

SETTLER-COLONIAL ELIMINATION AND THE *DOBBS* DECISION

Relationality, Indigenous Kin-making, and Queer Responsibilities

A Conversation with Jodi A. Byrd and Joseph M. Pierce

C. Riley Snorton and Chandan Reddy: Jodi and Joseph, we want to thank you for accepting our invitation to host a conversation between the two of you for this inaugural Q2 issue on the Supreme Court's *Dobbs v. Jackson* decision and the politics of reproductive justice.¹ Much of the public and even feminist reception of the *Dobbs* decision reinforces the view that *Dobbs* is an assault on women and "pregnant people" and their reproductive autonomy and health, and it will induce state-mandated pregnancies and births.² Left out is any understanding of *Dobbs*'s settler-colonial origins and implications, despite the court's actively reviewing the supposed constitutionality of the 1978 Indian Child Welfare Act (ICWA)³ at the same time as it delivered the *Dobbs* decision. While the decision on that case, *Haaland v. Brackeen*,⁴ is expected any day now,⁵ regardless of how the court rules, it highlights the state's settler-colonial practices of family separation, child abduction, forced attendance at boarding schools, and reproductive sterilization that facilitate and are facilitated by ongoing Indigenous dispossession. Indeed, even if the court upholds ICWA's constitutionality, scholars like Theresa Beardall and Frank Edwards (2021) show that far from ending Indigenous dispossession or reducing family separation and child removal, ICWA has presided over the dramatic increase and expansion of American Indian and Alaska Native (AIAN) family separation through foster care bureaucracies.⁶

Could you start by saying how you might frame *Dobbs* in the context of ICWA and the long history of settler state anti-Indigenous violence? Since this is a frame that most radical feminist and queer frameworks often fail to acknowledge or engage, how might the placement of *Dobbs* within this history reveal certain open-

ings and critical conversations between North American Indigenous studies and queer studies in this political moment?

Jodi A. Byrd: It's great to be in conversation with you, Joseph. We could start with these couple of questions. Where do we think we are with what Indigenous studies and queer studies can bring together? Having read your work, I know you are thinking about these kinds of questions: What's left for "the Indigenous" to do, and what's not as useful with "queer"? Or, perhaps a better question is, what can the queer offer as an intersection, a juxtaposition, an intervention, or an interruption for and to Indigenous studies?

In relation to what Chandan and Riley put forward about *Dobbs*, the settler state, and its juridical violence, I was thinking, as they were asking us those framing questions, about the scale of reproductive violence and the scale of what Native folks have experienced with forced sterilization. And then what adoption has meant, what the Sixties Scoop⁷ has meant in Canada, what land loss has meant. I feel there is this irony, in this moment of waiting between Supreme Court decisions, in how the settler state is interested in preventing abortion and outlines that prevention in the name of reproductive freedom. And yet, obviously, the settler state remains invested not in life but in what Patrick Wolfe (2006) has articulated in his arguments about settler colonialism being about elimination. These questions about elimination, reproductive freedom, sterilization, adoption might be places for us to start, given how the whole point of the settler state is to eliminate and remove Indigenous peoples. And in that, we can talk about the technologies settlers have used all along, and as they intersect then with *Brackeen*,⁸ and where we're headed with ICWA.

Joseph M. Pierce: I think that's great. How you frame some of these things as technologies, I think, is really smart—*technologies of dispossession*. It reminds me of some of my work on adoption where I think about both adoption and allotment as technologies of dispossession (Pierce 2022). Framing the legal mechanisms is important. And I want to make sure that we talk about relations, too, because I don't think I'm alone in imagining "Indigenous relations" is perhaps not necessarily an "antidote" but a "response" to history. In other words, one of the responses to these technologies of settler violence is to *relate*. I think it really can be that simple: relate in the particularly situated, grounded ways that you're describing, such that the dispossession of land is countered by relationality. I think (and I'm trying to figure this out myself) our relations *are* the antidote to this violence. That's the question I have from the beginning.

JB: I'm glad you bring up relation and relationality and asking us to think of them as "antidote." I mean, relationality presumes certain things; it's already given to us through settler presumptions about relationship, about descendancy, which, of course, all of these structures and technologies that are dispossession are trying to actually strip away from us—strip land as a family relationship, strip real living humans as family, strip nonhuman beings, animals, and species from us—all the things that are getting taken from us. We can't even see the sky at night if we're in cities, right? All those kinds of things that we can't have access to that are necessary to activate as ways to find ourselves.

So, I think relationality as you're suggesting, as antidote, holds a kind of methodology to it as opposed to its literal meaning. But relationality carries with it, as an anthropologist might name it, the fictive making of kinship, right? Coming into today's conversation, I was thinking about what the ongoing challenges to ICWA are going to do, what's happening around the presumption of how folks connect to or claim Indigenous identity, the problems of understanding what sovereignty is, what's race, what's kinship, what's relationship, what it means to have ancestors, what it means to be in good relation. There are so many things that are presumed from Indigenous perspectives that I don't think always translate outside of our own communities in conversations that we have with each other or across our difference.

Brackeen challenges ICWA by framing sovereignty as an issue of race. And it's always, in these challenges, about racial discrimination that white people then claim as their own experience as victims. It's about saving Native kids from the conditions of colonialism by letting white Christians adopt them and raise them. That's a simplification, I know. But this presumption of a racializing condition of settler colonialism propels forward around making relationships fail and then forces them to work again in altogether different ways.

The last thing I want to hold in this discussion, because I think a lot about relationality too in my work, is how Indigenous people have a particular kind of privilege in a certain relationality and connection to place, to land that isn't always shared. Christina Sharpe (2016) has a piece called "Lose Your Kin" that's in conversation with Saidiya Hartman's (2008) *Lose Your Mother*. [It's about] understanding what dispossession does as a racial formation, as a racial technology, as a settler technology, but then, what that understanding of dispossession does for Indigeneity, too, gets muddied up in the loss, and in the turn to relation as recovery.

JP: One of the things that I wonder is if this is a move that we can make. I understand the anthropological origins of kinship. And yet I'm not willing to cede kin-

ship as a terrain. I do think that the terminology that we're using, and this also relates to the cases that that we're talking about—*Dobbs* and ICWA—because they're about harnessing the discursive frameworks of kinship, settler futurity perhaps in the case of *Dobbs*, and also in the case of ICWA, and the elimination of Indigeneity through adoption. But I'm unwilling to cede the terrain of kinship because it is something that we are using on our own terms now. I think “fictive kin” or “families we choose,” work for queer studies (see Weston 1991). These terms work within a particular framework through which bonds between different people are understood within a settler epistemological framework. But I think that kinship and relations, more so relations, are not just about kinship, right? Relations is more than just kinship as heredity, but we're still using the language of kinship and the associated meanings and histories in order to position ourselves in a way that allows us to resist the ongoing elimination of our relations.

Perhaps the issue is kinship allows us to better express relations even if we're not doing it in our own languages, or precisely because we're not doing it in our own languages and all of the presumptions that would come with that we're unable to express, except through these circuits that are preestablished by kinship. And this is particularly true of Indigiqueer frameworks, which push them beyond the normative limits of kinship, as set out by settler anthropology and even queer studies. Fictive kin is one thing, but I think relations is at once a fictive and a material relationship with land—that is a nonmetaphorical and therefore nonfictive relationship. I keep going back to that. Maybe kinship is fictive for settlers, but it's not fictive for us. And so how do we navigate that relationship between creating these networks of kinship that have to be legible for the settler state in order for us to defend our kin from being stolen, while at the same time using our own terms—the terms that we have from our own languages that may have been erased or may have been corrupted or may have been resignified through the last five hundred years of colonial intervention?

JB: I'm going to name where some of this comes from, right? It's Claude Lévi-Strauss (2012). This is one of those traces that are so disturbing to me as I work on my next book and as I am thinking literally about structures and Patrick Wolfe's (2006: 390) notion that “settler colonization [is] a structure rather than an event.” We can say his phrase over and over and over, but what it does is takes us back to structuralism. It takes us back to anthropology, right? So it's fascinating how it is that we come to understand structures in a particular kind of intellectual tradition; the academy is built on how settlers study us and use our clans, our kinship relationships, as a model to understand supposedly the origins of humanity and soci-

ety, and then stripping and extracting those things from us—because it’s always an extraction toward salvaging whatever is useful for the settler state—and leaving us with efforts to try to recover, to reframe, to reclaim, to try to reinhabit what was our cultural or philosophical wealth. And to have those things, those possibilities of understanding ourselves other than what is then given back to us by structures, taken . . . All that is to say, going to these questions through the terms we’ve been given, where is it that we actually do go? Where do we find any answers? For Southerners like us Chickasaws or Cherokees, well, I’ve been thinking about just how long we’ve been at this, too, because we were the ones encountering de Soto (Galloway 1997). If I go look at de Las Casas (1999), you can find him reflecting on what de Soto might have planned to do to us in his defense of the Indian, in de Las Casas’s presumption of “just” obliteration, right? And that has been the story I got growing up, “You don’t really exist. There’s nothing left. You’re a remnant of this. You have an entire family. You have this entire network of ancestors, and yet it all adds up to ‘it’s already gone.’”

I think about what that also does in an argument of loss, an argument of obliteration, about what it means to come from that presumption of absence for me as a Chickasaw growing up and knowing I was Chickasaw. I was struggling to feel like I actually was authentic, that I actually was living a real connection to culture and history even if I was outside of community, living in rural Nebraska, as opposed to rural Oklahoma. And then to hear “Pretend-Indian” stories of folks who have one distant, distant—or usually no—ancestor that they are now gesturing back to and assuming a claim that to them is bigger and more real than any I might have, that they inhabit and fill up as if it’s everything, with no loss. That’s the thing I want to hold space for in this conversation, too, around whether we’re talking about anthropological kinship, the presumption of relationship—where we start in relationship, and who is empowered to make one relationship matter versus any other.

JP: One of the vexing parts about ICWA for me is that it presumes a culture of care on behalf of settlers, and it renders illegible, and, in fact, backwards, the multiple types of care and the relationality that exist within our communities. And, in fact, that care becomes a justification for the annihilation of the Indian child. It’s maddening. It’s absolutely maddening.

I don’t know, for some reason you’re making me think about care, and because when I think about the structures and the history of structural anthropology, and then we move to poststructuralism, and then we move to “discourse is everything,” we lose track of some of the affective and spiritual aspects of these

things. ICWA allows the state to render the affective and spiritual dimensions of Indigenous relationality antithetical to the futurity of Indigenous life. And it's wild because the state has no mechanism for understanding these forms of relating, and yet it presumes to understand that settler care can fill the void that it created—Indigenous loss—this loss that you're talking about, this loss that is ancestral, this loss that is structural, and this loss that is ongoing. This is also why I can't stay super up to date with ICWA stuff because it takes me to a really dark place. It's really hard for me because it's so close to my lived experience. And it really, it just makes me sad. It makes me so fucking sad.

JB: Yeah, I can only imagine the scale of it, and that's why I wanted to be in conversation with you, because there's something about the ways in which we talk about the attacks on ICWA through *Brackeen* that we lose Indian children. Or, you know, the work that Rebecca Nagle (2022) is doing, for instance, to try to amplify the connections between the energy industry and all the vested corporations that are behind the Christian fundamentalist evangelical formations that are seeing through Indian children, resources, minerals, oil, babies, indigeneity. They all become a kind of scaled version of each other, which reflects what Audra Simpson (2016) says, and then Leanne Simpson through Audra, that Indigenous women, particularly their bodies, are understood to be political orders. It raises a question: what then are Indian children?

I said I was going to go there with the one ancestor that people gesture to as a story of a possibility of a Native connection, but there is an idea here in that, too, that it is not just political orders that Indigenous women represent. On one level, it makes sense that Simpson's argument is centered on women given how, in matrilineal societies, ancestry is traced, how connection and clan formations and governance are located. For Southeasters, that's all done through women and mothers and uncles—it's through those relationships, those bodies that lineage is enacted, but children, right? What is happening with taking children? Here's where we're at again, a kind of extractive relationship to Indigenous communities, Indigenous bodies, Indigenous ancestors that settlers then presume that if they have that jackpot of "Oh, hey? I have a DNA test," or "Oh, hey! I found a possibility of an Indian on a census role that I may or may not even be related to" then it becomes something that has served some people in this moment by generating an ontological self for profit. None of it makes any sense through Simpson's argument about political orders, though. And that's where I keep going back to my own childhood, with a Chickasaw dad, uncles, grandfather, cousins. I can remember thinking to myself then and for years growing up, "I'm not really Chickasaw. Who

am I to talk about being Chickasaw? Yeah, I'm enrolled, I have family, and I can tell you who all them were, but I'm not really a *real* Chickasaw." I mean, what would I know? Who am I to say anything? And I still feel that way even now.

JP: But can we talk about that? That's the thing—the one Indigenous ancestor, that's actually a real story for me. My dad was put in an adoption agency, adopted by these white people who were very kind to him, who gave him a good life. (This is what I mean about the affective issues of adoption—my dad loved his adoptive parents, and he was very grateful for them.) And then I come along, and I'm seeing the structural dispossession. And I see that my dad was prevented from having an Indigenous childhood, and I was also prevented from having an Indigenous childhood, and that is because of his adoption. But in a certain moment, I thought I had one Indigenous ancestor, my father's mother, Ada. She was the only one we knew. But then the relations expanded and deepened. But when I think about that, it implants within me this sense that I will never be truly Indian even after years and years of being in community, of being in relationships with diasporic communities and with Cherokee people and with other Southeastern people. Now I know that my story is just one of many similar ones, and that it's actually common to be impacted by the Scoops and the stolen generations and the children who were taken before ICWA was passed, all of that is very common. It's underrecognized, but it's a common story. For years I thought I was the only one—that's what led to so much of the impostor syndrome, or the impossible measuring of oneself against this standard of authenticity that is a colonial fiction. That's the insidious part of it, right? White people make you think that you have to be this stereotypical version of an Indian that they made up in order for you to be the Indian that you think you have to be, all the while neglecting or not realizing that all you have to be is yourself. That's where I'm at with it now, but it's taken me a long time to get to that point.

JB: Well, in hearing you say that, maybe that's where “the queer” actually does work for us, in such moments around thinking about this problem of the Indigenous imposter syndrome. You come at this from your experiences. I have mine. I think most Native folks I talk to, who are enrolled, tribally connected, community recognized, have all the supposed required documents that are unimpeachable on social media or wherever such accounting takes place. We all say, why do we feel inauthentic? And how do we account for someone like—and again, I'm going to say a name—Elizabeth Hoover, who was often in full Powwow regalia on campus, performing wholeness and producing that wholeness as a professional persona?⁹ We could embrace the queer as the possibility that “Hey, none of us are actually whole; that actually is the experience of Indigeneity.” That could be part of, not

antidote necessarily, but at least a way of doing this work differently, of inhabiting identity differently. Some of us don't have any better access, as much as it seems like we do, in the ways in which we present or write these coherent narratives that we're asked to produce. It's actually a process. Being Chickasaw is lifelong work. I mean, it's not just something that exudes from one's being. I think that's where we get tricked. And I think that's a trick that the colonizer gave us, the assumption of culture, the assumption of race, the assumption of identity, of belonging. Indigenous relationality, if we think about what it means to live in the cosmology we're given, is never complete. You never achieve balance.

JP: Can we talk about that? I was just talking with Daniel about this.

JB: Sure.

JP: I was just up in Vancouver with Daniel Heath Justice. I know that you and he have had a few of these conversations, and the issue clicked for me recently—that relations and relationality are about a core issue of balance that is at the center of Southeastern cosmologies, which are constructed as multilevel worlds that have multiple directions that have multiple temporal understandings. And the issue of balance allows us to be in a perpetual state—tell me if you think this makes sense—in a perpetual state of contingency, where the balance is only ever fleeting. It is an ideal, but it is only ever actualized for a moment because that's the nature of life. Sometimes you may achieve balance. But then something always intervenes. So, I don't know how that relates to ICWA, but still.

JB: It's survivability in the face of destruction. I mean, the lie we are given by settler fantasies of us is that there is a coherent self that the state both desires and adjudicates. The lie is that there's a coherent non-fragmented formation. When you think about Joanne Barker's (2011) work in *Native Acts*, the ways in which this presumed whole spurs state recognition that, to actually achieve it, the state requires tribes to culturally produce a continuity that's recognizable by anthropologists and the court to rule on. In order for tribes to claim children, they have to present a coherent ancestral kinship relationship in order to assert community connection to the child. And even in doing that, the court can say, "We see that's there, but we still feel these white parents are better." So, the lie is that there's some coherent wholeness. And again, if we think about the queer—or, as you know, through Kandice Chuh (2003) and her idea of the subjectless critique—we might break away from this idea that Indianness is a coherent ontological experience that's whole and all the dangers that wholeness produces within the settler state that wants to only recognize Indigeneity in a particular way. Perhaps we can break a little bit of this

expectation of wholeness that, I think in some ways, allows for folks to take on and speak as and perform Indianness, sometimes better than Indians. Right?

JP: Listen, I mean it is related—because these are their narrative scripts and their legal formulations. If Indian is a legal category, and if the Indian child, or if our gendered Indian selves are filtered through a settler lens, then we are being asked to perform a particular type of wholeness. As you're saying, it's actually incommensurable with the realities of our fragmented lives because of colonialism, but also because of our particular epistemologies. What you said earlier about the Indian child reminds me of talking with ᄆᄇ ᄆᄇᄆᄆ/Wahde Galisgewi (Ryan Mackey), a traditionalist and the program manager of the Cherokee Language Master Apprentice Program, the last time I was in Tahlequah, the capital of Cherokee Nation. He was describing childhood as a gender. I was asking about queer and Two-Spirit things, and he described gender in general as a role one enacts, rather than an “essence.” But he also described childhood as a gender. Childhood, in a traditional Cherokee conception, is like a different type of person. And when you become an adult you have a different set of relationships and responsibilities. It really struck me that if you think of childhood as a gender, then ICWA takes on a new kind meaning. It is gender-based violence. But it's also taking on the particular valence of Indigenous bodies as political orders that brings us back to Audra Simpson and thinking about how those interventions are meant to foreclose the possibilities of those Indian children (as gendered) becoming Indigenous adults (as gendered).

JB: Yeah, elders have theirs, too; or what I mean is that being an elder is also a gender, right? Because, just to hold the kind of continuity of this from child to elder, and then to see the language around loss of elders in the pandemic, all these things that hold these narratives of loss, again a presumption of knowledge gone—a wholeness there but then that there's this constant refrain too that “this is the last native speaker.” That this precarity of loss that's attached there, too. There's a similar violence of extractive dispossession that is coming from both sides of a lifetime in terms of stealing children through adoption and boarding schools and elders through lack of care, just to hold both ends of it here, and thinking about generational roles of gender that then enact language and culture . . .

JP: Totally.

JB: But I do think you're right to go back to the idea of the balance being sort of transitory. It's the goal. I remember that at a talk I gave once at UCLA, someone afterward asked me about that sense of transitory balance in *The Transit of Empire*

(Byrd 2011)—the chaos, the *haksuba*, the cacophony that were part of that book's argument. And they're like, "But isn't there a place where it's all kind of ordered?" And I'm like, "No, no, the whole point is that it's constantly in motion." It's constantly in motion—that's the challenge. And some folks will say that's partly potentially what gives us Southeastern Indians the ability to manage the arrivals and the colonization in particular ways. But it also potentially means that we were overly successful in investing in some of the structures that end up being deeply oppressive, not only to us but to other folks. I don't know. . . . I don't know where I was going with my point about *haksuba* more than just to affirm your point about balance. I think I've always understood it as something that you never achieve. I mean where culturally that's just not something you can get to. You're never fulfilled in it. It's only ever a process. And yet all of settler society is driving toward some sort of fulfillment that they assume is going to be there that never comes.

JP: So let me see if I can put this slightly differently. One of the demands of legibility for settler society is that you emerge as a fully formed, solid being. And it's one of the things that's actually impossible within a Southeastern cosmology because if one of the central cosmological understandings is to achieve balance—you are always in the process of achieving balance, but you never actually achieve it—then you're never actually fully formed as that sort of coherent, essential being. It's not about an end result, right? You're not the culmination of an Indian. You're always an in-process Indian. That feels very queer to me, too. I'm becoming. You, I, we, are always in process.

JB: Yeah, and maybe that's why we emphasize reciprocity so very much in trying to make the interventions to what difference, Indigeneity, Indigenous culture, mean across multiple locations. We use these concepts to try to perhaps hold the processual elements of it as opposed to the givens. I don't know. Reciprocity. Responsibility. I mean, we have keywords, right? Accountability.

JP: What does reciprocity mean to you?

JB: What does it mean to me? I mean, I think I already said responsibility, accountability—a kind of a constant attuning to the different processes at work on us . . . an orienting toward. None of these words are great, right? I sort of pause . . . Daniel Justice (2018) writes about being in good relation. How we need to be good ancestors, we need to be good relations to our ancestors and to those who come after us. Reciprocity is holding generosity, but willingness, and openness, showing up. I don't know, some of these ideas start to feel kind of queer, too.

Yeah, I mean, I don't know. So, it's great when you have a word and an idea that you sort of live by, but how to define it?

JP: It's tough.

JB: I remember sitting with Leanne Howe. I'd been living in Hawai'i and hearing from Hawaiians about sovereignty. Their word for sovereignty is *ea*, right? Breath. It's the rising and falling of waves. It's the ways in which things move in and out. It's temporal. It's physical. It's living. I mean, water in all of it, right? Because I was trying to talk to Leanne about these deep philosophical conversations one night at one of the first Native American and Indigenous Studies Association annual meetings that was being held in Georgia. After all the sessions and all those gatherings that we do, we were talking and she's like, "you know, our word is *iksa*." And I was like, "Oh, and that's clan, right?" She does work around tribalography as a way to think about this idea of the relational for Chickasaw and Choctaw, to think about clan, *iksa*, family as mothers and uncles, of holding that sense of tribe as the story of self-in-relation—for Southeasterners—as the core of sovereignty, of life, as breath. So she drove it right back into what we all are essentially theorizing now as grounded relationality or grounded normativity or kinship, or ancestors, tribalography.¹⁰ We have a lot of ways of trying to give this idea and maybe reclaim it out of the anthropological—the ways in which different clans function . . . leadership, the red and white towns. I mean, there's all these things that supposedly make sense, you know, to anthropologists, that have deeper meanings for us.

JP: I think about humility as part of a constellation of concepts around reciprocity, which is about not presuming to have the whole story or answer, or to be necessarily the expert on whatever thing, but always learning about that thing. It's hard, because I do know some things, and I do have a voice, and we have our voices, and we have our convictions. And I think that a Southeastern understanding of your responsibilities is to use your voice and your abilities. It's not to shirk away from that but at the same time, in balance, meaning that you're also always learning, and always on this path of being in good relations. So humility, yes, but also with the conviction that if you're standing up for your communities, for your people, for what is right, that's not being selfish so much as being engaged—being with others moving toward something. I think that's really important, too, for us.

JB: Humility is great as a concept. I guess it is the showing up, the doing the work. We're always told if you see something that needs to be done, you don't always have to wait to be told to do it. That's part of community work. It is being willing to see it

and do it. Of course, not in that way that puts yourself forward as leader, as the only person who can do it. But, rather, you take the work that you can do. And I think about that, too, in thinking about the decisions our ancestors made. I have to say this because it's weighing on me. I'm thinking about having just submitted my book on video games like, what do you do after video games? Well, I don't know what you do after video games, but it all hovers around a bigger question, for me, that I think that I've been trying to drive through from *Transit* to this next book and hopefully the work after that and thinking about what it means to grow up, not knowing exactly who my family is, to learn about who my Chickasaw family was, to untangle and peel it back, and say, "Oh, here they are, in different places in Mississippi. Oh, they're the actual slave-owning Chickasaw." Oh, the reason I'm here is because they made those choices, right? What is now my responsibility? And you know, what do I need to do as somebody who descends from them, the Colberts and Loves, who might understand that that was a core foundational mistake, that anti-Blackness . . . participating in slavery was not the antidote to colonization or our own experiences of enslavement as Chickasaw? What is the forward from that for our nation?

To ask questions sometimes, and I guess maybe this is part of what makes this the work for me to do. I mean, I hope there is something queer and nonnormative to say it doesn't serve Chickasaw sovereignty to not talk about our participation in slavery. But it's the question that we have to ask. It's the work that we have to do in our anti-colonial formation going forward, whether or not the political structures recognized by the settler state can allow us to do that. The intellectual work and the work that I can drive should absolutely be centered on those historical facts we avoid because I'm here because of those choices, because my Chickasaw family owned slaves, because that's what my family enabled and what kin enacted. I can't undo that except to make it legible and honest. I guess, that responsibility again—reciprocity—means to think, and I'll fail at it, but for me, it means to think about what we might leave as strands for the folks who come after us, to think multiply and relationality beyond just ourselves and our own time. What do we leave for other people, descendants, to pick up, and to discard or to find something valuable to take forward, even if some of it can't or shouldn't go forward further?

JP: What fragments of memories can I draw on that are accessible to me, and what many, many of them are not? I discovered recently that my Cherokee ancestors were Old Settlers, meaning they left before the Trail of Tears. And we were a small, full-blood family up until my grandma's generation, and they lived off of the beaten path. They may have gone to Texas at some point and then come back to Indian

Territory. It's actually not the national narrative of Cherokee-ness. And I'm thinking that there's a specificity to that experience that will take me a long time to figure out because there was no direct transmission of any of that information. I have to piece it all together five generations later. And there's something interesting about using that as a method and thinking about how the remnants inform what relations become possible.

This is why a lot of my work now is about speculations, *speculative relations*—speculating on what types of memories I have and don't have, and speculating on, which is both introspection and looking out, both sight and insight. And I think that Cherokee Nation has taken some steps toward recognizing its role in the enslavement of African and African American people. But it's really so wild because so many people were against the Cherokee Supreme Court decision to maintain the enrollment of Freedmen descendants.¹¹ This also sort of proves a bit of my disconnect, right? Not like Cherokees all have this anti-Black racism but that is a structural or an integral part of Cherokee history that the nation has only barely begun to navigate with any sense of real engagement. And that's really challenging, because, in many ways, I'm still an outsider. It doesn't make any sense to me why Cherokee people would want to disenroll Freedman descendants. I don't understand. And yet I understand this sort of scarcity mindset that a lot of people have. I hear the arguments that people make, but they just don't make sense to me. I think that's one of the issues of being able to reckon with these things from our own varied backgrounds and histories within our nations as part of our nations, even if we're not there all the time. But we do have the ability to think about these things and to engage with these things, even if it's really challenging.

JB: As you offered at the beginning of this provocation that relations might represent an antidote . . . or thinking relationality, as something towards alternatives? I evoked my relationality to my ancestors as a relationality of responsibility. If I don't talk about it, if I don't take on the responsibility of understanding who I'm related to, who's going to do it? And maybe that's also part of what is damaged or lost. Obviously, it's lost through adoption. Obviously, it's lost through the destruction of Native communities. There's none of us left to speak about it, and we hold a story, a national story, a sovereign story. If we hold what we produce in response to colonialism as the only story we tell, we lose the specificities of alternative paths of things that we can learn from, responsibilities we have to take, fighting for something that's not just self-Chickasaw-focused that isn't going to enact anti-Blackness in our decolonial land back struggles. You know, all of these things—thinking about what gets destroyed. And what gets destroyed are the possibilities of some-

thing alternative. So I guess to me, relation, if we're thinking about being in good relation, we actually have to have our relations to be able to spread that intervention we keep trying to enact in how we choose to survive.

I think the Chickasaw . . . I'm going to say that I think we try to cut off certain strands of our past. We certainly do. We have yet to account for and give citizenship to Freedman descendants and relatives. We'd rather cover up and pretend like the story of removal is a story of wholeness, but also whole suffering and pure victimry. It's not "Oh, hey! We moved, but we took slaves with us and they built our houses for us. And hey, we have plantations in Indian Territory. Oh, hey! We have these massive breaches in our own ethical compass." Somehow we labored for it ourselves. I could open it up . . . a whole conversation about what happens when we strip labor from Native folks and the ways we understand land in it, too. Somehow, we just, without any effort, magically survive. That becomes our story, which is a reflection and a mirror of resistance to settler colonialism, but it isn't necessarily the story that settler colonialism doesn't want us to tell. I just did two negatives there. *We're serving settler colonial ends in the ways in which we produce our resistance.*

JP: Underline that. The complex narratives of what we are, how we make sense of ourselves, our lives, are inconvenient to both Indigenous nationalism and settler colonialism (and I think this is where queerness does come in). I see an analogous scenario for being a queer Cherokee person and going to Cherokee Nation and being like, "Why are so many people homophobic here? What's up with that?" It's all well and good to be laboring and using our skills at the service of the continuation of our peoplehood, but that has to also contain within it the possibility of dissent and disagreement, and our histories are rife with such disagreements. They really are.

JB: Yeah.

JP: Whether it be about gender normativity, and homophobia and transphobia within Native communities, or anti-Blackness within Native communities—these are the conversations that are very difficult but that need to be had. And oddly enough, I don't see those conversations happening. I feel like the queers are the ones who are having all of these conversations. I don't know. Maybe it's just me. Maybe I don't have enough straight friends.

JB: No, no, I feel this. I'm gonna say that our field is too busy going: "Oh we're always queer. Oh, no one cared about the queer. Oh, it's all over the place, we're . . . none of us are homophobic. There's no oppression." And yet, Indigenous

studies is masculinist. It is homophobic, it is anti-Black, and that's just the academic version of the work. This is also the illusion of that wholeness we're critiquing. There's an accounting that still has to happen in the ways in which . . . if we're going to understand that there [are] folks out there who are in academia talking about Native issues as Native when they are not. And no, they aren't. The fraudulent formations of Indianness—I am trying to come at this directly and I'm going to fail—a lot of those folks are in sites talking about Indigenous feminism. Andrea Smith, right? A lot of them are in queer studies. There's so many folks . . . and this is what's been eating at me . . .

JP: Qwo-Li Driskill?

JB: Qwo-Li. The presence of those formations invalidates queerness—Indigenous queerness—by being fraudulent. So then, all queer Indians . . . I think about this question with Joanne Barker (2021) when she wrote in *Red Scare* recently that there's the “kinless Indian” and the “murderable Indian,” right? The kinless Indian assumes that the antidote to trauma is claim to kinship. And then the kinless Indian sits and takes up all the space and in doing so makes all of us fraudulent. Every fraud that's in academia who gets revealed . . . it doesn't necessarily draw attention to the fact that this problem is endemic to what's happening in hiring or in understanding our field from outside; every reveal only serves to make all of us fraudulent. And Barker lays that out in relation to how it is that the energy industry again—they're behind the challenge to ICWA, they're funding the cases for these families in *Brackeen* who've already won the children, who are just driving home their experiences . . . white folks claiming they are oppressed by racial discrimination—makes activists kinless and therefore illegitimate. But in the energy industry all these corporations are like, “Get the kids. Make them white. Attack the activists. Make them white by arguing they're fraudulent.” Make them fraudulent. It all sort of starts to be this really impossible quagmire, and then all of us sitting here working to make the fraudulent not fraudulent, to argue that it is oppressive how blood quantum or recognition or enfranchisement or enrollment works. There's this way in which we're trying to articulate knowledge in academia to try to make a difference. And then oh, wait, Qwo-Li. They're going to give us the Cherokee word for *queer*. And they're going to give us the *real* . . .

JP: I'm so mad about that. There are people that have complicated ties to nations. But one of the things that these fraudulent claims push many of us to do—I'll include myself here—is to lose the willingness to extend ambiguity to people and people's claims to Indigeneity. I'm much less willing these days. It's a shame. But

experience has taught me, and other people have taught me, that people who make claims to Indigeneity without being able to explain what those ties are deserve our suspicion. The problem for me is that also brings us back to issues of authenticity and adoption where adoption creates this gap in your life where you don't have the ability to know your stories or language, or spiritual practices, or kin, or relationships with the land. It becomes impossible for you to know these things you feel you should know. And then you have these other people who are just making it up as they go along, and it makes all of us feel like frauds when their stories are revealed to be false. I know exactly what that feels like. It's terrible. And if more and more Indigenous children are adopted by white families, yes, they will lose the ability to perform ceremony and speak language, and do all of these things. They will lose the cultural connection, but they will gain a sense of inferiority as part of it. That's part of it, too.

JB: Wasn't it in the Baby Veronica case¹² for the Supreme Court? I don't remember which chief justice wrote it and framed Indianness as a potential disadvantage. But essentially one justice asked, why should having one Native ancestor create a deficit for this child?¹³ Which, of course, is the opposite of the fraudulent, and the ways in which frauds are functioning. It's actually not functioning as a disadvantage for white people who claim Indianness, right? It's an authentication. It's a certification. We've tried to make clear the disconnect. There's a presumed professionalization that happens around the claim to be Native that is serving in academia to give people positions of authority. In Canada, giving legal authority, medical authority, here in the United States, too. I mean some of the leading scholars, like the leading Indigenous feminist was Andrea Smith for a good long while. To call her out . . . all of us who wrote the letter about her (Barker et al. 2015). We were accused of just being petty, jealous people. And we're instead saying we're asking for a different way of accounting for citational communities to not rest on one voice—don't have one representational voice, don't have one queer voice for an entire people . . . peoples, right? We wouldn't have these problems if we didn't assess authority and locate stardom on certain kinds of people. Yeah, sorry. It's so maddening and yet it's all I talk about these days. I have to admit every time I get together with any Native person, you know . . . we text message, "Have you seen the latest apology?"

JP: No, totally.

JB: "It turns out they weren't Native!"

JP: Oh my god.

JB: Sorry. This won't be in the transcript, hopefully.

JP: I don't know. Shit. Put it in there. Let's leave it.

JB: Qwo-Li.

JP: Okay. For example, the bio that Qwo-Li uses in their works changes over time. And that's fine in the abstract, but it changes in really problematic ways. In *Queer Indigenous Studies* (Driskill, Finley, et al. 2011: 239) they are listed as "a Cherokee queer/Two-Spirit writer, scholar, and performer," and in *Sovereign Erotics* (Driskill, Justice, et al. 2011: 216) they are listed as "a non-citizen Cherokee Asegi/Two-Spirit/Queer activist, writer, and performer," and then in *Asegi Stories*, Qwo-Li (Driskill 2016: 7) describes themselves as "a noncitizen, diasporic Cherokee Two-Spirit person" in the introduction. Over the course of these three different texts, published over a span of five years, there are three different bios. And also, Qwo-Li is a name they gave themselves, as far as I understand, because we don't have a naming ceremony like other nations do, and it makes people think they are Cherokee. But we have to be real, they are not enrolled. Their claims to Cherokee citizenship have been challenged by Cherokee genealogists, but what gets me is there is no such thing as a "noncitizen" Cherokee. Cherokee Nation says there is no such category, and I'm sure the other two Cherokee tribes would not accept that either. But if you buy *Asegi Stories* today, looking for the authoritative volume on Cherokee queerness, you would assume that Qwo-Li is Cherokee, but they aren't. It really is terrible because they have taken up so much space, and continue to occupy space as an authority on Two-Spirit identity, but they are not Cherokee. I think we have sort of tiptoed around that, or whispered it to other Cherokees for a while now, but the fact of the matter is we can't keep thinking that *Asegi Stories* tells the story of Cherokee queerness. More than the identity issues, the research ethics are what really concern me. Because they claimed to be Cherokee while doing the work for that book and elicited interviews with Cherokee Two-Spirit people under the pretense that they were also Cherokee, and that is really fucked up. Not only have they misrepresented themselves publicly, but they have done so in order to conduct research with queer Indigenous people to extract information from them.

JB: Thank you for laying all of that out so clearly. Have you looked at their poetry? Driskill (2005) identifies as African "ascent" along with unenrolled Cherokee, Lumbee, Osage, Irish, and Lenape. They use the N-word in their poetry, "Gay N***** Number One" in *Walking with Ghosts*. In another poem they write about being "High Yella" and in yet another, they evoke pedigree through grandmother trees and lynching.

JP: It's wild.

JB: Because Driskill claims to be of African "ascent," too . . . This matters to me because of the way in which Freedman in the Five Tribes then get erased in this whole discussion and as a presumed site of disconnection or undocumentability tied to real issues of disenfranchisement that then, in settler fantasies and white supremacist projections, legitimate vague claims by someone like Andrea Smith or Qwo-Li. And Qwo-Li for one just keeps using claims to vague ancestry to recount and speak as and in doing so enact despicable things.

JP: Lots of Cherokee people have come out publicly denouncing Qwo-Li as a fraud, and I want to make sure that we focus on Cherokee sovereignty, rather than on one individual's false claims. But they have made a public claim to Cherokee identity even though they are not connected to Cherokee community, and as part of the group of Cherokee scholars who authored a collective statement on these issues, I think it is important to stand by our ethical commitments to each other and our peoplehood.¹⁴ So, I don't really want to be the identity police, but when you claim to be Cherokee, but you are not Cherokee, and you have no way of substantiating your claims, and what is more, you have gotten actual Cherokee people to tell you intimate, personal, community things about our own understandings of queerness, it distorts our reality, and it undermines our ability to speak for ourselves.

JB: What's hard to me, too, and along with what you are saying about centering Cherokee sovereignty and damage done to Cherokee is that these often vague identity claims take place at the site of Indigenous feminist and Indigenous queer, nonbinary, and Two-Spirit identities that then encourage homophobia and transphobia in community, in and beyond academia, and from tribally connected Indigenous folks. Those ungrounded claims to identity create a vacuum in retrospect in the supposed queer Indigenous archive of voices to draw on because Qwo-Li and others like them have taken it, [and] planted in it a certain way of thinking about queerness already. And because it's been fraudulent in many cases, because it still circulates by people who aren't in the know, that fraud gets reproduced. There's a constant silencing in that vacuum and circular citational practice that continues to happen, and in the nonconfrontation of it. I think Andrea Smith was easier, maybe, because she's maybe queer but feminist for sure. There's a way in which she serves an Indigenous masculinity. But there's still a refusal at times to deal with the violence and invalidation that's being done at the site of the queer, trans, nonbinary, and Two-Spirit in our field.

JP: Yeah, totally.

JB: So, okay, I'm just repeating. I keep re-saying versions of this point here because I think we have to say it so that it sticks.

JP: I was invited to give a talk in 2021 that was sponsored by Western Carolina University and UNC Asheville. It was focused on Cherokee people, and the title I gave it was "The Cherokee Word for Queer." And during that talk I specifically referenced Qwo-Li's work and said that if anyone in the public was looking for a book about Cherokee queerness, it doesn't yet exist; you'll have to write it yourselves. So, I have said this before, in community, but I think it is important to be consistent about what we are saying in public as well, at least when we are talking about the public assertion of what queerness means for our own communities.

JB: I don't want my last words to be about one individual or about how the fiction of relationality turns against the Indigenous queer when our work here in conversation has been to hold the complexities wrought out from the technologies of dispossession we've been discussing. Instead, I want to end with gratitude, to you, Joseph, for how you spoke about your own experiences of adoption within the context of connection and relationality. And also to Chandan and Riley for giving us this space to grapple with at least some of the constellations of issues that *Brackeen's* challenge to ICWA and that the *Dobbs* decision opens for us around settler jurisprudence and the presumption of reproductive freedom that has only been enacted as dispossession, as the settler extraction of death from and for our ancestors, our communities, our lands, and all of our kin. Yakoke, thank you, and hopefully this is only the beginning of more conversations, more thoughts, and more possibilities for Indigenous queer transformations.

Notes

This conversation took place on June 14, 2023, exactly one day before the Supreme Court delivered its decision in *Haaland v. Brackeen*, upholding the legality of the Indian Child Welfare Act. We gratefully acknowledge Marielle Marcaida for her assistance preparing this transcript.

1. *Dobbs v. Jackson Women's Health Organization*, 597 U.S.__(2022).
2. "Reproductive Justice" (RJ) is a term coined by Black feminists that challenged liberal feminist reproductive rights frameworks. Organizations like Sister Song have pushed reproductive justice into the mainstream, emphasizing BIPOC people's myriad experiences with state violence, racial capitalist inequality, and white supremacy.

Reproductive justice frameworks stress bodily autonomy, the right to “have or not have” children, and the ability to raise the children one has. More recently some in the RJ movement have added the “right” to have the sexualities one desires to the framework. See SisterSong Women of Color Reproductive Justice Collective, <https://www.sistersong.net/reproductive-justice> (accessed July 17, 2023).

3. The Indian Child Welfare Act (ICWA) was passed by Congress in 1978 to reverse its prior “Indian welfare” policies prioritizing boarding schools, Indigenous child separation, and white family placement and adoption. Recognizing children as within the sovereign jurisdiction of Indigenous nations, ICWA strengthens the ability of Indigenous nations to foster and adopt Indigenous children ensnared in the child “welfare” system.
4. *Haaland v. Brackeen*, 21–376, U.S.__(2023).
5. This conversation took place on June 14, 2023, exactly a day before the Supreme Court decided in *Haaland v. Brackeen* that ICWA was constitutional.
6. In many states the number of AIAN children in foster care increased by over 200 percent when compared to the rate in AIAN children in foster care during the 1970s before ICWA’s passage. In California that increase is over 400 percent. See Beardall and Edwards 2021.
7. The Scoops, or Sixties Scoops, refers to a series of Canadian state policies from the 1950s to the 1980s that abducted and placed, or “scooped up” over twenty thousand Indigenous children into white settler families through foster care and adoption. See Sinclair 2007.
8. See above, *Haaland v. Brackeen*.
9. For background, see Elizabeth M. Hoover’s most recent statement on her identity, “Letter of Apology and Accountability, May 1, 2023,” <https://www.profelizabethmhoover.com/identity> (accessed July 17, 2023).
10. For more on tribalography, see Howe 2013.
11. In 2021 the Cherokee Nation Supreme Court confirmed a 2017 federal court ruling (*Cherokee Nation v. Nash*) that Freedmen descendants have all rights and responsibilities of Cherokee citizens as stipulated in the Nation’s 1866 treaty with the United States, and further struck the words “by blood” from the Cherokee constitution in reference to citizenship requirements. The ruling can be accessed on the website of Cherokee Nation Judicial Branch: “In the Supreme Court of the Cherokee Nation,” case no. SC-17-07, February 22, 2021, <https://www.cherokeecourts.org/Portals/cherokeecourts/Documents/Supreme%20Court/Order%20and%20Opinions/SC-17-07%2037-Final%20Order%202-22-21.pdf?ver=2021-02-26-135726-990>.
12. *Adoptive Couple v. Baby Girl*, 570 U.S. 637 (2013) (also known as the Baby Veronica case). For more information, see the Legal Information Institute, Cornell Law School, <https://www.law.cornell.edu/supremecourt/text/12-399> (accessed July 17, 2023).
13. Justice Samuel Alito, in writing the opinion of the court in *Adoptive Couple v. Baby Girl*, notes, “And this would, in turn, unnecessarily place vulnerable Indian chil-

dren at a unique disadvantage in finding a permanent and loving home, even in cases where neither an Indian parent nor the relevant tribe objects to the adoption” (Section III, B).

14. As the collective document authored by Cherokee Scholars notes, claiming to be Cherokee is a public assertion, and thus merits a public discussion. For the full “Cherokee Scholars’ Statement on Sovereignty and Identity,” see *Think Tsalagi* (blog), February 13, 2020, <https://www.thinktsalagi.org/blog/2020/2/13/-cherokee-scholars-statement-on-sovereignty-and-identity>.

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