dispute between the¶ English and the Dutch, say, might be settled by one side producing a treaty with the sovereign¶ nation who actually owned the land (Berman 132). After the American revolution,¶ the United States maintained the practice of treaty-making with Indian nations¶ begun by European powers, and “from the beginning of its political existence, recognized¶ a measure of autonomy in the Indian bands and tribes” (Prucha, Treaties 2). During¶ the years 1778–1868, the U.S. signed and ratified some 367 treaties with Indian¶ nations, all of which presumed a sense of sovereignty on the part of Indian groups.¶ About two-thirds of those treaties were land deals, and as Prucha points out, “cession of¶ Indian lands . . . was an indication of Indian sovereignty over those lands, and the recognition¶ by the United States of Indian ownership to the lands remaining strengthened¶ the concept” (Treaties 4). You can’t give up what you don’t own, after all; nor can you buy¶ what’s already yours.¶ However, the Americans would gradually assume a dominant stance in Indian/white¶ relations, leading to an erosion of Native sovereignty that Prucha credits to overwhelming¶ American military strength, growing Indian economic dependence on white¶ goods, and treaty provisions that left stipulations to be carried out by Congress¶ (Prucha, Treaties 6–7). After the American revolution, it wasn’t long before the nation to-¶ nation stance Indians and their interlocutors had operated from was simultaneously¶ attacked and affirmed in a couple of landmark U.S. Supreme Court cases concerning¶ the Cherokee of Georgia facing removal in the early nineteenth century. In Cherokee¶ Nation v. Georgia (1831), Chief Justice John Marshall’s famous pronouncement of the¶ Cherokees as a “domestic dependent nation” constituted the United States’ first major,¶ unilateral reinterpretation of Indian sovereignty, one further tinkered with a year later¶ by the same court in Worcester v. Georgia (1832). In the former opinion, Marshall¶ deemed the Cherokees limited in their claim to sovereignty, seeing them as a nation¶ not-quite-foreign, but suggested nonetheless that the Cherokees still formed “a distinct¶ political society, separated by others, capable of managing its own affairs and¶ governing itself ” (Prucha, Documents 58). This somewhat glaring contradiction was¶ explained in the latter decision, where Marshall opined that “Indian nations had always¶ been considered as distinct, independent political communities, retaining their original¶ natural rights, as the undisputed possessors of the soil, from time immemorial, with the¶ single exception imposed by irresistible power” (Prucha, Documents 60; emphasis mine).¶ In other words, while recognizing Indian sovereignty in terms we can fairly describe¶ as eternal and absolute, the Supreme Court’s decisions on the Cherokee cases ultimately¶ caved in to what would become a persistent, uniquely American, and wholly¶ imperialist notion of recognition-from-above. The United States could limit Cherokee¶ sovereignty simply because it could, and it could because it is the United States.¶ American exceptionalism won the day, thanks to its “irresistible power,” and while¶ U.S. plenary power wouldn’t become fully articulated in a legal sense until United¶ States v. Kagama in 1886, it found its rhetorical groundwork laid solidly in the Cherokee¶ cases of the 1830s.¶ In a sense, these cases exemplify what we might call rhetorical imperialism: the¶ ability of dominant powers to assert control of others by setting the terms of debate.¶ These terms are often definitional—that is, they identify the parties discussed by describing¶ them in certain ways. Take, for example, Marshall’s rather self-reflective analysis¶ of the language of sovereignty in his Worcester v. Georgia opinion:¶ . . . ‘treaty’ and ‘nation’ are words of our own language, selected in our diplomatic and legislative¶ proceedings . . . having each a definite and well-understood meaning. We have applied¶ them to Indians, as we have applied them to the other nations of the earth. They are¶ applied to all in the same sense. (Prucha, Documents 60)¶ In short, Indians are defined here as fellow nations requiring treaties. Yet in Cherokee Nation¶ v. Georgia, Marshall wrote that “the term foreign nation” wasn’t quite applicable to¶ Indian nations, suggesting instead that the Cherokee Nation’s “relation to the United¶ States resembles that of a ward to his guardian.” This was because Indians—“savages”¶ newly arrived on “civilization’s” fresh path—were “in a state of pupilage” (Prucha, Documents¶ 59). More than an agonistic legal contest over¶ sovereign rights, the language of this decision shows¶ Indian people being completely redefined by their¶ interlocutors: a ward or pupil—that is, a child—is¶ quite a different animal than a fellow nation in the¶ community of sovereigns. As the exercise of rhetorical imperialism, Marshall’s metaphors¶ effectively paved the way for the United States to assume a position of political paternalism¶ over Indian nations that has thrived up to this very day—chalk one up for the¶ “Great White Father.” The lesson here seems obvious: namely, [one] who sets the terms sets¶ the limits. And likewise the rewriting of Indian sovereignty would continue over time. As¶ Prucha points out, the word “tribe” increasingly came to replace “nation” in treaties, sub-¶ stituting one highly ideological European word for another, and with the Abolition of¶ Treaty-Making Act of 1871, a powerful little rider tacked on to an Indian appropriations¶ bill that formally ended the practice of treaty-making, “treaties” henceforth came to be¶ called “agreements” by the authoring Americans (Prucha, Treaties 4, 211–13). From “sovereign”¶ to “ward,” from “nation” to “tribe,” and from “treaty” to “agreement,” the erosion¶ of Indian national sovereignty can be credited in part to a rhetorically imperialist use of¶ writing by white powers, and from that point on, much of the discourse on tribal sovereignty¶ has nit-picked, albeit powerfully, around terms and definitions.¶ None of this stopped Indian exercises of sovereignty—it just threw things into different¶ modes and sites of contest, for instance, that of language and representation. Not¶ to downplay the tremendous cost to Indian people these struggles for sovereignty have¶ entailed, but I want to point out that the dominant stance achieved by the Americans¶ must continue to be seen as merely that—dominant, not omnipotent—which is far from¶ saying all things are said and done. Indian nations still possess, and are still recognized¶ to possess, varying and constantly shifting degrees of sovereignty. While hegemonic versions¶ of the American Indian story implying the obverse continue to be told in schools,¶ scholarship, and popular culture—generally in the past tense—discourses of resistance¶ and renewal have never ceased in Indian country, and these marginalized narratives of¶ the continuing struggle for Indian sovereignty are making themselves more and more¶ visible in public representations and talk. It’s worthwhile to note how so much of this¶ struggle, from treaties to court cases to the growing popularity of Native American¶ literature—has taken place at what we might call the colonized scene of writing: a site of¶ contact-zone rhetoric in its fullest sense. One way of approaching this site is to find in¶ American legal, political, and cultural written discourses recurrent, yet ambivalent, assaults¶ on Native sovereignty answered by recurrent, yet subordinate, defenses and redefinitions¶ of the same by Indians. These textual exchanges are eminently rhetorical:¶ arguments motivated by highly ideological conflations and intertwinings of motives, beliefs,¶ and assumptions that do not lend themselves to a sense of consensually-derived¶ conclusions. One reason for this is certainly due to power imbalances between whites¶ and Indians, but another seems owing to truly salient differences in cultural understandings¶ of what it means to be political human beings. That is, I want to suggest that¶ the rhetorics of sovereignty advanced by both Indian and non-Indian people often claim¶ to be talking about the same thing, when actually they differ considerably.¶ For example, for Western powers after the Enlightenment, the meaning of sovereignty¶ became contingent upon freshly-formed conceptions of the modern nationstate¶ and new bourgeois ideologies of the individual. The former was a legal-political¶ understanding of the right to popular self-governance freed from the shackles of older¶ forms of monarchical sovereignty, the latter a new subjectivity enjoyed and defended¶ by the bourgeoisie. Both were generated from a desire to develop and protect the idea of¶ private property. In this context, for a thinker like Kant, sovereignty became essentially¶ procedural, the exercise of reason and public critique generated by the bourgeoisie who¶ as “the people” construct the nation-state through the act of making coercive laws, and¶ subsequently as “sovereign” coerce through them as a nation and are coerced by them as¶ individuals (“Metaphysics” 142). Sovereignty for Kant was a largely technical process of¶ communicative rationality ultimately designed to benefit and control solitary monads;¶ hence, the nation-state became something of an instrument. Sovereignty rested primarily¶ with the “public,” itself constituted by the communicating mass of wholly¶ “private” individuals acting out of self-interest (Kant, “Enlightenment” 55–7; see also¶ Habermas). The dialectic of private and public constituted the business of the nationstate,¶ even while resting upon a series of exclusions (for example, of gender, race, and¶ class)that belied its utopian claims to equality, as public sphere theorists have demonstrated¶ (see Fraser; Ryan). But ultimately, for the young United States of the Enlightenment,¶ sovereignty was exercised through the communicative procedures developed¶ and maintained by individuals who, through reason, would form the public and run¶ the nation-state (Eley).

#### Destroying white understandings of Native American rhetoric are essential to unveil the extreme violence and genocide occurring right now. American rhetorical understandings of native peoples erases current Native Americans. Vote aff for two young Ojibwe who committed suicide or the putrid living conditions forced upon Native American communities.

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All of which brings me back to where I started: what do American Indians want from writing?¶ At stake in this discussion are the peoples defined by the writing itself; thus one important¶ tenet of rhetorical sovereignty would be to allow Indians to have some say about¶ the nature of their textual representations. The best way to honor this creed would be to¶ have Indian people themselves do the writing, but it might also be recognized that some¶ representations are better than others, whoever the author. On that note, a quick perusal¶ through the composition and rhetoric literature of the past few years shows a growing interest¶ in American Indians and a general concern for including Native knowledges and¶ voices in classrooms and curricula that should be commended. But some of this work hinders¶ rhetorical sovereignty by presenting readers with Indian stereotypes, cultural appropriation,¶ and a virtual absence of discourse on sovereignty and the status of Indian¶ nations—that is, with a kind of rhetorical imperialism. Sometimes this writing has been¶ done with all the best of intentions, but on that note it might be good to recall that Chief¶ Justice Marshall, the original architect of limited sovereignty for Indians, was generally¶ considered a very pro-Indian thinker in his day—to Indian-hating President Andrew Jackson’s¶ continual dismay—even as Marshall was busy composing the foundational documents¶ for American imperialist control over tribes. So without getting into where good¶ intentions sometimes lead, let me say for now that some of our most prominent work on¶ Indians is not yet part of the solution.¶ Take, for example, the recent publication of George Kennedy’s Comparative Rhetoric:¶ An Historical and Cross-Cultural Introduction. Kennedy, who has taught me so much¶ in his books about classical Greek and Roman rhetoric and who I continue to honor as a¶ great scholar of those subjects, has now seen fit to locate rhetoric in nature and to place¶ its history on a developmental, essentially evolutionary, model, the entire scheme of¶ which seems to be based upon Western stereotypes of the Other. Divided into two sections,¶ the oral and the literate, the study begins with an investigation of the rhetoric of¶ animals, including bird calls, and works its way “up” through the language of “oral” indigenous¶ people, then through the literacy of Egyptians, Chinese, Indians (from India) to¶ its grand finale in the civilizations of Greece and Rome. In that order, African Americans¶ are not even mentioned, which Kermit Campbell might have criticized more strongly in¶ his mainly positive review of the “pioneering” work (174). It’s worth noting that this evolutionary¶ study actually works backwards in time; most of Kennedy’s examples of “North¶ American Indian Rhetoric” (Chapter 5), for example, are taken from the nineteenth century,¶ a particularly devastating yet rhetorically profuse time for most Native people. Why¶ Kennedy didn’t acknowledge the overwhelming proliferation of writing by Native people¶ during that century—not the least of which can be found in the many tribal newspapers¶ of those years, for instance, in the bilingual Cherokee Phoenix of the 1820s—probably¶ owes itself to the deeply ingrained stereotypes of Indians as 1) essentially oral creatures,¶ and 2) existing only in an imagined savage past. Both of those persistent stereotypes are¶ examined together in Forked Tongues: Speech, Writing, and Representation in North¶ American Indian Texts by David Murray, who points out that in communicative exchanges¶ between Indians and whites, “the cultural translation is all one-way, and the¶ penalty to the subordinate group for not adapting to the demands of the dominant group¶ is to cease to exist” (6). Thus, the logic Kennedy employs in his study might lead some to¶ the conclusion that a writing Indian is no Indian at all.¶ In addition to the effect of making questions of sovereignty a moot point,¶ Kennedy’s erasure of real Indians serves other agendas as well. Finding in “early human¶ language” a “connecting link” between the rhetoric of animals and that of oral (but not¶ literate) humans, Kennedy has basically provided a theory of the Missing Link located¶ within the speech of the people (2). The result is a quiet assumption that Indians are¶ something less than human, if something more than animals. I don’t know how else to¶ take his comparison of red deer stags and “Eskimos” (by which I think he means Inuit):¶ In a previous chapter I described the rhetoric of red deer stags in seeking rights to mate¶ with females—vocal encounters, stalking, and fights with their horns if one animal does¶ not give way. A similar sequence has characterized Eskimo quarrels over women: insults,¶ threatening gestures, and fights in the form of butting or wrestling contests. (77)¶ And here I thought all that butting and wrestling was something we did for fun. What¶ Inuit women might have to say about this characterization of their dating life notwithstanding,¶ I have to ask if this is really where we want to go in the study of comparative¶ rhetorics. Cultural evolutionism, a nineteenth-century phenomenon associated with¶ early anthropologists like Lewis Henry Morgan (who studied “the vanishing Indian”),¶ has long been used to justify an ideology of savagery-barbarism-civilization, which in¶ turn has always operated to the detriment of Indian peoples (see Berkhofer, 49–61). To¶ locate Indian rhetoric at an early point on the Great Chain of Speaking not only ignores¶ this kind of speech for a claim about that kind, the results of which may be dehumanizing,¶ but by implication also suggests that today’s Indian peoples are probably¶ not real anymore. I suppose Kennedy wanted to find oral eloquence and the like¶ among Indian cultures, but through his desire, and his acceptance and perpetuation¶ of stereotypes, he seems to have lost sight of actually existing indigenous people and¶ has uncharacteristically misplaced rhetoric.¶ The oral-literate binary—which I apparently (and mistakenly) had thought dismantled¶ by now—also lurks ominously in Bruce Ballenger’s “Methods of Memory: On Native¶ American Storytelling.” Ballenger appropriates what he calls an “ ‘Indian way’ of remembering”¶ to make sense of his own life and writing, “methods” he locates in Native oral traditions¶ (790; 792–3). Of course, his access to this oral tradition is enabled completely¶ through the reading of Native writers, but never mind: the point of the article, it seems to¶ me, is to grab and make use of what even Ballenger admits does not belong to him with the¶ express purpose of “creat[ing] the ‘whole¶ story’ of myself ” (795). In other words, the¶ “Indian way” serves as a kind of supplemental¶ technology to aid and abet the construction¶ of Ballenger’s self as a sovereign, unique¶ individual: a highly literate white man with all the benefits and privileges therein. “It is always¶ the ‘I’—not the ‘we’—that concerns me most,” Ballenger writes, adding that what¶ distinguishes him from real Indians is his motivation for “self-expression” (795). Not unlike¶ Tonto, then, the Indian is there for the taking as a kind of helper and teacher in the¶ white man’s quest to Know Thyself. Since Ballenger’s essay on Native American story-¶ telling isn’t about Native Americans at all, but rather about what Ballenger apparently¶ feels free to take from Natives, we must find in this writing the logic of cultural imperialism.¶ Wendy Rose has argued that by “appropriating indigenous cultures and distorting¶ them for its own purposes . . . the dominant society¶ can neatly eclipse every aspect of contemporary¶ native reality, from land rights to issues¶ of religious freedom” (404). Indeed, Ballenger’s¶ own expansive familiarity with Indian writers¶ did not lead him to discuss any of the issues facing the people today (and which are often¶ represented in the novels he reads); on the contrary, he seems to accept things as they are.¶ One particularly troubling moment for me was his discussion of place in Native literature;¶ after making the solid claim that Indians “tend to see the land as something with a¶ presence”—fair enough—Ballenger goes on to recall his times on the shores of Lake¶ Michigan, formerly and in some cases still Anishinabe country, remembered by him¶ “with a kind of reverence” as, in his word, “unpeopled” (798). The actual history of peopling¶ and unpeopling on those shores would be a worthwhile thing to investigate.¶ Ballenger’s essay is perhaps a sensitive one to criticize because it is interspersed with¶ some painful recollections of his childhood. But I have some painful recollections of my¶ own, as many Native people do. Right now I’m thinking of my two young Ojibwe cousins¶ who committed suicide in the same year—one in his early twenties, the other barely approaching¶ his teens—two deaths that might be attributed to a kind of self-hatred experienced¶ by many Indian youths today who find themselves trapped in colonial wreckage:¶ poverty, violence, a racist dominant culture that hates and excludes them. Consider the¶ findings of a recent study on American Indian crime produced by the Justice Department¶ which found that “American Indians are victims of violent crime at a rate of more than¶ double that of the rest of the population” (“American”). In seven out of ten of those¶ episodes, the offender is non-Indian. The report also stated that the number of American¶ Indians per capita in state and federal prisons is some thirty-eight percent above the national¶ average; the rate in local jails is four times the national average. The arrest rate for¶ alcohol-related offenses is more than twice the rate for the total population (“American”).¶ Or consider the fact that “Native people endure the poorest quality of life in this country,”¶ because of which “1,000 more Native men, women, and children die each year than would¶ be expected if they were living in the same conditions as white America.” (This, remember,¶ out of a total population of only 1.5 million.) “If these same conditions existed throughout¶ the total population of our country, 150,000 more American people would die each year”¶ (Charleston 17; emphasis in original). Nobody ever wants to appropriate stuff like that.¶ Rhetorical sovereignty, however, compels us to face it. It is always the “we”—not¶ the “I”—that concerns me most, and my particular motivation is the pursuit of social¶ Not unlike Tonto, then, the Indian is there for¶ the taking as a kind of helper and teacher in¶ the white man’s quest to Know Thyself.

#### Now is critical to recognize this colonialism this weekend marks the 107th Birthday for the Dawes Act. Dawes Act is causing cultural destruction. You’re willing to celebrate Columbus Day why aren’t you celebrating our genocide today.

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In all three of these thinkers, the rhetoric of sovereignty takes on a decidedly nationalistic¶ cast, but while they all advocate focusing on action at the community level,¶ none of them can adequately be described as purely separatist. Rather, in explicit opposition¶ to this, Warrior calls for Indians to “withdraw without becoming separatists,¶ being willing to reach out for the contradictions within our experience and open ourselves¶ to the pain and the joy of others” (124). Rather than representing an enclave, sovereignty¶ here is the ability to assert oneself renewed—in the presence of others. It is a¶ people’s right to rebuild, its demand to exist and present its gifts to the world. Also key¶ to these thinkers’ rhetorics of sovereignty is an adamant refusal to disassociate culture,¶ identity, and power from the land, and it is precisely this commitment to place that¶ makes the concept of rhetorical sovereignty an empowering device for all forms of¶ community. While most Indians have a special relationship with the land in the form¶ of an actual land base (reservations), this relationship is made truly meaningful by a¶ consistent cultural refusal to interact with that land as private property or purely exploitable¶ resource. Land, culture, and community are inseparable in Indian country,¶ which might explain Native resistance to such policies as the Dawes Allotment Act of¶ a century ago, which tried to transform Indians into bourgeois whites by making them¶ property-holding farmers. This cultural resistance has consistently been made in objection¶ to the way such policies divide Indian communities and disrupt traditional culture¶ with radically individualist ideologies, and whenever I see community activists of¶ whatever stripe—Black, Hmong, working-class, etc.—making arguments on behalf of¶ “our community” in the face of apparently naked economic self-interest, I think those,¶ too, are claims to sovereignty made by different groups. But most important, as voices¶ of the people, scholars like Deloria, Warrior, and Cook-Lynn are asserting themselves¶ as members of sovereign Indian nations, deploying power and seeking r ecognition at¶ the colonized scene of writing.

#### The Affirmative understanding of War Powers helps exemplify the colonialism of the constitution and the acts of violence perpetuated upon Native American populations via its implement.

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That, however, was the path not taken. The Federalists, while they likely shared Madison’s humanitarian impulses, nonetheless prioritized the heightened power of the United States to control the borderlands and defeat Native nations when selling the Constitution’s virtues. Their victory resulted in a perverse form¶ of cooperative federalism at Natives’ expense.¶ 479 As French observer Alexis De Tocqueville perceptively noted in the era of Indian removal, “The Union treats with the Indians with less cupidity and violence than the several States, but the two governments are alike deficient in good faith. . . . [T]he tyranny of the States obliges the savages to retire; the Union, by its promises and resources, facilitates their retreat()()()()()()()()()()(; and these measures tend to precisely the same end.”480¶ The history presented here revises some of our understandings of the Constitution. For certain constitutional provisions, the context of Indian affairs is critical. For instance, works that purport to expound the original understanding of the treaty or war power—without acknowledging that in its first decade the federal government entered six “foreign” and eleven Indian treaties,481 or that the U.S. Army fought two “foreign” and at least eight Indian wars before the Civil War482—present a partial perspective.483 As one example, some scholars have argued that the drafters of the Constitution anticipated that “treaties that sought to have a domestic, legislative effect” would require subsequent legislative enactment.484 But this conclusion is difficult to reconcile with the reality that¶ under both the Articles and the Constitution, Indian treaties—perhaps the paradigmatic instance of treaties having domestic legislative effects, as resistance under the Articles underscores—were considered self-executing.486 Yet even scholars who have used constitutional history extensively to critique this position and advance a nationalist interpretation of the Treaty Power have ignored Indian treaties, even though the history recounted here powerfully supports their arguments, and even when the sources they cite specifically mention Indians.487¶ More fundamentally, focusing on Indian affairs challenges traditional conceptions of what the Constitution was. Legal scholars understandably privilege a view of the “Founding” as a legal and intellectual event: a serene gathering of statesmen, well versed in European political philosophy and English legal thought, who translated these abstractions into the foundation of a new government intended to curb past abuses through a new American “science of politics.”488 This vision stresses the document’s restraining function through the mechanistic “checks and balances” 489 that have become shibboleths of our constitutional culture: limited government, federalism, enumerated powers, separation of powers.490¶ This perspective, while valid, is partial. Integrating Indians into our constitutional histories helps reveal how the Constitution was also made outside Independence Hall—in the violent, pluralist borderlands, where the United States contested with Native nations, European empires, and states and squatters to assert sovereignty over vast spaces of the continent. In 1783, the United States’s triumph in this “long war for the West” was, in words of one scholar, “the most unlikely scenario of all,” a reality underscored by the disasters of the Articles.¶ 491 Yet less than seventy years later, the federal government—having expanded its jurisdiction to the Pacific, incorporated seventeen new states, and forcibly removed most Indian nations from east of the Mississippi—was the contest’s undisputed victor.492 This improbable success owed much to the conscious designs of the Constitution’s drafters. All inhabited a world marked by a seemingly perpetual crisis of authority on the frontier, and they crafted a national government with formidable powers to address this challenge: to create the extended republic envisioned by Madison by expanding the nation and governing the West.493 From this perspective, the Constitution was not a document of restraint, but the foundation of what historians have increasingly recognized as a powerful early national state, whose authority was strongest on its peripheries.494 “[T]he American spirit, assisted by the ropes and chains of consolidation, is about to convert this country into a powerful and mighty empire,” warned Patrick Henry¶