

The Columbia
Guide to

American Indian
Literatures of the
United States
Since 1945

Eric Cheyfitz, Editor

*The Columbia Guide to American
Indian Literatures of the United States
Since 1945*

Edited by Eric Cheyfitz



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Editor's Introduction

The rules of legal culture rule out tribal stories and abolish chance in favor of causative binaries.

—Gerald Vizenor, *The Heirs of Columbus*

European settlers built the post-1492 Americas on stolen Indian land with stolen African and Indian labor. The very European name “Americas” marks the moment of the beginning of this institutional theft. The United States is no exception. Where the Spanish invaded and settled in North America, stolen Native land and labor were part and parcel of the same violent movement to dominate Native territory and labor through a system of *encomiendas* and *repartimiento* (Weber 124–26; citations in this introduction can be found in “Works Cited” at the end of part I).¹ The Catholic Church joined the state in playing a significant role in this violence. The Pueblo Revolt of 1680 was a rebellion against this system, which also included the suppression of Native spiritual practices by the Church. After the Spanish reconquest of the Pueblos between 1692 and 1696, the Indians found ways to create spaces for these practices under a somewhat chastened Spanish regime, which also began issuing grants to the Pueblos for their lands, thus recognizing them as communal freeholders. In their quest for colonial domination, the British and subsequently the United States never accorded such recognition to Indian communities.

The patterns of exploitation in the British Americas and particularly in what would become the United States and Canada varied from the Spanish design. In the United States, the focus of this volume, control ranged from the antebellum period plantation system in the South, worked largely by the slave labor of Africans, to the smaller freehold farms of the Northeast and the Ohio Valley. But whatever the form of labor needed to work the land, farm, or factory, invading European settlers, with the implicit and explicit—that is, *legal*—support of the federal government, stole the land itself from hundreds of Indian communities (tribes or nations): Wampanoag, Narragansett, Pequot, Micmac, Passamaquoddy, Nipmuc, Mahican, Mohican, Anishinaabe (Ojibway, or Chippewa), Cayuga, Seneca, Onondaga, Oneida, Tuscarora, Mohawk, Seminole, Cherokee, Chickasaw, Creek, Choctaw, Piankeshaw, and Potawatomi, to list only a few in order to suggest the legibility of all. The invasion and theft of land, and the genocide that accompanied it (see Thornton), extended into the trans-Mississippi West after the signing of the Treaty of Guadalupe Hidalgo in 1848—the result of the U.S. imperial war with Mexico—and intensified after the Civil War. In the western as in the eastern arena, with civilian pressure for land supplying the impetus, the military waged a series of pre-emptive wars, marked by the use of terrorism against noncombatant Indian populations (women, children, and the elderly). As the historian Richard Drinnon has argued, U.S. imperialism did not begin in Vietnam (and certainly not in Iraq), but has its roots in the Puritan wars against the Indians and the Anglo-American policy of wars of dis-

possession that developed from the first colonial settlements. Acoma poet Simon J. Ortiz rehearses this history and its repression with a powerful reticence in his long poem *From Sand Creek*, memorializing the slaughter on November 29, 1864 of "105 women and children and 28 men" (n.p.) by the Colorado Volunteers of Colonel John Chivington:

In 1969
XXXX Coloradans
were killed in Vietnam.

In 1978
XXXX Coloradans
were killed on the highways.

In 1864
there were no Indians killed.

Remember My Lai.

In fifty years,
nobody knew
what happened.

It wasn't only the Senators.

Remember Sand Creek. (15)

As in the East and South, Native armed resistance was strong in the West. From the 1850s until the massacre of Sioux at Wounded Knee in 1890, the U.S. military fought a series of wars and implemented or condoned massacres of southwestern, northwestern, California, and Plains tribes: Navajo, Apache, Modoc, Miwok, Comanche, Kiowa, Cheyenne, Sioux, Nez Perce, Crow, Assiniboine, Blackfeet, and Paiute, again, to name a few in order to suggest a multitude. But ultimately armed Native resistance, largely decentralized except for temporary pantribal organizations, was overcome by the invading forces of the nation-state. Demographics certainly played a part. From 1492 onward, Native populations in the Americas decreased radically while European populations increased at the same or greater rates. From a Native population in what would become the continental United States estimated by the Cherokee demographer Russell Thornton at between four and five million at the time of the Columbian invasion, there remained 250,000 to 300,000 Indians by the end of the nineteenth century due to war, cultural attrition, and disease. While there was an inoculation for smallpox, first used in Boston in 1721, the English, who used smallpox-infected blankets as weapons of biological warfare against the Indians, did not make the controversial cure available to stricken Native communities; and vaccination, developed at the end of the eighteenth century, was not made available to them in the United States until the end of the nineteenth (Thornton 78, 82). The increasing efficiency (deadliness) of Western military technology also hastened Native armed defeat, particularly when coupled with the discrepancy in numbers.

The organization of Native society in decentralized extended kinship communities, governed through a system of egalitarian consensus, worked against focused armed resistance, even as it worked for social and natural balance in everyday life, in ways that the West has

failed to grasp as it sinks deeper into environmental and social crises. Also, there were hundreds of tribes, culturally diverse, speaking hundreds of different languages, making transtribal organization difficult at best. Nevertheless, from the late seventeenth-century Pueblo Revolt, to the simultaneous Wampanoag/Narragansett resistance to the Puritan military, to maroon resistance (the joining of escaped African slaves with Native communities), to the Iroquois confederacy, to the rebellions of Pontiac and Tecumseh in the mid-eighteenth and early nineteenth centuries, to the Sioux/Cheyenne resistance against the U.S. military in the 1860s and 1870s, Indian communities managed alliances with one another in order to deal with imperial invaders both militarily and diplomatically. Although, for the most part, armed warfare between Indian nations and the United States ceased after the Seventh Cavalry massacre of Big Foot's band of Lakota Sioux at Wounded Knee in 1890, transtribal alliances in the form of political action groups such as the Congress of American Indians and the American Indian Movement have been an important part of the political landscape in Indian country throughout the twentieth and into the twenty-first century.

What needs to be emphasized about the European invasion and colonization of the Americas is that it began and continues under the name of law. Writing in the 1830s, the era of the forced removal (ethnic cleansing) of eastern tribes to the trans-Mississippi West, Alexis de Tocqueville put it succinctly: "It is impossible to destroy men with more respect for the laws of humanity" (I:355). The engine of this destruction was federal Indian law. And it is federal Indian law that today maintains the colonial structure of Indian country. In *Cherokee Nation v. Georgia* (1831), Chief Justice John Marshall grounded this structure in the Commerce Clause of the Constitution, which gives the Congress the right "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes" (Article I, § VIII, ¶ 3). Some contemporary scholars have pointed to the fact that this one clause in the Constitution is at best shaky ground for justifying the "plenary power" of Congress in Indian affairs, a power that, accumulating over the years through congressional acts and Supreme Court decisions supporting and elaborating those acts, has extended federal control over Indian lands and Indian self-governance.²

Through an essay by Eric Cheyfitz on the intersection of U.S. federal Indian law and U.S. American Indian literatures, followed by a set of genre essays covering fiction (Arnold Krupat and Michael Elliott), poetry (Kimberly Blaaser), drama (Shari Huhndorf), nonfiction (David Murray), and autobiography (Kendall Johnson), the two aims of *The Columbia Guide to American Indian Literatures of the United States Since 1945* are to provide readers familiar with these literatures a specific political context within which to read them, in line with a paradigmatic shift taking place in the field of U.S. American Indian literary studies; and to introduce new readers to these literatures within that context. Cheyfitz defines the shift as one from an ethnographic-formal approach, which characterized the earliest phase of Indian literary studies, from the 1970s until approximately 1990, to a (post)colonial approach, for which the history of U.S. imperialism sketched in the opening paragraphs of this introduction is the ongoing context. As Cheyfitz explains, the "post" in "(post)colonial" is in parentheses because while Indians became citizens of the United States by an act of Congress in 1924, tribally enrolled Indians simultaneously remained citizens of colonized tribes. This dual status is the status quo today. The essays that follow, then, are intended to construct a literary history of U.S. American Indian literatures that understands them as primarily responsive to colonial situations. At the intersection of culture and politics, these are literatures of resistance and liberation.

As a history, the *Columbia Guide* is necessarily a representative rather than a comprehensive project. The contributors to this volume cannot claim to present here all the significant *Native* writing since 1945 (an impossible task in any event, given the rich abundance of this writing); but rather, through the use of examples, to suggest a historical-theoretical framework or frameworks within which to read U.S. American Indian literatures of or related to "Indian country." As Cheyfitz explains in his essay, while all American Indians are Native Americans, not all Native Americans (Native Hawaiians and Alaska Natives, to be specific) are Indians. Thus, the use of "Indian" rather than "Native" to modify "Literatures" in the title of this volume points to its primary focus on the citizens of and the exiles from "Indian country," a legal term used to designate the land held in "trust" by the federal government for the 334 federally recognized tribes in the lower 48 states (*Federal Register*, vol. 67), those individual Indian allotments also held in trust, and any Indian communities that do not have a land base but are still federally recognized, which is relatively rare. Indian country is predominantly composed of reservations (tribal lands held in federal trust). It is in relation to Indian country that the critical mass of U.S. Native written literatures has been developed in the twentieth century by both tribally and non-tribally enrolled Indians.

In discussing examples of Indian writing³ within the (post)colonial framework, this volume also suggests how indispensable a knowledge of this literature is for understanding the cultures and histories of the United States in its local and global contexts. For U.S. American Indian writing, in its explicit narratives and implicit references, gives a thoroughgoing critique of the violence of post-1492 European history, which has brought us to the local and global environmental and social crises of today. This writing also offers alternative visions to the violence, *if we pay attention*. We offer the *Columbia Guide* as one way of paying attention.⁴

Notes

1. Weber notes: "The *encomienda* never took root in southeastern North America" (125), but the system of *repartimiento* (forced labor) did. The *encomienda* itself represents the first "trusteeship" of Native lands in the Americas, in which tribute was collected from the Indians. And while it was against "Royal policy" for the Spanish to settle on "native land," this policy was breached in practice (Weber 125). The "trust" relationship devised by the U.S. government, under which title to Native lands in the lower forty-eight states is held by the federal government, might be usefully understood as a form of *encomienda*. I discuss the "trust" relationship in part I of this volume.

2. The legal history of the recent Supreme Court decision in *U.S. v. Lara*, which upheld Congress's authority to reverse a prior decision (*Duro v. Reina*) through legislative amendment, raises questions about the constitutional limits of the "plenary power" doctrine and about whether or not Congress's "plenary power" is located in the Constitution or is a matter of federal common law.

3. It is necessary to note that when we refer to U.S. Indian writing or Native "literatures" in this volume, we are referring to writing in English; for from the time that the Cherokees adopted Sequoia's syllabary for their language in 1821, various U.S. Indian tribes have transliterated their Native languages into orthographies for the purpose of creating reading materials for Native speakers. For example, the *Cherokee Phoenix* newspaper, first published in 1828, appeared in a bilingual form.

4. Because many Indian writers work in multiple genres, the reader will find commentary on some of the writers represented in this volume located in more than one of the genre essays in part II.

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Part I

The (Post)Colonial Construction of Indian Country

U.S. American Indian Literatures and Federal Indian Law

Eric Cheyfitz

She was a bear and teased me in mirrors as she did the children, and at the same time she said that tribal stories must be told not recorded, told to listeners but not readers, and she insisted that stories be heard through the ear not the eye.

"Printed books are the habits of dead voices," she said and turned a mirror in my direction to distract me. "The ear not the eye sees the stories."

—Gerald Vizenor, *Dead Voices*

The lives of American Indians are interwoven with the federal government. Federal ownership of tribal and individual lands, the expansive array of governmental services, the control and investment of tribal funds, the assumption of criminal jurisdiction—lives of few tribal members are untouched by the Washington bureaucracy of the Interior Department.

—Vine Deloria Jr., *American Indians, American Justice*

Here it doesn't matter what was decided in the marble building in town. It doesn't matter what's written on paper. The old people are the ones who know the laws of this place, this world, laws stronger and older than America.

—Linda Hogan, *Power*

This essay proposes to articulate the field of American Indian literatures of the United States within a political-historical context that could be termed "(post)colonial." I place the "post" in parentheses to register the particularity of the ongoing colonial regime in Indian country, where Native citizens of the United States are simultaneously colonized citizens of Indian nations.

In my understanding, postcolonial studies, operating for the most part within the theoretical sphere of postmodernism/poststructuralism, take as their proper field the histories of European imperialisms, manifested both in colonial situations since the onset of modern

globalization in 1492 and, where applicable, in the transformation of these situations into neocolonial or postcolonial predicaments. Surprisingly, then, postcolonial studies have virtually ignored American Indian communities in that territory known in European terms since the late eighteenth century as the United States,¹ even though various U.S. Native writers have articulated the indigenous predicament in precisely (post)colonial terms, though without, necessarily, postcolonial studies' commitment to postmodernist/poststructuralist theory. We might understand this indigenous (post)colonialism as emphasizing a practical or political, as distinguished from a theoretical or academic, postcolonialism, or what the Native nationalist school, discussed at the end of this essay, might understand as a (post)colonialism stemming from or emphasizing a tradition of indigenous intellectual sovereignty rather than a global cosmopolitanism. The Anishinaabe scholar and writer Gerald Vizenor, whose writing is committed to a radical poststructuralist (post)colonialism, is a notable exception, as is the cosmopolitan scholar/novelist Louis Owens, of Cherokee/Choctaw descent.

Acoma poet Simon Ortiz puts the indigenous political case this way, while at the same time including the international community: "We need to insist on Native American self-sufficiency, our heritage of cultural resistance, and advocacy for a role in international Third World de-colonizing struggles, including recognizing and unifying with our indigenous sisters and brothers in the Americas of the Western Hemisphere" (*Woven Stone* 27). Creek/Cherokee novelist and scholar Craig Womack brings the (post)colonial perspective home to Native literary studies in these terms: "I will seek a literary criticism that emphasizes Native resistance movements against colonialism, confronts racism, discusses sovereignty and Native nationalism, seeks connections between literature and liberation struggles, and, finally, roots literature in land and culture" (11). And Crow-Creek Sioux scholar, novelist, and poet Elizabeth Cook-Lynn suggests the as yet untapped usefulness of Native American studies to postcolonial studies: "Native American Studies as an academic discipline . . . could become one of the useful mechanisms for the deconstruction of colonization not only in academia but in society as well. This deconstruction . . . will require of postcolonial theorists that they come to grips with the realities of colonial domination of Indian/White relations in America" ("Who Stole Native American Studies?" 21–22).

The ignorance within postcolonial studies, which amounts to an ignoring, of the Native American context may result from the domination of the field by African, Asian, and Caribbean agendas and paradigms grounded in the transformation of indigenous and creole societies in these locales into contemporary forms of the European nation-state, a model that does not apply to the historic transformations of Native American kinship-based communities under Euro-American imperialisms. As Cook-Lynn has suggested, it may be that "In the past twenty or thirty years, postcolonial theories have been propounded by modern scholars as though Native populations in the United States were no longer trapped in the vise of twentieth-century colonialism but were freed of government hegemony and ready to become whatever they wanted, which, of course, they were not" ("Who Stole Native American Studies?" 13)—and *are not*.

On the other hand, the lack of engagement between Native American and postcolonial studies may result, at least in part and with a few notable exceptions (Owens and Vizenor are prominent, as is the non-Native scholar Arnold Krupat) from a resistance to or disregard for postmodernist/poststructuralist theory within certain segments of Native American studies itself, specifically those that operate not only within the Native nationalist par-

adigm but also within what I term the “ethnographic-formal,” on which I elaborate in this essay.

This resistance to theory, including the issue of disciplinary autonomy, which Cook-Lynn and other Native scholars who identify with the nationalist approach to Native American studies have urged, may in part account for the almost total eclipse of U.S. Native American studies within the firmament of the postcolonial. The resistance to theory comes from two fronts. With the notable exception of Krupat, some of the most visible first wave of Euro-American scholar/critics of Native American literatures, like Charles Larson, Kenneth Lincoln, Elaine Jahner, and Andrew Wiget, have from the late 1970s onward grounded their criticism in a combination of ethnographic and formalist methods, which for what may be fundamental philosophical differences have not opened themselves to critical theory.² At the same time, the group of nationalist Native critics, associated with the notion of “intellectual sovereignty,” have been suspicious of a body of theory that is grounded in Western philosophy and has with few exceptions overlooked Native American literatures in its formulations. So, for example, debates centering around issues of aesthetics and politics emanating from the Frankfurt School from the 1930s forward could have gained a crucial perspective from the identity of aesthetics and social practice in Native oral cultures, as explicated, for example, by the critical work of Greg Sarris and Karl Kroeber, discussed later in this essay.

Until the 1980s the dominant approach in the field of American Indian literatures was the ethnographic-formal. It places a strong emphasis on the formal or aesthetic properties of Native texts in limited cultural contexts, while deemphasizing or ignoring the social, political, and historical contexts in which U.S. American Indian literatures take shape. The project of this essay, then, is to situate these literatures in their social, political, and historical contexts, which the term “(post)colonial” will be useful in articulating. As noted, I place the “post” in parentheses when referring to “Indian country” (a legal term defined in the “Editor’s Introduction” and below) because although U.S. American Indians became citizens by act of Congress in 1924, Indians who are members of the 334 federally recognized tribes in the lower 48 states and the Eskimo peoples (Yupik/Inupiat/Inuit) who are members of the 228 Alaska Native villages (*Federal Register*, vol. 67) still remain under what I will analyze as the colonial agenda of federal Indian law.³ Thus, Alaska Natives and tribally enrolled Indians find themselves negotiating in their daily lives a complex dialectic of the colonial and the postcolonial. The project of U.S. American Indian literatures in the contemporary period (post-1924) is the representation of this dialectic.

However, Alaska Native villages, while coming under federal Indian law, are, crucially, not classed as reservations (with one exception), but as land-owning corporations under the Alaska Native Claims Settlement Act of 1971.⁴ In *Alaska v. Native Village of Venetie Tribal Government* (1998), the Supreme Court determined that Alaska Native villages, in contradistinction to reservations in the lower forty-eight states, were not “Indian country,” as defined in 18 U.S.C. § 1151, which, in broadest terms, includes all federal reservation land, all “Indian allotments,” and all “dependent Indian communities,” whether such communities are residing within a reservation or not. At the same time, in the *Venetie* case, the court recognized Congress’s constitutional authority to modify the legal definition of “Indian country.”⁵ In Indian country reservation land is land used by federally recognized tribes but titled to the federal government, which thus has legal ownership of it, keeping it “in trust” for the tribes, a relationship on which I will elaborate.

Native Hawaiians do not for the most part come under the dictates of federal Indian law because of a distinct colonial history, beginning in the late eighteenth century, which is still playing out. One of the leading textbooks on federal Indian law remarks: "There are several historical distinctions that separate Native Hawaiians from other Native Americans, though none of them explains adequately the federal government's failure to assume responsibility for the protection of Hawaiian native people, their land, and their political status" (Getches 944). In *From a Native Daughter: Colonialism and Sovereignty in Hawai'i*, Haunani-Kay Trask gives an important history and critique of the (post)colonial situation in that state.

Indians who are neither tribally enrolled nor recognized by the federal government as Indians are certainly affected by the (post)colonial situation of Native Americans, but principally when they are barred from realizing their self-ascribed identities by that law.

As my discussion of Native Hawaiians and Alaska Natives suggests, the terms "Native" and "Indian" are not necessarily synonymous, though they can be depending on the context. All U.S. Indians are certainly Native, but all U.S. Natives are certainly not Indians, as the historical origins and situation of Native Hawaiians makes clear. Under federal Indian law, Alaska Natives are in certain respects *legally* Indians but not necessarily in all respects (the matter of land), and may or may not be regarded as Indians in ethnological terms. But the way a particular group defines itself (self-ascription) is of primary importance. My own usage of the two terms tries to be context sensitive, so that when I use the term "Native" I am at times referring to patterns, such as kinship relations to land, that, while allowing for local variations, apply to all the indigenous groups in what is now the United States. At other times, I use "Native" to refer to Indians, who come under the purview of federal Indian law.

As noted, my purpose in this essay is to contextualize the history of Native American literary studies within the purview of the (post)colonial, not, I want to emphasize now, by borrowing a theoretical terminology from postcolonial studies (the terminology, for example, of the subaltern) but by adding one to it: the terminology of U.S. federal Indian law, the body of legal norms and regulations that since the late eighteenth century has increasingly constituted U.S. Indian "tribes" or "nations" as colonized communities. Criticizing Patricia Nelson Limerick's assertion that "federal policy . . . is often . . . irrelevant to many aspects of everyday Indian life," Cook-Lynn insists on the importance of federal Indian law in forming the fundamental context for Native American studies: "*the study of [the 'machinations of the government and the courts'] should be at the core of curricular development*" ("Editor's Commentary" 7). In what follows I sketch a history of federal Indian law and related topics in order to delineate its force in the colonizing of Native tribes, or nations, and their resistance to that force, because it is my sense that very few readers of U.S. literatures, including, of course, U.S. American Indian literatures, are aware of this crucial history in any significant detail and so cannot understand its various effects, whether implicit or explicit, on the literatures themselves.

The lack of awareness of the field of federal Indian law is in large part due to the fact that while studies of U.S. Native American oral and written expression to date have alluded to federal policy in Indian matters, they have done so at best in a fragmentary way, and never in a way that argues the intimacy of law and literatures in this field,⁶ with the exception of two essays in Abraham Chapman's 1975 anthology *Literature of the American Indians*. Without commenting on their implications for the field of Native American literatures, Chapman reprints these essays by the Americanists Constance Rourke and Lawrence C. Wroth, which suggest one form of the intimacy of law and literature. In a book published posthu-

mously in 1942, Rourke remarks that the pre-Revolutionary War treaties negotiated between colonists and Indians “are in truth our first American plays” (Chapman 259), a collaborative “poetry of a high order” (258). Without crediting it, Rourke seems to be taking off from an essay titled “The Indian Treaty as Literature,” published in 1928 by Wroth, who designates “these printed documents as the single original American contribution to the types of literary expression” (324). Wroth sees in the “dramatic form” (337) of the treaty a play of conflicting ways of life between Natives and settlers, what amounts to a classic drama of colonialism.

Both essays point to a rich, potential field of study: federal Indian law as a collaborative American literature, in which the term “collaboration” would be understood in the nuanced range of its meanings from cooperation to coercion. Wroth is particularly interested in the treaties between the Six Nations of the Iroquois confederacy and the English colonists, at a time when the Iroquois held the “balance of power” (327) between the English and the French. That balance ended with the English victory in the French and Indian War in 1763, a necessary prelude to the American Revolution and the subsequent demise of Iroquois power in the context of U.S. expansionist politics, where it had no longer a strategic part to play. Wroth sees in these prerevolutionary colonial dramas, where the Iroquois and the settlers have a relative parity of power, nevertheless, a “tragedy” of colonial politics. For “it is possible to hold the balance of power and be at the same time the corn between the millstones” (327) of European political machinations. In these dramas the meaning of “collaboration” seems to emphasize cooperation. Yet, as Wroth suggests, if at this moment cooperation is the explicit meaning, coercion is the word’s implicit sense: “The Indian knew his doom was upon him, but he suffered no man to hustle him along the path” (327). As his melodramatic language suggests, for Wroth the treaty was a classical tragedy, with fate as the principal engine, whereas in a (post)colonial context we can read it as a documentary drama of cultural conflict over land within the context of global European competition for markets.

Wroth not only calls our attention to the content of the law as drama, the Indian treaty as intercultural dialogue (and we should emphasize here that under the U.S. Constitution, the treaty has the status of the law of the land), but also to the form of the law as the expressive matrix of that content. If, for Wroth, the content represents a balance of power between the Iroquois and the English, in the matter of form, the Indians held sway:

For the Indian of the of the Long House the dance of life went to a rhythm that reached back through centuries of ceremonial observance. Wherefore in the business of treaty-making he forced upon the white people the rigidly formal conference familiar in the day of his fathers and in the old time before the stranger was known in the land. To deal satisfactorily with him in treaty, the English and Dutch, matter-of-fact in affairs of court and camp, were compelled to adapt themselves to a procedure entirely foreign to their instincts and casual practices. (326)

In spite of the ethnocentricities of Wroth’s perspective here (his blindness to the ceremonial form of European contracts so that he understands the Indian ceremony as “rigidly formal,” in stark contrast to the “casual practices” of Europeans), he points usefully to these prerevolutionary treaties as mixed, or collaborative, forms, written in English but incorporating Native oral traditions. Such incorporation of or attention to Indian oral forms would diminish as the collaborative treaty-making process became increasingly over time an exer-

cise in European coercion of Indians rather than cooperation between cultures. But the notion of a collaborative, or mixed, writing (a writing in dialogue with the oral tradition) points suggestively to the position of Native writing itself in a (post)colonial situation. As the Abenaki critic and writer Joseph Bruchac puts it: “expression of traditional values in the language of the oppressor has been one of the results of introducing a European written language into predominantly oral cultures. As is the case with African literature, Native American oral traditions and traditional values have breathed new energy into the adopted language” (322).

In focusing on the collaborative drama of treaty making, Wroth inevitably calls our attention to the crucial problem of translation in the field of Native American literatures. At the treaty conferences, “The speeches, of course, were delivered through interpreters, and when the interpreter was a man of imagination, the figurative language of the natives was done justice” (327). The relationship of interpreters to “justice” (rendering accurately the Native diplomatic jargon) is, of course, not simply a formal but also a political matter. The very process of translation reminds us that to gain representation, both literary and political, in the treaty, one had to appear in the form of written English. How many Indians who were thus represented could read the texts that were representing them? Extremely few. Thus, even when the content of these early treaties between the Iroquois and the English refers to a cooperative collaboration based on a balance of power (not the absence of conflict, it is important to emphasize, but its containment), the form of the treaties as written English suggests coercion.

If, as Wroth and Rourke argue, the Indian treaty is the archetypal American literature, it is precisely because the form and content articulate the colonial situation, where Indian communities are subject to, even as they resist, cultural, social, economic, and political translation. What is true of the form and content of the Indian treaty specifically is true of federal Indian law in general, of which the treaty is both prelude and complex basis. Within a Western legal framework, Native American tribes rightly claim sovereignty because the treaty by definition recognizes the parties to the contract as independent foreign nations. But increasingly, as we will read in what follows, from the Constitution forward, the U.S. government in acts of Congress and Supreme Court decisions compromised this sovereignty, until in 1871 Congress interdicted any further treaty making with Indian tribes, thus confirming Chief Justice Marshall’s oxymoronic definition of the tribes as “domestic dependent nations,” formulated in 1831 in *Cherokee Nation v. Georgia* (17).

This colonial dynamic of translation, represented significantly in the agonistic structure of federal Indian law, has been the major theme of U.S. Native American writing from its appearance in published form in the late eighteenth century to the present. Thus, I argue, federal Indian law has been the indispensable but obscured text and context to an understanding of U.S. Native American oral and written expression.

I. Land Versus Property

U.S. federal Indian law is grounded in the history of Western imperialism in the Americas, and in what were and remain the central issues in the conflict between Native communities and European powers: land and sovereignty. It is not only that the Euro-Americas are built on stolen Native land but also that the traditional Native relation to that land has always constituted a set of practices based in values radically opposed to what was emerging in sixteenth-century Western Europe as a capitalist relation to land, particularly in England,