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American Indian Sovereignty, Cherokee Freedmen and the Incommensurability of the Internal

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To cite this article: Jodi A. Byrd (2011) 'BEEN TO THE NATION, LORD, BUT I COULDN'T STAY THERE', *interventions*, 13:1, 31-52, DOI: [10.1080/1369801X.2011.545576](https://doi.org/10.1080/1369801X.2011.545576)

To link to this article: <https://doi.org/10.1080/1369801X.2011.545576>



Published online: 23 Feb 2011.



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# 'BEEN TO THE NATION, LORD, BUT I COULDN'T STAY THERE'

American Indian Sovereignty, Cherokee Freedmen and  
the Incommensurability of the Internal

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**Cherokee**  
**Freedmen**  
**internal  
colonialism**  
**racialization**  
**settler  
colonialism**  
**sovereignty**

*This essay takes as its case study the Cherokee Nation of Oklahoma's 2007 vote to disenfranchise approximately 2,800 Cherokee Freedmen (African-Cherokee descendents of slaves once held by members of the Cherokee Nation) in violation of the treaty the Cherokee Nation signed with the United States in 1866 to end the Civil War. Arguing that indigenous sovereignty and political status is incommensurable with the 'internal' to the United States, the essay provides a genealogy of 'internal colonialism' in order to track how it has emerged as descriptor within postcolonial theory for indigenous peoples' relations with the United States. In order to place indigenous critical theory into conversation with subaltern studies, the essay argues that disaggregating processes of racialization from colonization makes the ongoing settler colonization of indigenous nations visible in conversation with subaltern studies at the same time that it reveals the persistent racisms that have continued to inflect Cherokee nationalism.*

.....

But freedom was also to be found in the West of the old Indian Territory. Bessie Smith gave voice to this knowledge when she sang of ‘Goin’ to the Nation, Going to the Terr’tor’, and it is no accident that much of the symbolism of our folklore is rooted in the imagery of geography .... Long before it became the State of Oklahoma the Territory had been a sanctuary for runaway slaves who sought there the protection of the Five Great Indian Nations. (Ellison 1986)

That the continued colonization of American Indian nations, peoples and lands provides the United States with the economic and material resources needed to cast its imperialist gaze globally is a fact that is simultaneously obvious within – and yet continually obscured by – what is essentially a settler colony’s national construction of itself as an ever more perfect multicultural, multiracial democracy. As the United States constructs a Manichean allegory of settler democracy through which imperialism can finally be brought humanely and justifiably to the world through discourses of ‘fighting them there so we don’t fight them here’, the status of American Indians as sovereign nations colonized by the United States continues to haunt and inflect its *raison d’être*. Or as American Indian scholar Elizabeth Cook-Lynn explains:

The current mission of the United States to become the center of political enlightenment to be taught to the rest of the world began with the Indian wars and has become the dangerous provocation of this nation’s historical intent. The historical connection between the Little Big Horn event and the ‘uprising’ in Baghdad must become part of the political dialogue of America if the fiction of decolonization is to happen and the hoped-for deconstruction of the colonial story is to come about. (Cook-Lynn 2007: 204)

Cook-Lynn here refers at least in part to the invasive military intent of Custer’s 7th Cavalry that confronted and then lost to Cheyenne and Lakota warriors at the Battle of the Little Bighorn in 1876, went on to massacre Big Foot’s band at Wounded Knee in 1890, then led US military engagements through Vietnam, and most recently helped secure the March 20, 2003 invasion of Iraq. The 3rd Infantry Division–7th Cavalry was one of the first military regiments to reach Baghdad in the initial push into Iraq during spring 2003, and throughout late March and April of that year CNN ran reports from embedded journalists who travelled with them to highlight the shock and awe of US military prowess. The continued presence of the 7th Cavalry, which was constituted in 1866 for the express purpose of fighting Indians (Welch and Stekler 1994: 58), demonstrates the degree to which the United States’ twenty-first-century imperialist–military desires the world over depend upon discourses and policies that were catalyzed in the nineteenth-century campaigns to colonize and ‘domesticate’ external

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1 See Rodgers (2006). His reports often alternated between casting Iraqi peoples as Bedouins shocked by 'camels like they've never seen with 120-millimetre guns sticking out' ('Strike on Iraq' 2003) or Iraqi cowboys who might shoot Apache helicopters out of the sky ('3-7th Calvary' 2003), in echoes of what Slotkin (1992) diagnosed as the frontier mythology of US history and what Kaplan (2002) suggests served as a crucible for US foreign and domestic imperialism.

American Indian nations *within* a United States that consumed a wide swathe of the North American continent.<sup>1</sup>

Drawing upon that historical memory which arises from indigenous lived experiences of colonization and genocide and which links those experiences with globalization and imperialism, critical indigenous theory prioritizes indigenous ontologies to read symptomatically against the colonialist discourses of settler societies. By foregrounding how colonialist discourses justify the legal, political, economic and physical dispossession of American Indian lives, lands and cultures, and by centring indigenous subjectivities and epistemologies through which we might theorize the violences of the United States' 'manifest destiny', scholars interested in developing a conversation among postcolonial, subaltern and transnational indigenous studies might begin by understanding how the United States' global imperialist projects are underwritten by the continued colonization of American Indian, Alaskan Native and Hawaiian lands. It is here, I would suggest, that critical indigenous theory might make some important contributions to subaltern studies and postcolonial theory through a sustained exploration of the incommensurability of the 'internal' for the 564 sovereign Indigenous nations that consolidate under the US umbrella designation as 'Native American'. As Gayatri Spivak argues in *A Critique of Postcolonial Reason*, the work of the colonizer is at some level 'consolidating the Self of Europe by obliging the native to cathect the space of the Other on his home ground' (Spivak 1999: 211). Within the context of indigenous nations in North America, that cathexis of the space of the Other demands at the same time a capitulation to the Self as assimilated possibility, an obligation, in Spivak's words, to 'domesticate the alien [settler] as Master' (211). In other words, according to Spivak, colonialism functions dialectically as a process of 'worlding' which obliges the native to imagine and invest herself counter to her own world (211). As indigenous nations colonized by the US are continually worlded into the more perfect union, the United States – which has only existed as fifty states for just over fifty years – gains hegemonic authority to enact paternalistic policies that seek to protect US 'homelands' by expanding control and markets in an ever-widening net of influence.

For this essay, I am particularly interested in how the idea of 'internal' as modifier to 'colonialism' has emerged as a critical-race and postcolonial-theoretical category through which to engage US systems of disenfranchisement on the North American continent. Taking the Cherokee Nation of Oklahoma's 2007 popular vote to disenfranchise descendents of Cherokee slaves – some who have and some who do not have Cherokee 'blood' – as my occasion to elucidate the dialectics of race and colonialism still at play in the United States, I hope to begin to provide a means through which the radical inclusion of the Cherokee Freedmen in the Cherokee Nation does not have to result in the radical exclusion of the Cherokee Nation from itself.

2 See Wald (1998), Kaplan (2002) and Elmer (2008) for discussions of how included/excluded, foreign/domestic, territorialized/deterritorialized persons, respectively, constituted an epistemic violence at the core of American nationalism. Given that ‘inclusion’ continues to cathect the US’s ‘We the People’, as Wald’s work suggests, I am interested in how the radical exclusion/external that indigenous peoples demand of the US remains the site of restorative justice rather than the US’s proffered racial inclusion/internal, which depends on a colonialist consolidation that sacrifices indigenous peoples to create ‘America’.

3 Rifkin (2005) provocatively demonstrates how subaltern and subalternization provide important insights into how pre-removal Cherokee established elite structures of national governance and citizenship that created fractures between statist and traditional practices of kinship, identity and consent.

The problem is that, as ‘internal colonialism’ continues to circulate as a concept to theorize race in the United States, the distinctions between indigenous political sovereignty recognized by treaties and the individual sovereignty that forms the basis for inclusive personhood within US multicultural democracy collapse as the United States is cathected as master.<sup>2</sup> When colonialism is used to describe indigenous peoples’ experiences of land loss and genocide, often the ‘internal’ is layered as supplement onto such discussions by a US hegemony that asserts the internal within the symbolic order of juridical colonization at the expense of the external ‘real’ for indigenous nations. Interrogating the emergence of and limits to ‘internal colonialism’, which many scholars acknowledge as a not always sufficient analogy for race, may even allow a site of intervention through which scholars might center indigenous experiences of US colonialism as that which exceeds discussions of race. Doing so may help point the way for more robust intersections between postcolonial, subaltern and indigenous worlds.

In many ways, then, one might argue that the idea of ‘internal colonialism’ services the construction of the United States as a multicultural nation that is struggling with the legacies of racism rather than as a colonialist power engaged in territorial expansion since its birth. Seen in this light, American Indians might be apprehended as subaltern if we take Antonio Gramsci’s ‘Some Aspects of the Southern Question’ as one of the theoretical genealogical entry points for subaltern studies, especially given that the theoretical notion of ‘internal colonialism’ stems from that same discussion of North/South divisions *within* a state’s territory. However, the emphasis on the *in* as condition of subalternity presents fundamental problems when applied to understanding American Indian nations *vis-à-vis* the United States precisely because that *in* reifies the United States as the overarching state authority and is always already a colonial spatialization.<sup>3</sup> This transformation of more than five hundred American Indian nations into a single racial minority within the national United States is folded as an *a priori* into postcolonial and racial critiques of what Patrick Wolfe has identified as ‘regimes of difference’ within deep settler societies (Wolfe 2001; Hoxie 2007). This presumed self-evidentiary process of minoritization, of making racial what is international, continues to infect competing understandings of citizenship, identity, inclusion and exclusion with, among and outside the intersections of sovereignty, race, land and labor. The processes by which citizens of American Indian nations become minorities within the United States with no prior claim to nation or territory that exceeds the US’s will, further informs current struggles over citizenship and historical reconciliation within the indigenous nations colonized by the United States and is nowhere more striking than in Indian Territory – what is now Oklahoma – where unresolved histories of removal, slavery, racialization, allotment,

settlement and sovereignty threaten to make internal once and for all that which is external, native space.

As citizens of the Chickasaw, Choctaw, Cherokee, Creek and Seminole Nations – often identified as the ‘Five Civilized Tribes’ – continue to struggle with the legacies of colonialism and racism that also inform their refusals to recognize the status of African-American Freedmen Indians, those Freedmen find themselves triangulated by histories of race, colonialism and slavery and expelled from the very nations they call home.<sup>4</sup> The problem for indigenous nations colonized by the United States and in the face of the continual forced migrations and diasporas arising from US capitalistic and militaristic policies abroad is that the world – its problems, complicities, injustices and oppressions – has been brought to American Indian lands. If, as Cook-Lynn says, we need to make the connections between Iraq and federal Indian relations part of the political dialogue, then I would add that indigenous nations on lands that are now currently part of US-controlled territories need also to address the world in ways that do not replicate the fictions of US multicultural settler democracy and reinscribe the very discourses and policies American Indian nations seek to overcome for themselves.

These incommensurabilities are particularly relevant as they continue to play out over 150 years of struggles among the Southeastern Indian nations to define not only who counts as citizens in those nations but how those nations will continue to assert sovereignty tied to land after the radical breaches of removal and allotment, as well as address their own national complicities with the historical violences of slavery. The most recent development in this long historical struggle emerged in 2007. On 3 March of that year, the Cherokee Nation voted to disenfranchise approximately 2,800 Cherokee Freedmen citizens in violation of the 1866 treaty with the US that gave Freedmen the rights and status as citizens within the Cherokee Nation. That status was in perpetuity and extended not only to the slaves the Cherokee owned, but also to those Freedmen born in the Cherokee Nation as well as any descendents they would have (Warrior 2007). The March 2007 vote amended the Cherokee Constitution to define Cherokee citizenship through the 1906 Dawes rolls that purported to document the blood quantum of Cherokee citizens at the time, and those who can now trace ancestry to it. As a result, the nation expelled from consideration the Freedmen who traced their citizenship through the Freedmen rolls that listed the former slaves living within the nation at the time of enrollment even though, as many scholars have noted, there were a number of Cherokee descendents with black ancestry who because of racism were placed on the Freedmen rolls instead of the Cherokee by blood rolls.<sup>5</sup>

In the months that followed the Cherokee vote in March 2007 and the resultant disenfranchisement of the Freedmen, a number of Congressional leaders and members of the Congressional Black Caucus worked to draw US

4 ‘Freedmen’ in the context of the Cherokee, Choctaw, Chickasaw, Creek and Seminole refers to descendents of African-American and African-Indian slaves owned by citizens of those nations.

5 For more on Freedmen history, see Littlefield (1978, 1980), Sturm (2002) and Miles (2006).

6 On 14 May 2007 the Cherokee Courts issued a temporary order and injunction that reinstated Freedmen's citizenship rights while the courts consider appeals against the 3 March 2007 special election results.

legislative attention to the Cherokee Nation's decision.<sup>6</sup> Melvin Watt, a Democratic representative from North Carolina, proposed an amendment to HR 2786, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007, that provides funding appropriations to support housing assistance for American Indians, Alaskan Natives and Native Hawaiians. Representative Watt's amendment sought to prevent the allocation of funds provided by the Act from being extended to the Cherokee Nation until such time as it complied fully with the Treaty of 1866, and on 14 October 2008 that amendment became law when President Bush signed the Native American Housing Assistance and Self-Determination Reauthorization Act. Title VIII, Section 801 of Public Law 110-411 affirms that 'no funds authorized under this Act, or the amendments made by this Act ... shall be expended for the Cherokee Nation' pending the continuance of the temporary injunction reinstating Freedmen citizenship rights, a restoration of citizenship to the Freedmen, or a settlement of the issue within the Cherokee courts (*Public Law 110-411* 2008; Reynolds 2007a).

In addition, on 21 June 2007, Representative Diane Watson of California's 33rd District introduced legislation in the form of HR 2824 to sever the United States government's relationship with the Cherokee Nation of Oklahoma until they restore full tribal citizenship to the Cherokee Freedmen. Watson's bill sought to stop the \$300 million in funds to support the healthcare, education and housing services the Nation provides, and to subsequently terminate their recognized status as a nation until they comply with the treaty (Reynolds 2007b; Evans 2007). Though Representative Watson's bill did not make it into law in the 110th Congress, she reintroduced the bill as House Resolution 2761 on 8 June 2009 and continues to call for governmental sanctions against the Cherokee, Choctaw, Chickasaw, Creek and Seminole nations (Chavez 2009a, 2009b; Reynolds 2007b).

The Cherokee decision and the resultant US Congressional proposed legislation have created a maelstrom of responses within the US national and American Indian media. Responses both inside and outside Indian Country have ranged from assertions that, while unfortunate, the Cherokee Nation of Oklahoma as a sovereign political entity has the right to define its own citizenship, to outcries in major news outlets that the Cherokees are unreformed neoconfederates who have enacted policies of 'ethnic cleansing' and Jim Crow segregation against the Freedmen (Lee-St. John 2007; Watson 2007). More nuanced opinions emerged within publications such as *Indian Country Today* and *News From Indian Country* when Eric Cheyfitz and Robert Warrior weighed in on the decision and the US Congressional response. Warrior (2007) explains how the Cherokee have 'fle[d] the moral high ground' when he writes, 'morality, however, has been the missing topic in the wrangling thus far, and I would argue is the basis for why it is important for everyone, especially American Indian people who have been

silent thus far, to support efforts like those of Representative Watt.' Warrior continues: 'The moral case against the Cherokee is straightforward. As a duly constituted nation in the nineteenth century, they legally embraced and promoted African slavery, a position they maintained after Removal to Indian Territory in the 1830s.' For Cheyfitz (2007), the Cherokee Nation's decision 'is a moral and legal issue that concerns us all'. And both morally and legally the issue is quite clear in that the Cherokee stand in violation of their own rule of law and ethics. However, Cheyfitz points out, the irony of the United States Congressional legislation is that the relationship between the federal government and the Cherokee Nation is a colonial one. 'One can only understand [HR 2824], then, if one understands that the history driving it is not only the violent and troubled history of race in the United States but also the violent and troubled history of the struggle for sovereignty of colonized Indian nations with the colonizer' (Cheyfitz 2007).

The censuring of the Cherokee Nation of Oklahoma for its historical and continual racist complicities with the legacies of slavery coincided with the centenary celebration of the creation of the state of Oklahoma in 1907 that also marks one of the most disastrous federal Indian policies in the history of disastrous policies. The 1887 Dawes General Allotment Act, followed by the 1898 Curtis Act, broke up the collective land holdings of the nations in Indian Territory and allotted lands to individuals in an attempt to transform the citizens of those nations into farmers within the United States. In the nineteenth century, the Freedmen's struggle for rights within those nations collided with those nations' struggles against colonialism, now in the form of allotment and termination that would lead to incorporation into the internal United States. What ultimately emerges is a competition between racist ideologies of exclusion that deny Southeastern Freedmen within the 'Five Civilized Tribes' and colonialist hegemonies of inclusion to the US that seek to deny utterly those nations' inherent rights to sovereignty and land. Part of the problem is that, caught within the incommensurable binds of colonialism/racism, indigenous/minority, and external/internal, the calls for sovereignty by the Cherokee Nation of Oklahoma are heard by the colonizing nation and its citizens as the mimesis of white Southern demands for states' rights that immorally justified Jim Crow segregationist policies. Meanwhile, Democratic House members of Congress are heard by the colonized Cherokee Nation as the ventriloquism of US colonial policies that led to termination and assimilation when they frame the Cherokee Nation and Freedmen within the teleology of racial struggle within the United States. In a letter to US Attorney General Eric Holder, House members of Congress wrote in May 2009: 'Over forty years after the enactment of the landmark Civil Rights and Voting Rights Acts, there is a place in the United States that African Americans cannot vote or receive federal benefits as a matter of law' (Watson et al. 2009). There are in fact over 564 places in the



United States where African Americans, Euro-Americans, Asian Americans, Latino/as and citizens of 563 indigenous nations cannot vote as a matter of law, and those are the indigenous nations in which they are not citizens. But that is not what they mean. The problem is that these perceived mimeses and ventriloquisms foreclose the radical alterity of ‘Indianness’ as site of identity and sovereignty for the Freedmen, who become African American, and for the ‘Five Civilized Tribes’ of Oklahoma who become ‘the United States’.

### **North–South Divides: Definitions and Origins of ‘Internal Colonialism’**

Following Cheyfitz’s observation that the histories of race and colonialism collide within the US federal response to the Cherokees’ vote, it seems important to examine the discourses within conceptual models of ‘internal colonialism’ that maintain a racialized multiculturalism at the heart of US liberal democracy. Gayatri Spivak provides us with a methodological starting point when she calls for us to ‘learn to distinguish between “internal colonization” – the patterns of exploitation and domination of disenfranchised groups within a metropolitan country like the United States or Britain – and the colonization of other spaces, of which Robinson Crusoe’s island is a “pure” example’ (Spivak 1999: 172). But she leaves open the question of whether American Indians, who are currently circumscribed by the boundaries of the United States, are located within the metropole, or whether they constitute the ‘pure’ colonization of other spaces. Spivak’s methodological concern as it is phrased presents us with the originary double bind that has heretofore silenced American Indian histories, presences and lived conditions in subaltern and postcolonial studies. Particularly when we consider that Robinson Crusoe’s island is imaginatively situated in the Americas off the coast of what is now Brazil, this unanswered question becomes especially frustrating for an American Indian scholar committed to understanding the colonial discourses that postcolonial studies interrogates.

Most of the current scholarship defining internal colonialism within the United States begins by tracing the origins of the term as it was defined first by Marxism and then transformed through civil rights activism. Standard delineations of the concept’s origins assert that it is a term used first in late nineteenth-century and early twentieth-century Europe and appeared in writings by Vladimir Ilyich Lenin and Antonio Gramsci. Their use of ‘internal colonialism’ articulated the systemic economic and political inequalities that emerged within a state and was used to extract resources from the margins/peripheries/souths to the center/core/norths of a single polity. According to Michael Hechter, Lenin first evokes the concept, though not the actual phrase, in *The Development of Capitalism in Russia* (1899) as

a means to investigate economic disparities that emerge between regions and affect nationalisms among different classes within a nation (Hechter 1999: 8). With the attribution to Gramsci, most scholars look to his 'Some Aspects of the Southern Question', where the concept of internal colonies informs how the Northern bourgeoisie has reduced the Southern Italian proletariat to 'exploitable colonies' (Gramsci 1998). He uses the concept to spatialize the ways in which the North continued to draw resources and wealth from the South to maintain control by limiting access to power. His analysis of economic exploitation between regions has shaped current debates in subaltern studies and arguments that shift the First World–Third World divide to a global North–South paradigm of exploitation, capital and imperialism. In the United States, the echoes of the global North–South divide are reiterated through the lingering regionalism of the Civil War that continues to underscore current discourses of racism as well as frame US dominant culture's attempts to grapple with and disavow the legacies of slavery, segregation and Jim Crow abject racism. And in many ways, this doubly inflected North–South might help inform how the 'Five Civilized Nations', whose original lands in what is now Tennessee, Mississippi, North Carolina and Georgia were stolen to create the US regional South, are disavowed in relation to their historic land claims and reframed in relation to their own attempts to reconcile their participation in and maintenance of slavery up to and after removal in the late 1830s, in what is their triply inflected North–South divides (cf. Kaplan 2002).

Perhaps the most extended engagement with the concept of internal colonization emerged in Michael Hechter's (1999) book. While the work looks primarily at how the Irish, Scottish and Welsh continue to assert oppositional ethnic identities to British nationalism, his work has also been influential for scholars in critical race and postcolonial studies in North America. Hechter defines the model of internal colonialism as a process through which the national development of a state's economic power progresses unevenly and disparately, with the centre dominating the periphery and the periphery remaining within a condition of economic dependency. 'The spatially uneven wave of modernization over state territory', Hechter writes, 'creates relatively advanced and less advanced groups' (Hechter 1999: 9). According to Hechter, it is through this process of consolidating the stratification and institutionalization of modernization and technology that ethnic and cultural markers begin to emerge to define those with power and those without, those with access to institutions and those without. Part of what has made internal colonialism appealing as a model to describe the economic and political inequities that develop within a state is that it is largely a spatial model that stretches not only to incorporate uneven access to resources, markets and exchanges, but also accounts for emergent

and sustained cultural and ethnic identity markers to stand as signs of economic oppressions.

While Hechter is primarily interested in defining internal colonialism within the Western European context as a means to analogize England's domination of Ireland, Scotland and Wales, the subtext of some of the sources he works with suggests a clear connection with overseas projects of colonialism that shaped European nation-states through the seventeenth, eighteenth and nineteenth centuries. It is important here to notice that the metaphors Hechter uses to explain the process of industrialization and modernization in Europe rely upon US notions of what Perry Miller (1956) has described as an errand into the wilderness. 'The internal campaigns were not in any sense', Hechter assures us, 'coincidental to overseas colonization' (Hechter 1999: 2). Drawing upon Fernand Braudel's discussion of the Mediterranean struggle against the wilderness in which he observes 'the Mediterranean found its new world, its own Americas in the plains', Hechter refers to the internal process of colonialism in Europe as 'a quest for "internal Americas"' (32). This parallax of a sort (Žižek 2006) within the scholarship engaging the processes through which the economic periphery is oppressed politically and culturally ties 'internal colonialism' to the quest for new worlds and frontiers, or in Hechter's terms, the internal peripheral hinterlands that make up the endogenous colonies within a nation-state who lack sovereignty to affect their own economic development (Hechter 1999: 30–2).

What emerges out of this transit of meaning is a colonialist recursive. And it seems, then, that after Lenin and Gramsci, 'internal colonialism' as a concept was an also—and that mapped the imperial European projects of colonialism in the Americas back into Europe itself, creating 'internal Americas' out of the very hinterlands that provided Europe with the means to colonize the Americas in the first place. It fundamentally acknowledges the colonization of indigenous peoples at the same time that it disavows that colonization by making economic disparities stand in for 'Indians' within the newly analogized frontier mythos of Europe. These nascent links that draw an analogy between 'internal colonialism' as operational model and 'internal Americas' as a European metaphor for regional economic disparities were inspired by the social justice movements of the 1960s and 1970s, including activists such as Malcolm X, Martin Luther King, Jr., Ché Guevara and Stokely Carmichael (Hechter 1999; Blauner 1969; Thomas 1969; King 2007; Saldaña-Portillo 2003; Guitierrez 2004). And it is here that a second recursion begins to emerge and gives shape to the racialized discourses that, as I will argue below, inflect US national debates over the Cherokee Nation's decision to disenfranchise the Cherokee Freedmen. For Hechter, understanding the lasting ethnic identities embedded within Irish, Scottish and Welsh articulations of national struggle within the larger frame of

British national (colonialist) development stemmed from his own observations of the growing debate surrounding nationalism or assimilationism as modes of resistance within the political mobilization of ethnic groups, particularly African Americans, within the United States. While most scholars at the time Hechter wrote his text might have expected discourses of inclusion and access to emerge as a primary mode of resistance, what came to the fore were Black, Chicano and American Indian nationalist movements. The radicalism of the late 1960s certainly shapes his analysis and he acknowledges that much of his insight on British nationalism comes from observing how ethnic groups in the US defined 'their situation as that of an "internal colony"' (Hechter 1999: xxviii).

This idea that racial minorities are internally colonized by the United States is further elaborated by sociologist Robert Blauner, who argues that the US white-black relationship is an exceptional form of internal colonization. Distinguishing it from 'classical colonialism', Blauner asserts that white colonization of blacks in urban centres functions as a process of racism-as-internal-colonialism that retains features of the classic form centring on land, natural resources and sovereignty. Because both forms, according to Blauner, 'developed out of a similar balance of technological, cultural and power relations, a common *process* of social oppression characterized the racial patterns in the two contexts – despite the variation in political and social structure' (Blauner 1969: 396). Though Blauner briefly acknowledges that American Indians occupied the land and fall more fully under the categorization of classic colonialism, he is more concerned with delineating a kind of exceptionalism that might be used to address the processes of political, social and economic exploitation that continue to persist due to white racism and disrupt the possible avenues for African Americans to gain access to power within the United States. Internal colonialism then, in the US context, refers primarily and originally to African-American oppression that then over the course of time serves to erase indigenous peoples altogether as it is assumed to account for the indigenous within the racial paradigms it critiques.

Building off ideas that African Americans are internally colonized within the United States, but eschewing land as the sign of difference between classic and internal colonialism, bell hooks (1994) writes that 'Even though African Americans in the United States had no country, whites took over and colonized; as a structure of domination that is defined as ownership of a people by another, colonialism aptly describes the process by which blacks were and continue to be subordinated by white supremacy' (109). By identifying slavery as the original sin and site of the United States' colonialist project, hooks is able to foreground how racism continues to perpetuate the economic, social and political oppressions African Americans face every day

within the US, but in the process she perpetuates the colonialist narratives that deny that the land ever belonged to anyone prior to the United States.

Over the last thirty years, theories of internal colonialism shifted from locating it first as an analysis of the economic processes that necessitated the maintenance of ethnic difference, to a primarily racialized analysis of how economic, social and political inequalities came to be naturalized. To come at this another way, ‘internal colonialism’ was initially operationalized in Europe to describe the economic disparities that serve to make ethnic identities within a nation-state matter. Within US critical race studies, ‘internal colonialism’ describes how racial and ethnic identities create economic and political disparities and in the process racism becomes homologous to US colonialism in North America. It is this shift that allows hooks to write:

Just as many white Americans deny both the prevalence of racism in the United States and the role they play in perpetuating and maintaining white supremacy, non-white, non-black groups, Native, Asian, Hispanic Americans, all deny their investment in anti-black sentiment even as they consistently seek to distance themselves from blackness so that they will not be seen as residing at the bottom of this society’s totem pole, in the category reserved for the most despised group. (hooks 1995: 199)

‘Native’ here is grouped with ‘Asian’ and ‘Hispanic’ Americans and through the enjambment are made newcomers in hooks’ racial paradigms that create a white–black binary in the US. As Aileen Moreton-Robinson has shown in her critique of whiteness studies:

Blackness becomes an epistemological possession ... which forecloses the possibility that the dispossession of Native Americans was tied to migration and the establishment of slavery driven by the logics of capital ... Thus the question of how anyone came to be white or black in the United States of America is inextricably tied to the dispossession of the original owners and the assumption of white possession. (Moreton-Robinson 2008: 84)

Ironically, hooks’ framings of white–black paradigms refract a similar foreclosure with regards to indigenous dispossession. But certainly, in the case of the Southeastern Indian nations and their continued disenfranchisement and oppression of Freedmen, those indigenous nations have denied their investment in the logics of capital underscoring slavery and in anti-black racism. Often, this denial evolves out of fears that blackness will somehow undermine claims of sovereignty and authenticity and will allow further US encroachments on land, culture and identity. However, indigenous dispossession is foreclosed for hooks, given that her metaphor for

understanding the hierarchies of oppression in the US is projected on top of a stereotypical reference to 'totem pole', which in indigenous worlds is neither hierarchical nor oppressive. It is this turn that finally allows hooks to reposition African-American bodies as the foundational site of colonization rather than American Indian lands.

The justification for framing the colonization of American Indians as internal, despite the problems that emerge, might have been that it resists the United Nations' definitions of colonialism that depend upon the 'blue water' or salt-water thesis which states that the colony must be separated from the colonizing country by water or non-contiguous territory.<sup>7</sup> In the United States, where the dominant society and much of dominant academia disavow that American Indians faced any colonialism, internal or otherwise, the use of 'internal' has often allowed indigenous scholars a means to analyse the ongoing logics of colonialism still functioning for the US. The 'internal', however, reifies colonized indigenous peoples as 'minorities within' countries such as New Zealand, Canada, Australia and the United States, and 'not ... as separate "peoples" with their own right of self-determination, even if they have been subject to similar processes of territorial conquest and colonization as overseas colonies' (Kymlicka 2001: 123). And given that the colonization of American Indians has, particularly within postcolonial theoretical models, been glossed or ignored in what Anne McClintock has framed as 'historical amnesia' (1994: 294), understanding the ongoing processes of colonialism that continue to affect American Indians and other indigenous peoples in breakaway settler societies has been useful in driving the point home that the 'post-' has not yet arrived.

It is then, with some amount of that historical amnesia yet with an awareness of the problems inherent within Hechter, Blauner, hooks and others who have tried to frame race as colonialism in the US, that Jenny Sharpe reminds us in her essay, 'Is the United States Postcolonial?', that '*internal colonialism* is only an analogy for describing the economic marginalization of racial minorities' (2000: 106). However, she herself reintroduces the same problems of those scholars she critiques, as she collapses 'Native Americans' into a list of racial minorities that now include voluntary and involuntary migrants to the United States. The 'postcolonial', if it can diagnose the United States at all, according to Sharpe, does so only uneasily and inadequately because the 'colonial' is an inaccurate metaphor to describe the internal workings of the US. Rather, 'postcolonial', for Sharpe, must transform to 'be theorized as the point at which internal social relations intersect with global capital and the international division of labor. In other words, I want us to define the "after" to colonialism as the neocolonial relations into which the United States entered with decolonized nations' (106). Nativism, along with the notion that ethnic minorities constitute a 'nation of nations', is a growing concern for Sharpe, as she argues that

7 According to Cornstassel (2008), the salt-water thesis, implemented by UN General Assembly resolution 1514 (1960), 'stipulat[ed] that only territories separated by water or that were geographically separate from the colonizing power could invoke self-determination' (108).

‘the nation of nations paradigm blurs the distinction between a racial identity formed in opposition to the idea of the United States as a nation of immigrants and an ethnic identity formed around the idea of the United States as a nation of unmeltable immigrants’ (111). The incommensurability of the internal for American Indians resides now in an irresolvable dialectic of indigeneity that always already evokes anti-immigrant nativism whenever indigenous rights to sovereign nations are asserted. Moreover, the only ‘after to colonialism’ that Sharpe provides is not the decolonization of indigenous nations that made the United States possible in the first place and that Cook-Lynn defines as the hoped-for deconstruction of colonialist stories, but the United States’ neocolonial relationship with already decolonized nations in the global South.

Since the creation of the United States as a political entity, American Indians have existed in a space of liminality where what was external was repeatedly and violently reimagined and remade as internal in order to disavow the ongoing colonization of indigenous peoples that is necessary for the United States to exist. Kevin Bruyneel brings postcolonial theory into conversation with critical indigenous theory to argue that colonialism in the United States and indigenous struggles against it produce a ‘third space of sovereignty’ that resides in the borders neither inside nor outside the US (Bruyneel 2007: xvii). Though Bruyneel locates the postcolonial ‘third space’ spatially and temporally in the United States after the Civil War, the legal processes through which this liminality is enacted are tied directly to the removal of the Cherokees from the South. In the 1831 ruling on the legality of the Indian Removal Act, Chief Justice John Marshall opined that American Indians constituted ‘domestic dependent nations’ and through that ruling transformed the foreign sovereign status of Native nations that the US had previously recognized into the internal domestic within the United States (*Cherokee Nation v. Georgia* 1831). In 1832 Marshall reiterated the external as he affirmed that tribes maintained the sovereign right to protect their homelands from intrusions (Wilkins and Lomawaima 2001: 61).

These tensions, vacillations and slippages within the law continue to haunt federal legislation and court rulings, and yet within dominant cultural imaginings the borders between the United States and Native nations are endlessly transgressable to the point that Native peoples no longer exist as political entities at all. Transforming American Indians into a minority within a country of minorities is the *fait accompli* of the colonial project that disappears sovereignty, land rights and self-governance as American Indians are finally, if not quite fully, assimilated *into* the United States. As a theoretical concept within critical race and postcolonial theories, ‘internal colonialism’ continually stretches from the United States to Europe and back again, fulfilling in the transit the need for ‘internal Americas’ and frontiers.

It creates the conditions for the 'internal' to emerge as a modifier to colonization in the first place and then provides the discursive means through which 'internal colonialism' becomes an analogy for race and class differentials within a nation-state. As a result, 'internal colonialism' becomes an empty referent that can be claimed by any marginalized group; to use it to describe the historical and spatial positionality of American Indian nations is a colonial violence that undermines sovereignty and self-determination.

### **Going to the Territory: Multiculturalism versus Sovereignty, Round 150 Years**

The process through which the borders of the US become ineluctable or natural is the same process through which American Indians become invisibilized and minoritized within the United States. And this might, in part, be understood as a process of colonialist expansion founded upon legal ideologies that continually oscillate between recognizing and disavowing the presence of the Native Other internal and external to the imperial project. As Ann Laura Stoler argues, the politics of comparison in which the commonalities 'particular (racialized) entities ... were *made* to share and that made such comparisons pertinent and possible' (2006: 56) also risk flattening out historical specificities. One might argue that the incommensurability of the internal stems in part from the concept of 'Native Nation', which directly contradicts nationalist ideals of justice, democracy and civilization that are foundational to the ideals the United States currently has of itself. Through this assimilationist mode of 'made to share', US slavery, as a colonial institution that stripped the bodies of Africans away from themselves to facilitate European and US colonization of the 'New World', becomes commensurable with the loss of lands that stripped Native nations away from the peoples who had lived upon those lands for tens of thousands of years, and in turn casts both as equally internal to the United States. Neither balances each other nor can they account fully for the historical violences embedded within the Cherokees' institution of slavery within their own colonized nation and the Cherokees' 2007 decision to disenfranchise the Freedmen and refusal to recognize their own agency and responsibility in perpetuating racist ideologies.

The incommensurabilities of the internal stem in part, too, from the competitions embedded within the politics of comparison that Stoler cautions against. bell hook's metaphor of 'totem pole' to rank hierarchical oppressions performs a spatial reorganization that accounts for how the Cherokee have benefited from and perpetuated racism against African Americans. However, the analogy breaks down because, by figuring black oppression as foundational, it cannot address colonialist gestures within the



paradigmatic ‘Indianness’ upon which it relies. The difficulty in the case of the Cherokee Freedmen is that within these hierarchical models of racial and colonialist imaginings, and like hooks’ totem pole, the myths of multiculturalism and racial inclusion deconstruct in the face of the material body of the Cherokee Freedmen, who historically carry the supplemental traces of Indian and slave and who then slip between the two, depending upon the agenda of the colonizing and racializing discourses that the Freedmen’s presence confronts. Such analogies leave the Southeastern Freedmen with nowhere to stand, with no claim, and with no recognition.

Because the Cherokee Nation is in violation of the US national imaginary of its own racial inclusions and multiculturalism as well as the 1866 treaty, and because their principal chief has argued in essence their sovereign right to make immoral decisions, Congress has responded by threatening to cease all federal recognition of the tribe in what is, in effect, termination of their status under federal law. Included within HR 2761 pending in the 111th Congress is a further provision that, if passed, will allow the US to initiate six months later a similar process with the Chickasaw, Choctaw, Creek and Seminole, each of whom have very different colonial histories and treaties addressing the Freedmen question. Discursively, the legislation Watson has proposed delineates a one-size-fits-all response to the Southeastern nations and conceptually denies their distinct national and cultural sovereignties from the start, collapsing all five nations into the treaty the Cherokee negotiated in 1866, and then into the United States itself. At the same time, the issue is framed as one over which all Americans have a say because monies appropriated to provide services to the Cherokees are, according to standard politician rhetoric, ‘taxpayer’s dollars’. The tensions and competitions between racist and colonialist ideologies refracting around the Cherokees’ vote and US Congressional responses have brought the impossibilities of domestic sovereign nations into sharp focus along with all the discourses of race and identity, sovereignty and colonization, civilization and savagery that fuel dominant notions of ‘Indianness’, which have haunted Native and African Native peoples for centuries.

Further, the questions that continue to surround the Cherokee Nation’s decision to define identity through citizenship based on certain rolls and not others underscore the competing understandings of how Native identity is articulated. When the Cherokee Nation argues that ‘you have to be Indian to be Indian’,<sup>8</sup> embedded within that is an essentialism that runs counter to prevailing US understandings of self and race. Does an Indian ancestor, whether or not that person can be documented within the historical record, constitute a valid claim to a tribal identity? How are kinship and relation traditionally understood within tribal ontologies? And are they shaped in any way by the colonial imposition of the Dawes rolls that transformed community identity into an individualistic self traced through a paper trail?

8 This is one of the memes that have been circulating as the Cherokee Nation and its spokespeople respond to the media and questions regarding their March 2007 vote.

Alternatively, does having African-American ancestry invalidate any other claims to what is now, at its core, an indigenous identity defined as citizenship within the Cherokee Nation?

The ways in which the US colonial, national and racial imaginary has framed this issue are further elucidated by Representative Diane Watson who, when asked during an interview on NPR why she, as a Californian Congresswoman, has any interest or right to intervene in the Cherokee Nation of Oklahoma's political decisions, responded: 'Because I have Indian blood. We're descendents of Pocahontas. Not the Pocahontas that's part of the Cherokees, but since we have Indian blood, it could happen among our nation as well' (Cox 2007). One could read this moment as an example of 'playing Indian' that has been detailed by scholars such as Deloria (1998) and Huhndorf (2001), where being 'Indian' is part of a core process through which US non-native national identities form. But a fear that 'it could happen among our nation as well' seems to complicate such an interpretation. Though one assumes she is referring here to Pocahontas' nation – the Powhatan – to whom she traces her Indian blood, her delineation of a nation refers instead back to 'the Pocahontas' that is not 'part of the Cherokees'. The Pocahontas in the Cherokee Nation to whom she refers could possibly be interpreted as a reference to the Indian Women's Cherokee Pocahontas Club, but that would not constitute an indigenous identity, nor would it provide a historical person through whom one might trace ancestry within the Cherokee Nation.

While Representative Watson's ellipsis is telling in that it reveals a claim to Indian blood based on an incomplete story that then provides an explanation for her Congressional activism on the part of Cherokee Freedmen, more interesting and significant, I think, is her slippage at the end when she refers to 'our nation'. Given the context of her answer, it seems she is expressing concern about the possibility of African-American disenfranchisement from the nation to which Pocahontas belonged. However, the turn to 'our nation' also resonates with her role as an elected US Representative and member of the Congressional Black Caucus who is committed to passing socially just legislation within the United States. Such an elision in the ways she articulates what is at stake for her might be read as an implicit acknowledgement that such disenfranchisement, which has already happened in her nation – the US – during the 2000 and 2004 presidential election cycles, has yet to be confronted and dealt with morally or legally. In many ways, the call for sanctions against the Cherokee Nation might be said to function additionally as a call for social justice in the face of the same disenfranchisement that occurs within the US liberal multicultural state.

The controversy around the Cherokee Nation's decision to disenfranchise Freedmen who were citizens is framed as a moral issue for the United States to address precisely because it adheres to the constitutive hegemonic illusion

of the US myth of multicultural inclusion in which Freedmen, within the logics of the incommensurable internal, are first African American and then Indian. In its projection of itself as civilized and civilizing, the United States propagates the fiction that the US has already resolved these issues by sanctioning the Cherokees for their racism and participation in slavery. In the process, the Cherokee Nation, once civilized and now slaveholding, is rewritten back into the discourses of savagery as Congress chastises them for violating the rule of law, even though in the summer of 2007 the Cherokee Court issued an injunction against the Cherokee Nation, temporarily halting the disenfranchisement of the Freedmen as it considers the constitutionality of the vote. The sense of Cherokee lawlessness must at some level be redressed in order to redeem the larger colonizing US. Meanwhile, the Cherokee who voted to disenfranchise the Freedmen are in the process of mirroring the colonial racisms embedded within discourses of multiculturalism as a means to deny their own immoral and racist disenfranchisement of a group of people because they are descendents of their forebears' slaves. They justify their own North–South divisions within their nation through a cathexis of US rhetorics of multicultural inclusion:

The Cherokee Nation is a great Indian nation that embraces our mixed-race heritage. We are proud of our thousands of citizens who share African-American, Latino, Asian, Caucasian and other ancestry. Our sole purpose is to weave together a great Indian nation, made up of many ethnic groups which are knit together through one common cultural thread – a shared bond to an Indian ancestor on the base roll. (Cherokee Nation 2009)

In their attempts to weave a thread of diversity to knit a defence of the indefensible, repeating the 'great Indian nation' twice and echoing US evocations of patriotic 'founding documents', the Cherokee here deploy this lofty language only to uphold as a cultural thread 'the base roll' that was used to dispossess Cherokee of their lands during the allotment period and create the 'by blood' racial category in the first place.

The racial and colonial discourses arising from the Cherokee Freedmen issue reveal some of the incommensurabilities embedded within the concept of US 'internal colonialism' because the Freedmen themselves represent impossible 'internals' within the United States and Cherokee Nation. As Diane Watson's proposed legislation demonstrates, the fact that the Cherokee Freedmen are black and descendents of slaves places them firmly within the tautology of American progress towards racial equality and therefore constructs them as first and foremost citizens of the United States. Their radical alterity stems from the fact that they seek citizenship within a sovereign, though colonized, nation that has turned them into refugees to their own histories and identities. Such multicultural posturings cannot hold

up to the question of how Indian identity is constituted culturally or juridically, nor can those postures ever enact justice within a system through which the ongoing colonization of North America depends upon all the inhabitants on the continent cathecting the United States as home.

### Away to a World Unknown

9 For more information about Charley Patton, see D. Evans (1987). For a discussion of blues songs that engage the idea of 'the Nation' and Indian Territory, see Smith (2007).

The title of this essay is taken from Charley Patton's 1929 song, 'Down the Dirt Road Blues', in which he sings about the liminality of his own African, Mississippi Choctaw, and white ancestry.<sup>9</sup> With lyrics such as 'I'm going away to a world unknown', 'I've been to the Nation, mmm Lord, but I couldn't stay there', 'Some people say them overseas blues ain't bad' and 'Every day seem like murder here', the song is structured around stanzas about the impossible triple binds of his own history. The song testifies to his inability to be at home in this world, be it the 'Nation' or Indian Territory, living overseas or surviving the murder that is the Mississippi Delta. While the song engages the incommensurabilities of identity, place and belonging for an African American whose identity triangulates internally and externally to the United States, Europe and indigenous nations, a subtler subtext plays out within the song and the ways it attempts to resolve some possibility of finding community through musical structure and the call and response that arise out of the confluence between slaves and Choctaws within the Mississippi Delta where he was born. Tuscarora artist Pura Fé sings back to Charley Patton and other African Indian blues musicians in her song 'Going Home/Stomp Dance'. Reclaiming Patton as a Choctaw blues musician, she attempts to sing him home by linking Southern Indian stomp dance music with the other musical influences that gave birth to the blues. The syncretic exchanges that arise from the interpellations of racial and colonial identities within the United States provide both Patton and Pura Fé a vibrant soundscape through which to reimagine community that transcends the current limitations of a landscape mapped and owned through colonization. While Patton's search for identity and belonging never reaches resolution in the song, he initiates a journey to a world unknown in the hopes that it might someday be.

Though the Cherokee Nation and its Principal Chief Chad Smith argue that Freedmen citizenship is a matter of sovereignty and a matter for the Cherokees to handle themselves through their own legislative and juridical systems of governance, the Nation could equally resolve the issue through a radical act of sovereignty that restores the Freedmen to full citizenship status immediately. As Robert Warrior (2007) rejoins, 'Chad Smith could save us all the trouble by following some of the best examples of Cherokee history rather than the morally corrupting and exclusionary ones he and his

supporters have chosen thus far'. Instead, on 3 February 2009, the Cherokee Nation filed a lawsuit in the US federal court in Tulsa, listing several Freedmen, Secretary of the Interior Ken Salazar, and the Department of the Interior as defendants and asking the courts to rule that the Five Tribes Act of 1906 amended the 1866 Treaty to strip 'non-Indian' Freedmen of their rights to citizenship. In a statement about the case, Chad Smith said, 'The Cherokee Nation [is] keeping its word, and letting the federal courts have a clear path to reaching a decision on the merits without compromising the nation's sovereign immunity' (qtd. in Adcock 2009). On 14 January 2011, a Cherokee Nation district court judge overruled the 2007 vote and reaffirmed that the Treaty of 1866 granted full citizenship rights to Freedmen and their descendants. As of this writing, the federal cases are still pending, and an attorney for the Cherokee Nation has indicated that they are considering an appeal to the Cherokee Nation's district court decision (Off 2011). The inclusion of the Freedmen in the five Southeastern nations, however, does not need to be framed as an issue of competition over scarce resources, an attack on our sovereignty, or a reenactment of the removal from traditional homelands that casts Freedmen as intruders threatening the rights and lands of traditional peoples. Rather, it is a unique opportunity for the colonized Southeastern Indian nations to enact the kinship sovereignties that have for so long been part of our governance structures in order to form the kind of relations that will not only reconcile the violences of the past but move us towards a decolonial future where we can finally go to the Nation and know that we can stay.

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